COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE REQUIREMENTS FOR STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

NPDES PERMIT NO: PA0265942

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.*,

Schreiber Foods Inc.
208 East Dykeman Road
Shippensburg, PA 17257-8700

is authorized to discharge from a facility known as **Schreiber Foods Inc. – Shippensburg Plant**, located in **Shippensburg Borough, Cumberland County**, to **Unnamed Tributary to Middle Spring Creek** in Watershed(s) **7-B** 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 FEBRUARY 1, 2015

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON JANUARY 31, 2020

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 treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED January 23, 2015

ISSUED BY /s/
Maria D. Bebenek, P.E.
Clean Water Program Manager
Southcentral Regional Office

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. A. For Outfall 001 **, Latitude** 40° 2’ 38.00” **, Longitude** 77° 30’ 37.00” **, River Mile Index** 0.3000 **, Stream Code** 10622

Receiving Waters: Unnamed Tributary to Middle Spring Creek

Type of Effluent: Stormwater Associated with a cheese/yogurt manufacturer

1. The permittee is authorized to discharge during the period from February 1, 2015 through January 31, 2020.

2. Based on the anticipated stormwater 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)		Concentrations (mg/L)				Minimum (1) Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab

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

at Outfall 001

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. B. For Outfall 002 **, Latitude** 40° 2’ 54.00” **, Longitude** 77° 30’ 35.00” **, River Mile Index** 0.3600 **, Stream Code** 10622

Receiving Waters: Unnamed Tributary to Middle Spring Creek

Type of Effluent: Stormwater Associated with a cheese/yogurt manufacturer

1. The permittee is authorized to discharge during the period from February 1, 2015 through January 31, 2020.

2. Based on the anticipated stormwater 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)		Concentrations (mg/L)				Minimum [(1)] Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab
Total Iron	XXX	XXX	XXX	XXX	Report	XXX	1/year	Grab

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

at Outfall 002

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

Additional Requirements

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. (25 Pa Code § 92a.41(c))

Footnotes

(1) 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.

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, with the exception of wastewater treatment chemicals containing polyacrylamides.

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). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

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)

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)

Immersion Stabilization (i-s) means a calibrated device is immersed in the stormwater 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)

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)

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))

2. Records Retention (40 CFR 122.41(j)(2))

   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 stormwater treatment facilities and best management practices, and the quantity and quality of the discharge(s) as specified in this permit. (40 CFR 122.41(e))

2. Discharge Monitoring Reports (DMRs) must be completed in accordance with DEP's published DMR Instructions (3800-FM-BPNPSM0463). DMRs are based on calendar reporting periods unless Part C of this permit requires otherwise. DMR(s) must be received by the agency(ies) specified in paragraph 3 below 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.

3. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) provided by DEP in this permit (or an approved equivalent), and submit the signed, completed forms as an attachment to the DMR(s). If the permittee elects to use DEP's electronic DMR (eDMR) system, one electronic submission may be made for DMRs and Supplemental DMRs. If paper forms are used, the completed forms shall be mailed to:

Department of Environmental Protection
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200

4. If the permittee elects to begin using DEP's eDMR system to submit DMRs required by the permit, the permittee shall, to assure continuity of business operations, continue using the eDMR system to submit all DMRs and Supplemental Reports required by the permit, unless the following steps are completed to discontinue use of eDMR:

a. The permittee shall submit written notification to the regional office that issued the permit that it intends to discontinue use of eDMR. The notification shall be signed by a principal executive officer or authorized agent of the permittee.

b. The permittee shall continue using eDMR until the permittee receives written notification from DEP's Central Office that the facility has been removed from the eDMR system, and electronic report submissions are no longer expected.

5. 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, 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))

6. 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 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)). For stormwater discharges, this may include the establishment of:

      (i) New impervious surfaces.

      (ii) New bulk chemicals or solid wastes that are exposed to precipitation or stormwater runoff.

      (iii) An alteration to the site that would allow stormwater from off-site to flow onto the site.

   c. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))

2. 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))

3. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.2 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BPNPSM0440). The reports shall contain the information listed in paragraph C.2.b.(ii) of this section. (40 CFR 122.41(l)(7))

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance Schedules (25 Pa. Code § 92a.51, 40 CFR 122.47(a))

1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.

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. (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 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.2.b.

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 92 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.

IV. ANNUAL FEES

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. The annual fee is $1,000 and is due on each anniversary of the effective date of the most recent new or reissued permit. (25 Pa. Code § 92a.62)

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. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact DEP at 717-787-6744 with questions related to annual fees. The fees identified above are subject to change in accordance with 25 Pa. Code § 92a.62(e).

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Point and Non-Point Source Management
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

PART C

I. REQUIREMENTS APPLICABLE TO STORMWATER OUTFALLS

A. The permittee is authorized to discharge non-polluting stormwater from its site through the following outfalls:

Outfall No.	Area Drained (ft^2)	Latitude	Longitude	Description
001	2,436,746	40° 2' 38"	-77° 30' 37"	Pavement, building roofs, vegetation
002	304,920	40° 2' 54"	-77° 30' 35"	Pavement, building roofs, vegetation

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of this permit, if applicable.

B. Preparedness, Prevention and Contingency (PPC) Plan

The permittee must develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below. For existing facilities, the PPC Plan must be developed prior to permit issuance. For new facilities, the PPC Plan must be submitted to DEP no later than prior to startup of facility operation.

1. The PPC Plan must identify all potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the facility.

2. The PPC Plan must describe preventative measures and best management practices (BMPs) that will be implemented to reduce or eliminate pollutants from coming into contact with stormwater resulting from routine site activities and spills.

3. The PPC Plan must address actions that will be taken in response to on-site spills or other pollution incidents.

4. The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Where necessary, erosion and sediment control measures must be developed and implemented in accordance with 25 Pa. Code Chapter 102 and DEP's "Erosion and Sediment Pollution Control Manual" (DEP ID 363-2134-008).

5. The PPC Plan must address security measures to prevent accidental or intentional entry which could result in an unintentional discharge of pollutants.

6. The PPC Plan must include a plan for training employees and contractors on pollution prevention, BMPs, and emergency response measures.

7. If the facility is subject to SARA Title III, Section 313, the PPC Plan must identify releases of "Water Priority Chemicals" within the previous three years. Water Priority Chemicals are those identified in EPA's "Guidance for the Determination of Appropriate Methods for the Detection of Section 313 Water Priority Chemicals" (EPA 833-B-94-001, April 1994). The Plan must include an evaluation of all activities that may result in the stormwater discharge of Water Priority Chemicals.

8. Spill Prevention Control and Countermeasure (SPCC) plans may be used to meet the requirements of this section if the minimum requirements are addressed.

9. The PPC Plan shall be evaluated and if necessary updated on an annual basis, at a minimum, and when one or more of the following occur:

   a. Applicable DEP or federal regulations are revised, or this permit is revised;

   b. The Plan fails in an emergency;

c. There is a change in design, industrial process, operation, maintenance, or other circumstances, in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency;

d. The list of emergency coordinators or equipment changes; or

e. When notified in writing by DEP.

All updates must be kept on-site and be made available to DEP upon request.

C. Stormwater Best Management Practices (BMPs)

In addition to BMPs identified in the PPC Plan and elsewhere in Part C of this permit, the permittee shall implement the following minimum BMPs relating to stormwater pollution prevention:

1. If applicable, post-construction stormwater BMPs that are required under 25 Pa. Code Chapter 102 must be maintained.

2. For industrial facilities, the BMPs in the applicable Appendix to the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities that is currently in effect.

Appendix J Specific Best Management Practices (BMPs) for SIC Code 2022 are as follows:

a. Store all dry raw materials, additives and products in enclosed/covered areas; install dust collection and control system for silos, holding bins, etc.
b. Store liquids in tanks with secondary containment and lead detection, where appropriate.
c. Minimize raw water usage for washing products and raw materials; recycle wash water to the maximum extent practicable.
d. Practice good housekeeping to limit spillage/leakage of residue and provide for prompt clean-up; dispose of rotting fruit and produce promptly.
e. Manage inventories to ensure only short-term supplies of raw materials and products are stored on-site.
f. Limit use of pesticides, insecticides and rodenticides to the maximum extent possible; apply during dry conditions; investigate non (or least) hazardous alternatives.
g. Wherever possible, enclose/cover animal holding areas; install run-on controls and collect and treat runoff, as appropriate.
h. Practice good housekeeping by containing and promptly removing and managing animal manure.

3. General BMPs from the PAG-03 NPDES Permit as follows:

In addition to the required industry-specific BMPs detailed in Part C.I.C.2., the permittee should implement any of the following general BMPs that are applicable to the permitted facility to further minimize pollution through stormwater.

(1) Fueling Stations

(a) *Spill and Overflow*

1) Consider installing spill and overfill prevention equipment.
2) Discourage "topping off" of fuel tanks.

(b) *Protection From Stormwater*

1) Reduce exposure of fuel area to stormwater.
2) Install oil/water separators or oil and grease traps in fueling area storm drains.
3) Clean oil/water separators or oil and grease traps frequently.

(c) *Spills*

1) Use dry cleanup methods for the fuel area (i.e., damp cloth).

2) Use proper petroleum spill control.

(d) *Employee Involvement*

1) Inform employees about ways to eliminate or reduce stormwater contamination.

2) Vehicle and Equipment Maintenance

(a) *Parts Cleaning*

1) Clean parts without using liquid cleaners.
2) Substitute hazardous materials and waste with non-hazardous or less hazardous materials.
3) Prevent spills and drips of solvents and cleansers to shop floor.
4) Do all liquid cleaning at a centralized station so solvents and residues stay in one area.

(b) *Work Area Cleaning*

1) Avoid hosing down work areas.
2) Collect leaking or dripping fluids in drip pans or containers. If different liquids are kept separate, the fluids are easier to recycle.
3) Keep a drip pan under the vehicle while unclipping hoses, unscrewing filters or removing other parts. Use a drip pan under any vehicle that might leak while you work on it to keep splatters or drips off the shop floor.
4) Promptly transfer used fluids to the proper waste or recycling drums. Do not leave full drip pans or other open containers lying around.

(c) *Spill and Materials Disposal*

1) Do not pour liquid waste to floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections.
2) Post signs at sinks to remind employees, and paint stencils at outdoor drains to tell customers and others, not to pour wastes down drains.

(d) *Oil Filters*

1) Do not dispose of oil filters in trash cans or dumpsters as they can leak and contaminate stormwater.
2) Place oil filters in a funnel over the waste oil recycling or disposal collection tank to drain excess oil before disposal.
3) Crush and recycle oil filters.

(e) *Incoming Vehicles and Equipment*

1) Park vehicles indoors or under a roof to prevent stormwater from contacting the area.
2) If vehicle is parked outdoors, watch them closely for leaks.
3) Put cans under leaks to collect fluids for proper recycling or disposal.
4) If vehicle is to be stored outdoors, oil and other fluids should be drained first.
5) Designate a special area to drain and replace motor oil, coolant and other fluids, where there are no connections to the storm drain or the sanitary sewer and drips and spills can be easily cleaned up.

(f) *Wrecked Vehicles*

1) Place drip pans under them immediately, even if fluids are assumed to have already leaked out.
2) Build a shed or temporary roof over areas where you park cars awaiting repairs or salvage, especially if handling wrecked vehicles.
3) Build a roof over vehicles kept for parts.
4) Drain all fluids, including air conditioner coolant, from wrecked vehicles and "part" cars.
5) Drain engines, transmission and other used parts.
6) Store all cracked batteries in a non-leaking secondary container.

7) Treat dropped batteries as if they are cracked.

(g) *Recycling*

1) Recycle degreasers.
2) Recycle used oil or oil filters.
3) Recycle antifreeze.
4) Recycle cleaning solutions.
5) Recycle automotive batteries.
6) Recycle hydraulic fluid.

(h) *Recycling Operations*

1) Least effort: Arrange for collection and transportation of car batteries, used oil and other fluids, cleaning solutions and degreasers to a commercial recycling facility. Separate wastes and store them until they are picked up by the recycling company.
2) Least effort: "Dirty" solvent can be reused. Presoak dirty parts in used solvent before cleaning the parts in fresh solvent.
3) Moderate effort: Used oil, antifreeze and cleaning solutions can be recycled on-site using a filtration system that removes impurities and allows the fluid to be reused.
4) Most effort: Install an on-site solvent recovery unit. If facility creates large volumes of used solvents, consider purchasing or leasing an on-site still to recover the solvent for reuse.

(i) *Other Options*

1) Reduce the number of different solvents used, making recycling easier and reducing hazardous waste management costs.
2) Separate wastes, reducing treatment costs. Keep hazardous and non-hazardous wastes separate, do not mix used oil and solvents, and keep chlorinated solvents separate from non-chlorinated solvents. Label everything properly.
3) Use recycled products, supporting the market for recycled materials.

(j) *Employee Involvement*

1) Get employees interested in reducing waste generation. Encourage helpful waste reduction suggestions. Discuss pollution prevention. Consider setting up an employee reward program to promote pollution prevention.

(3) Painting Operations (including staining, varnishing and other chemical application activities)

(a) *Protection From Stormwater*

1) Use tarps and vacuums to collect solid wastes produced by sanding or painting.
2) Dispose of collected wastes properly.

(b) *Sanding Wastes*

1) Avoid sanding in windy weather when possible.
2) Enclose outdoor sanding areas with tarps or plastic sheeting.
3) After sanding is complete, collect waste and dispose it properly.
4) Keep workshops clean of debris and grit so that the wind will not carry any waste into areas where it can contaminate stormwater.
5) Move the activity indoors if you can do so safely.

(c) *Before Painting*

1) Inspect the part or vehicle to be painted to ensure that it is dry, clean and rust free. Paint sticks to dry, clean surfaces, which in turn means a better, longer-lasting paint job.

(d) *Painting Equipment*

1) Use painting equipment that creates little waste.

2) Use spray equipment that delivers more paint to the target than conventional airless spray guns, resulting in less overspray: electrostatic spray equipment; air-atomized spray guns; high-volume/low-pressure spray guns; gravity-feed guns.

(e) *Equipment Training*

1) Provide operator training to employees, reducing overspray and minimizing the amount of paint solids that can contaminate stormwater.

2) Use correct spraying techniques such as avoiding spraying on windy days, and using a drop cloth or ground cloth to collect and dispose of overspray.

(f) *Recycling Options*

1) Least effort: Dirty solvent can be reused for cleaning dirty spray equipment and parts before equipment is cleaned in fresh solvent.

2) Give small amounts of left-over paint to the customer for touchup.

3) Moderate effort: Arrange for collection and transportation of paints, paint thinner or spent solvents to a commercial recycling facility.

4) Most effort: Install an on-site solvent recovery unit. If facility creates large volumes of used solvents, consider purchasing or leasing an on-site still to recover the solvent for reuse.

(g) *Other Options*

1) Reduce the number of different solvents used, making recycling easier and reducing hazardous waste management costs.

2) Separate wastes, reducing treatment costs. Keep hazardous and non-hazardous wastes separate, do not mix used oil and solvents, and keep chlorinated solvents separate from non-chlorinated solvents. Label everything properly.

3) Use recycled products, supporting the market for recycled materials.

4) Vehicle and Equipment Washing

(a) *Washing (general)*

1) Use phosphate-free biodegradable detergents.

2) Do not wash parts or equipment outside.

3) Do not wash parts or equipment over impervious surfaces that will wash directly into storm drains.

4) Do not wash parts or equipment over pervious ground, especially sandy soils, which can potentially pollute groundwater.

(b) *Washing (small parts)*

1) Washing of small parts and equipment should be done in a container where wash water can be collected and recycled or disposed of properly.

(c) *Washing (large parts)*

1) Designate a specific area for large equipment or vehicles that must be outside. This area should be bermed to collect the wastewater and graded to direct the wash water to a treatment facility.

2) Consider filtering and recycling vehicle wash water. If recycling is not practical, the wastewater can be discharged to the sanitary sewer.

5) Loading and Unloading Materials

(a) *General BMPs*

1) Contain leaks during transfer.

2) Check equipment regularly for leaks.

3) Limit exposure of material to rainfall.

4) Prevent stormwater run-on.

6) Liquid Storage in Above-Ground Tanks

(a) *General BMPs*

1) Comply with applicable state and federal laws.
2) Properly train employees.
3) Install safeguards against accidental releases.
4) Routinely inspect tanks and equipment.
5) Consider installing secondary containment.

7) Industrial Waste Management Areas and Outside Manufacturing

(a) *General BMPs*

1) Conduct a waste reduction assessment.
2) Institute industrial waste source reduction and recycling BMPs.
3) Prevent runoff and run-on from contacting the waste management area.
4) Minimize runoff from land application sites.

8) Outside Storage of Raw Materials, Byproducts, Finished Products or Deicing Salt

(a) *General BMPs*

1) Cover or enclose materials.

9) Other BMPs

(a) *General BMPs*

1) Develop erosion control plan.
2) Where applicable, place concrete or non-metallic splash pads underneath all fire protection test drains, outside water faucets, downspouts and all other water discharge points, to reduce or eliminate soil erosion.
3) Keep galvanized security fencing well maintained, including periodic painting or coating, to prevent rusting which releases zinc and other metals from the galvanized coating.
4) Keep galvanized roof flashing and building gutters and downspouts in good repair, to minimize the discharge of zinc and other metals used in the galvanizing process.
5) Sweep and/or clean the area immediately around the trash dumpsters every time the dumpster is unloaded, or every month, whichever occurs sooner.
6) Clean out all storm water catch basins in parking lots, loading and unloading dock areas, and wherever chemicals, fuel, or raw materials are handled outside. Cleaning should be on a regular schedule, not to exceed one year between inspection and cleaning as required.
7) Clean out sediments and deposits in paved drainage ditches that convey stormwater off-site at least annually.
8) Make sure that vegetated drainage ditches and swales are properly seeded and any accumulated materials in them have been removed, on a yearly basis.
9) Provide stormwater training to all employees, regardless of whether or not they have any specific job functions that could affect the stormwater discharges.
10) Cover roll-off containers (i.e., dumpsters for trash, refuse, metal parts, manufacturing waste and so forth).
11) Remove all loose asphalt and concrete from road surfaces.

(b) *Wintertime BMPs*

1) Use rock salt, other de-icing materials, and traction-control substances specifically designed for roadway and walkway de-icing and traction control, such as commercial products.
2) Make sure all site-specific salt and de-icing material is properly stored (such as in weatherproof pails or garbage cans outside pedestrian doorways.
3) Use de-icing products and traction-control substances in accordance with the manufacturer's recommendations.
4) Maintain all de-icing and traction control equipment and spreaders in good working order, in accordance with the manufacturer's recommendations.
5) Use, as appropriate, the guidance and information available from the Salt Institute's Web site at http://saltinstitute.org/ as it relates to wintertime roadway and walkway de-icing and traction control.

D. Annual Inspection and Compliance Evaluation

1. The permittee shall conduct an annual inspection of each outfall identified in paragraph A and record the results on the "Annual Inspection Form for NPDES Permits for Discharges of Stormwater Associated with Industrial Activities" (3800-PM-WSFR0083v). The permittee shall submit a copy of the completed and signed Annual Inspection Form to DEP at the address provided in Part A III.B.3 of this permit by January 28 of each year.

2. Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. BMPs in the PPC Plan and required by this permit shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed.

E. Stormwater Sampling Requirements

If stormwater sampling is required in Part A of this permit, the following requirements apply:

1. The permittee shall record stormwater sampling event information on the "Additional Information for the Reporting of Stormwater Discharge Monitoring" form (3800-PM-WSFR0083t) and submit the form as an attachment to the DMR.

2. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding storm did not yield a measurable discharge, or if the permittee is able to document that a less than 72-hour interval is representative for local storm events during the sample period.

3. Grab samples shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is not possible, a grab sample can be taken during the first hour of the discharge, in which case the discharger shall provide an explanation of why a grab sample during the first 30 minutes was not possible.

II. 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 and stormwater treatment.