

# National Pollutant Discharge Elimination System Permit

(for Discharge to Surface Waters)

## NPDES GENERAL PERMIT

FOR

DISCHARGES FROM

**PETROLEUM CONTAMINATED GROUNDWATER**

in accordance with limitations, monitoring requirements and other conditions set forth herein. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 *et seq.*, 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "Act."



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**Issue Date:** October 27, 2016

**Expiration Date<sup>1</sup>:** December 31, 2021

**Effective Date:** January 1, 2017

**Permit No.:** SCG830000

<sup>1</sup> This permit will continue to be in effect beyond the expiration date if a complete timely re-application is received pursuant to Regulation 61-9.122.6 and signed per Regulation 61-9.122.22.



S.C. Department of Health and  
Environmental Control

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## **PART I. Definitions**

Any term not defined in this Part has the definition stated in the Pollution Control Act or in “Water Pollution Control Permits”, R.61-9 or its normal meaning.

- A. The “Act”, or CWA, shall refer to the Clean Water Act (Formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended.
- B. The “average” or “arithmetic mean” of any set of values is the summation of the individual values divided by the number of individual values.
- C. “Basin” (or “Lagoon”) means any in-ground or earthen structure designed to receive, treat, store, temporarily retain and/or allow for the infiltration/evaporation of wastewater.
- D. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
- E. A “composite sample” shall be defined as one of the following four types:
  - 1. An influent or effluent portion collected continuously over a specified period of time at a rate proportional to the flow.
  - 2. A combination of not less than 8 influent or effluent grab samples collected at regular (equal) intervals over a specified period of time and composited by increasing the volume of each aliquot in proportion to flow. If continuous flow measurement is not used to composite in proportion to flow, the following method will be used: An instantaneous flow measurement should be taken each time a grab sample is collected. At the end of the sampling period, the instantaneous flow measurements should be summed to obtain a total flow. The instantaneous flow measurement can then be divided by the total flow to determine the percentage of each grab sample to be combined. These combined samples form the composite sample.
  - 3. A combination of not less than 8 influent or effluent grab samples of equal volume but at variable time intervals that are inversely proportional to the volume of the flow. In other words, the time interval between aliquots is reduced as the volume of flow increases.
  - 4. If the effluent flow varies by less than 15 percent, a combination of not less than 8 influent or effluent grab samples of constant (equal) volume collected at regular (equal) time intervals over a specified period of time.

All samples shall be properly preserved in accordance with Part V.J.4. Continuous flow or the sum of instantaneous flows measured and averaged for the specified compositing time period shall be used with composite results to calculate mass.

- F. “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.

- G. “Daily maximum” is the highest average value recorded of samples collected on any single day during the calendar month.
- H. “Daily minimum” is the lowest average value recorded of samples collected on any single day during the calendar month.
- I. The “Department” or “DHEC” shall refer to the South Carolina Department of Health and Environmental Control.
- J. The “geometric mean” of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- K. A “grab sample” is an individual, discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis.
- L. “Groundwater” means the water below the land surface found in fractured rock or various soil strata.
- M. The “maximum or minimum” is the highest or lowest value, respectively, recorded of all samples collected during the calendar month. These terms may also be known as the instantaneous maximum or minimum.
- N. “Monitoring well” means any well used to sample groundwater for water quality analysis or to measure groundwater levels.
- O. The “monthly average”, other than for fecal coliform, E. Coli and enterococci, is the arithmetic mean of all samples collected in a calendar month period. The monthly average for fecal coliform, E. Coli and enterococci bacteria is the geometric mean of all samples collected in a calendar month period. The monthly average loading is the arithmetic average of all daily discharges made during the month.
- P. The “PCA” shall refer to the Pollution Control Act (Chapter 1, Title 48, Code of Laws of South Carolina).
- Q. “Petroleum” is a thick, flammable, yellow-to-black mixture of gaseous, liquid and solid hydrocarbons that occur naturally beneath the earth’s surface. Petroleum is a crude oil or any fraction thereof that is liquid under normal conditions of temperature and pressure.
- R. “Petroleum Contaminated Groundwater Discharges” means discharges that are contaminated with petroleum products that are a result of excavation dewatering, bailing groundwater monitoring wells, conducting pump tests to characterize site conditions or pumping contaminated groundwater to remove free product from the ground from which the contamination is from petroleum products.
- S. “Petroleum Products” means petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils, that are derived from crude oil through the process of separation, conversion, upgrading, and finishing.

- T. The “practical quantitation limit” (PQL) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed. It is also referred to as the reporting limit.
- U. “Quarter” is defined as the first three calendar months beginning with the month that this permit becomes effective and each group of three calendar months thereafter.
- V. “Quarterly average” is the arithmetic mean of all samples collected in a quarter.
- W. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- X. “Sludge” means industrial sludge. Industrial sludge is a solid, semi-solid, or liquid residue generated during the treatment of industrial wastewater in a treatment works. Industrial sludge includes, but is not limited to, industrial septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from industrial sludge. Industrial sludge does not include ash generated during the firing of industrial sludge in an industrial sludge incinerator or grit and screenings generated during preliminary treatment of industrial wastewater in a treatment works. Industrial sludge by definition does not include sludge covered under 40 CFR Part 503 or R.61-9.503.
- Y. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- Z. “Wastewater” means industrial wastewater. Industrial wastewater is wastewater generated from a federal facility, commercial or industrial process, including waste and wastewater from humans when generated at an industrial facility.

## **PART II. Permit Coverage**

### **A. Permit Area**

The permit covers all areas of South Carolina.

### **B. Eligibility**

1. This permit may cover all new and existing point source discharges of petroleum contaminated groundwater to surface waters of South Carolina, as identified in this section below, except for discharges identified under Part II.B.3. Petroleum contaminated groundwater consists of any of the following, alone or in combination: Excavation dewatering, bailing groundwater monitoring wells, conducting pump tests to characterize site conditions or pumping contaminated groundwater to remove free product or dissolved petroleum constituents from the ground.
2. This permit may authorize discharges from petroleum contaminated groundwater that are mixed with other discharges provided the other discharges are in compliance with the terms and conditions, including NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
3. Limitations on Coverage. This permit does not authorize the following discharges:
  - a. Discharges from petroleum contaminated groundwater to Trout Waters (Class TN, TPT or TPGT), Outstanding Resource Waters (ORW), Outstanding National Resource Waters (ONRW), or Shellfish Harvesting Waters (SFH) as classified by SC Regulation 61-69;
  - b. Discharges from petroleum contaminated groundwater that are mixed with sources of non-petroleum contaminated groundwater;
  - c. Discharges from petroleum contaminated groundwater that are subject to an existing effluent limitation guideline addressing petroleum contaminated groundwater;
  - d. Discharges from petroleum contaminated groundwater that are located at a facility where an NPDES permit has been terminated or denied; or which are issued a permit in accordance with Part II.C of this permit. Such discharges may be authorized under this permit after an existing permit expires or is canceled;
  - e. Discharges from petroleum contaminated groundwater that the Department has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard; and
  - f. Discharges from petroleum contaminated groundwater that would adversely affect a listed endangered or threatened species or its critical habitat.
4. Coastal Zone Consistency (CZC) Certification. Projects located in the eight (8) coastal counties are deemed consistent with the Coastal Zone Management Program provided that they meet the minimum criteria of this permit. The Department reserves the right to require an individual CZC determination on any project on a

case-by-case basis.

### C. Authorization

#### 1. New Petroleum Contaminated Groundwater Discharges

- a. A new Petroleum Contaminated Groundwater Discharger must, except as provided in Part II.C.1.b, Part II.C.3, and Part II.C.4 below, submit a complete Petroleum Contaminated Groundwater Discharge General Permit Notice of Intent (NOI) in accordance with the requirements of Part III of this permit at least 60 days prior to the commencement of the petroleum contaminated discharge. A new Petroleum Contaminated Groundwater Discharger is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage.
- b. The Department may determine that an individual permit application for a proposed discharge from petroleum contaminated groundwater qualifies for coverage under this permit. Discharges for which individual permit applications for discharges from petroleum contaminated groundwater have been submitted are authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions.
- c. A new discharge from petroleum contaminated groundwater is required to meet the final effluent limits in Part VIII of this permit upon commencement of the discharge.
- d. Expiration of this Permit does not preclude the Department from granting coverage to new dischargers.

#### 2. Existing Discharges from Petroleum Contaminated Groundwater

- a. Any existing discharger of treated petroleum contaminated groundwater not previously covered by the General Permit who has submitted a timely, complete NPDES application for an existing individual permit which the Department determines qualifies for General Permit coverage is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions. Until coverage and limitations are determined, the limitations from the previous permit for the covered outfall(s) remain in effect.
- b. Any existing Petroleum Contaminated Groundwater Discharge discharger previously covered by the General Permit who has submitted a timely, complete Notice of Intent (NOI), in accordance with Part V.B, for coverage under the General Permit is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions.

3. Facilities with petroleum contaminated discharges that meet the following requirements have automatic coverage by this permit and are not required to submit an NOI. These facilities are not required to report any data from their petroleum contaminated discharges that are to be land applied.

- a. For Groundwaters Purged from Monitoring Wells or Aquifer Pump Tests, all of the following conditions must be satisfied:
- (1) The groundwater pollutant concentrations shall be less than five (5) times the MCL for all constituents found in Part VIII.A (the most current PQLs should be used for testing purposes-see [www.scdhec.gov/environment/docs/npdes\\_PQL.pdf](http://www.scdhec.gov/environment/docs/npdes_PQL.pdf));
  - (2) Groundwaters purged from monitoring wells or aquifer pump tests shall not be allowed to discharge to the storm sewer or surface waters;
  - (3) Groundwaters purged from monitoring wells or aquifer pump tests shall be applied in such a way that it infiltrates over the delineated contaminant plume and within the property boundaries of the site, or within approximately a five foot radius of the well from which it was purged;
  - (4) There shall be no presence of liquid phase petroleum products, to include sheen or emulsion in the purged or aquifer pump test groundwater;
  - (5) Groundwaters purged from monitoring wells or aquifer pump tests shall not be land applied during saturated or frozen ground conditions;
  - (6) Sampling of purged groundwater or pump test water shall be done at a rate of no less than once per every eight hours of pumping;
  - (7) With the exception of State Lead sites, monitoring records must be kept on site or at the business office of the discharger for a minimum of three (3) years; and
  - (8) Each discharge shall not exceed 5,000 gallons per day and 48-hours duration. Discharges cannot occur more than 6 times per year and each discharge event must be at least 30 days apart.

If analytical tests reveal no contamination exists from petroleum products or sources other than petroleum contamination as a result of the testing, the above conditions have been met and the Department's Industrial Wastewater Permitting Section and UST/Groundwater Remediation Project Manager(s) have been notified with a date for commencement of discharge, the permittee can proceed with discharge without submitting a NOI. A short summary of the proposed activity and a copy of the analytical tests and records of disposal shall be kept onsite during discharge.

4. Facilities with petroleum contaminated discharges that meet the following requirements have automatic coverage by this permit and are not required to submit an NOI. These facilities are not required to report any data from their petroleum contaminated discharges that are to be discharged to surface waters.
- a. For Excavation Dewatering, all of the following conditions must be satisfied:
- (1) The groundwater pollutant concentrations for all constituents shall be less than the limitations set forth in Part VIII.A (the most current PQLs should be used for testing purposes-see [www.scdhec.gov/environment/docs/npdes\\_PQL.pdf](http://www.scdhec.gov/environment/docs/npdes_PQL.pdf));
  - (2) Excavation dewatering wastewater shall not be allowed to discharge to the storm sewer;
  - (3) There shall be no presence of liquid phase petroleum products, to include sheen or emulsion in the excavation dewatering wastewater;
  - (4) Excavation dewatering wastewater shall not be discharged during frozen ground conditions;
  - (5) Sampling of excavation dewatering wastewater shall be done at a rate of no less than once per every eight hours of pumping;
  - (6) With the exception of State Lead sites, monitoring records must be kept on site or at the business office of the discharger for a minimum of three (3) years; and

- (7) Each discharge shall not exceed 10,000 gallons per day and 96-hours duration. Discharges cannot occur more than 6 times per year and each discharge event must be at least 30 days apart.

If analytical tests reveal no contamination exists from petroleum products or sources other than petroleum contamination as a result of the testing, the above conditions have been met and the Department's Industrial Wastewater Permitting Section and UST/Groundwater Remediation Manager(s) have been notified with a date for commencement of discharge, the permittee can proceed with discharge without submitting a NOI. A short summary of the proposed activity and a copy of the analytical tests and records of disposal shall be kept onsite during discharge.

5. A petroleum contaminated groundwater discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the effective date of this permit. In such instances, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges that have occurred.
6. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

#### D. Continuation of the Expired General Permit

This permit expires on the date stated on the first page of the permit. However, an expired general permit continues in force and effect until a new general permit is issued. Coverage under this permit continues in force and effect only if the conditions in Part X are satisfied.

### **PART III. Notice of Intent Requirements**

#### **A. Contents of Notice of Intent**

The Notice of Intent (NOI) shall be signed in accordance with Part V.K of this permit and shall include the following information:

1. A completed EPA Form 1 including the following information at a minimum:
  - a. Facility name, contact, mailing address, and location (including the county) for which the notification is submitted;
  - b. Up to four 4-digit Standard Industrial Classification (SIC) codes and names that best represent the principal products or activities provided by the facility.
  - c. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
  - d. The permit number of additional NPDES permits for any discharges from the site that are currently, or has been previously, authorized by an NPDES permit;
  - e. A US Geological Survey (USGS) 7.5" or 15" topographic quadrant map (or portion of the map along with the name of the quadrant) showing the proposed point of discharge and ultimate receiving waters, and a description of the discharge location.
2. A completed EPA Form 2C (for existing discharges) or Form 2D (for proposed or new discharges) to include the following at a minimum for each outfall:
  - a. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the receiving water(s) for the discharge through the municipal separate storm sewer;
  - b. Latitude and longitude (to the nearest 15 seconds) for the outfall and the name of the receiving water(s).
  - c. If a new discharge, indicate the expected date the discharge will proceed;
  - d. Provide effluent data or estimate the discharge characteristics as required, per application instructions. Data from previous and/or similar discharges should be used if available. Outfalls with identical expected pollutant loadings may be included on one page if indicated as such;
  - e. An estimate of the discharge flow using best professional judgment based on past data, similar sites, or stormwater calculations. This estimate must be accompanied with a description of the means of estimation;
  - f. Indicate and describe the variability of the discharge;

- g. Briefly describe any treatment system(s) used or to be used;
  - h. Briefly describe the source of contamination;
  - i. Name, title, phone number, signature, and date, in accordance with Part V.K (Signatory Requirements).
3. Additional information to be submitted as part of the NOI
- a. A statement certifying that easements for the discharge of wastewater have been obtained by the permittee for any conveyances of the discharge not on the property of the permittee and which do not constitute Waters of the State;
  - b. A copy of the lab analysis for the worst case well sampled by EPA Method 200.8 or SM3113B for Total Arsenic, Total Barium, Total Cadmium, Total Chromium, Total Copper, Total Lead, Total Nickel, Total Selenium, Total Silver, and Total Zinc;
  - c. A copy of the lab analysis for the worst case well sampled by EPA Method 1669 (sampling)/1631E (analysis) for Total Mercury;
  - d. A copy of the lab analysis for the worst case well sampled by EPA Method 624, 1624B or 8260B for Benzene, Ethylbenzene, Toluene, and 1,2-Dichloroethane;
  - e. A copy of the lab analysis for the worst case well sampled by EPA Method 8260B for di-Isopropyl Ether (DIPE), 3,3-Dimethyl-1-Butanol (ETBA), Ethanol, Ethyl tert-Butyl Ether (EtBE), Methyl-tert-butyl ether (MTBE), tert-Amyl Alcohol (tAA), tert-Amyl Methyl Ether (tAME), tert-Butyl Alcohol (tBA), and tert-Butyl Formate (tBF);
  - f. A copy of the lab analysis for the worst case well sampled by EPA Method 1624C or 1666 for Total Xylenes;
  - g. A copy of the lab analysis for the worst case well sampled by EPA Method 8270D for Naphthalene;
  - h. A copy of the lab analysis for the worst case well sampled by EPA Method SM5210B for BOD<sub>5</sub>;
  - i. A copy of the lab analysis for the worst case well sampled by EPA Method 8011 for Ethylene Dibromide;
  - j. A copy of the lab analysis for the worst case well sampled by EPA Method 625, 1625 or 8270D for Benz(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, and Indeno(1,2,3-cd)pyrene;
  - k. A copy of the lab analysis for the worst case well sampled by EPA Method 160.2 or Standard Method 2540 for TSS; and
  - l. A copy of the lab analysis for the worst case well for any other constituents believed present sampled by their approved EPA Method.

B. Where to Submit

Facilities which intend to be covered under this permit must use the appropriate NOI form provided by the Department (or photocopy thereof). Forms are available by calling (803) 898-4232. NOIs must be signed in accordance with Part V.K. (Signatory Requirements) of this permit. NOIs are to be submitted to the Department in care of the following address:

SC Dept. of Health and Environmental Control  
Bureau of Water  
NPDES/ND Permit Administration  
2600 Bull Street  
Columbia, SC 29201

C. Individual Applications

Any applicant that has previously filed an individual application and has not received an NPDES permit can receive coverage under this general permit. To do so, a letter may be sent to the Department requesting coverage in lieu of an individual permit. Any attachments needed to meet the NOI requirements in Part III.A should also be submitted.

D. Changes to the NOI

For changes such as facility name, operator name, contact name (excluding a change in the certifying official) and address changes or changes in discharges, the permittee shall submit a revised NOI form as soon as possible to the Department at the address on the NOI form.

E. Transfer of Ownership or Control

This general permit is not transferable. The new owner/operator shall submit an NOI in accordance with Part II.C.1 at least 30 days in advance of the proposed transfer of ownership/control. Upon notification of coverage to the new permittee, the existing permittee may request termination by submission of a Notice of Termination in accordance with Part VII of this permit.

## **PART IV. Monitoring and Reporting Requirements**

### **A. Facilities Required to Monitor**

All facilities covered by this permit are required to conduct sampling of their discharges from petroleum contaminated groundwaters.

### **B. Representative Discharge**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Samples of the discharge shall be taken when no other water sources are mixed with the discharge that is being sampled.
2. When a facility has two or more outfalls that the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one such outfall and report that the quantitative data also applies to the substantially identical outfall(s). Permittees shall include a description of the location of the outfalls and an explanation of why outfalls are expected to discharge substantially identical effluents with the Discharge Monitoring Report(s).

## **PART V. Standard Conditions**

### **A. Duty to comply**

The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The Department's approval of wastewater facility plans and specifications does not relieve the permittee of responsibility to meet permit limits.

1. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
2. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
3. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.

### **B. Duty to reapply**

1. Permittees required to submit an NOI per Part II.C must submit an NOI in accordance with the requirements of Part III of this permit at least 180 days prior to the permit expiration date (unless an extension has been granted) to remain covered under the continued permit after expiration. The completed NOI should be submitted to the Department at the address in Part III.B.
2. An NOI submitted in accordance with Part III will be used to determine coverage under the new General Permit when this permit is reissued. The Department may, at the time of permit reissuance, require additional information to be submitted based on changes in the reissued general permit.

### **C. Need to halt or reduce activity not a defense**

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

### **D. Duty to mitigate**

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

E. Proper operation and maintenance

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible 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 effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. Power Failures. In order to maintain compliance with effluent limitations and prohibitions of this permit, the permittee shall either:
  - a. provide an alternative power source sufficient to operate the wastewater control facilities;
  - b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
3. The permittee shall develop and maintain at the facility a complete Operations and Maintenance Manual for the waste treatment facilities. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment facilities and land application system, if applicable. The manual shall contain a general description of the treatment process(es), the operational procedures to meet the requirements of E.1 above, and the corrective action to be taken should operating difficulties be encountered.
4. The permittee shall provide for the performance of daily treatment facility inspections by a certified operator of the appropriate grade as defined in Part X.C.4 of this permit. The Department may make exceptions to the daily operator requirement in accordance with R.61-9.122.41(e)(3)(ii). The inspections shall include, but should not necessarily be limited to, areas which require visual observation to determine efficient operation and for which immediate corrective measures can be taken using the O & M manual as a guide. All inspections shall be recorded and shall include the date, time, and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by the permit, and the records shall be made available for on-site review during normal working hours.
5. A roster of operators associated with the facility's operation and their certification grades shall be submitted to the DHEC/Bureau of Water/Water Pollution Control Division. For existing facilities, this roster shall be submitted within thirty (30) days of the effective date of this permit. For new facilities, this roster must be submitted prior to placing the facility into operation. Additionally, any changes in operator or operators (including their certification grades) shall be submitted to the Department as they occur.
6. Wastewater Sewer Systems
  - a. Purpose. This section establishes rules for governing the operation and maintenance of wastewater sewer systems, including gravity or pressure interceptor sewers. It is the purpose of this section to

establish standards for the management of sewer systems to prevent and/or minimize system failures that would lead to public health or environmental impacts.

- b. **Applicability.** This section applies to all sewer systems that have been or would be subject to a DHEC construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges.
- c. **General requirements.** The permittee must:
  - (1) Properly manage, operate, and maintain at all times all parts of its sewer system(s), to include maintaining contractual operation agreements to provide services, if appropriate;
  - (2) Provide adequate capacity to convey base flows and peak flows for all parts of the sewer system or, if capital improvements are necessary to meet this standard, develop a schedule of short and long term improvements;
  - (3) Take all reasonable steps to stop and mitigate the impact of releases of wastewater to the environment; and
  - (4) Notify the Department within 30 days of a proposed change in ownership of a sewer system.

#### F. Permit actions

This permit may be modified, revoked and reissued, or terminated for cause. 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.

#### G. Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

#### H. Duty to provide information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

#### I. Inspection and entry

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. 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;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

J. Monitoring and records

1. a. (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - (2) Samples shall be reasonably distributed in time, while maintaining representative sampling.
  - (3) No analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.
- b. Flow Measurements.
  - (1) Where primary flow meters are required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. The primary flow device, where required, must be accessible to the use of a continuous flow recorder.
  - (2) Where permits require an estimate of flow, the permittee shall maintain at the permitted facility a record of the method(s) used in estimating the discharge flow (e.g., pump curves, production charts, water use records) for the outfall(s) designated on limits pages to monitor flow by an estimate.
  - (3) Records of any necessary calibrations must be kept.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by R.61-9.503 or R.61-9.504), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
4. a. Analyses for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.

In the case of sludge use or disposal, analysis for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136, test procedures specified in R.61-9.503 or R.61-9.504, equivalent test procedures approved by the Department or other test procedures that have been specified in the permit.

- b. Unless addressed elsewhere in this permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the derived permit limit stated in Part VIII. For the purposes of reporting analytical data on the Discharge Monitoring Report (DMR):
  - (1) Analytical results below the PQL conducted using a method in accordance with Part V.J.4.a above shall be reported as zero (0). Zero (0) shall also be used to average results which are below the PQL. When zero (0) is reported or used to average results, the permittee shall report, in the "Comment Section" or in an attachment to the DMR, the analytical method used, the PQL achieved, and the number of times results below the PQL were reported as zero (0).
  - (2) Analytical results above the PQL conducted using a method in accordance with Part V.J.4.a shall be reported as the value achieved. When averaging results using a value containing a "less than," the average shall be calculated using the value and reported as "less than" the average of all results collected.
  - (3)(a) The mass value for a pollutant collected using a grab sample shall be calculated using the 24-hour totalized flow for the day the sample was collected (if available) or the instantaneous flow at the time of the sample and either the concentration value actually achieved or the value as determined from the procedures in (1) or (2) above, as appropriate. Grab samples should be collected at a time representative of the discharge.

- (b) The mass value for a pollutant collected using a composite sample shall be calculated using the 24-hour totalized flow measured for the day the sample was collected and either the concentration value actually achieved or the value as determined from the procedures in (1) or (2) above, as appropriate.
5. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment provided by the Clean Water Act is also by imprisonment of not more than 4 years.

K. Signatory requirement.

- 1. All applications, reports, or information submitted to the Department shall be signed and certified.
  - a. Applications. All permit applications shall be signed as follows:
    - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
      - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
      - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
      - (a) The chief executive officer of the agency, or
      - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

b. All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part V.K.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in Part II.K.1.a of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Department.

c. Changes to authorization. If an authorization under Part V.K.1.b of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.K.1.b of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Part V.K.1.a or b of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. The PCA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than two years per violation, or by both.

## L. Reporting requirements

### 1. Planned changes.

The permittee shall give written notice to DHEC/Bureau of Water/Water Facilities Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only 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 R 61-9.122.29(b); or

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part V.L.8 of this section.
- c. The alteration or addition results in a significant change in the permittee's sewage sludge or industrial 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 (included in the NPDES permit directly or by reference);

2. Anticipated noncompliance.

The permittee shall give advance notice to the DHEC/Bureau of Water/Water Pollution Control Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers.

This permit is not transferable to any person except after written notice to the DHEC/Bureau of Water/NPDES Administration. The Department may require modification or revocation and reissuance of the permit to change the name of permittee and incorporate such other requirements as may be necessary under the Pollution Control Act and the Clean Water Act.

- a. Transfers by modification. Except as provided in paragraph b of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under R.61-9.122.62(e)(2)), or a minor modification made (under R.61-9.122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
- b. Other transfers. As an alternative to transfers under paragraph a of this section, any NPDES permit may be transferred to a new permittee if:
  - (1) The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in Part V.L.3.b(2) of this section;
  - (2) The notice includes U.S. EPA NPDES Application Form 1 and a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - (3) Permits are non-transferable except with prior consent of the Department. A modification under this section is a minor modification which does not require public notice.

4. Monitoring reports.

Monitoring results shall be reported at the intervals specified elsewhere in this permit. Monitoring periods are calculated beginning with the permit effective date unless otherwise stated elsewhere in this permit. If

the permit is modified, monitoring periods are calculated beginning with the modification effective date for those items that are part of the modification unless otherwise stated elsewhere in this permit.

a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of groundwater or sludge use or disposal practices including the following:

(1) Effluent Monitoring: Until final approval of DHEC's designated electronic DMR system, effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Discharge Monitoring Reports (DMRs) shall be submitted to:

S.C. Department of Health and Environmental Control  
Bureau of Water/Water Pollution Control Division  
Data and Records Management Section  
2600 Bull Street  
Columbia, South Carolina 29201

Once DHEC notifies the permittee that the electronic DMR system is operational, the permittee will be required to use the electronic DMR system beginning the monitoring period following the notification. Completed electronic DMRs must be received no later than 11:59 PM on the 28th day of the month following the end of the monitoring period.

(2) Groundwater Monitoring: Groundwater monitoring results obtained at the required frequency shall be reported on a Groundwater Monitoring Report Form (DHEC 2110) (or in the laboratory report from the analyzing laboratory) postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Groundwater Monitoring Report Form (DHEC 2110) (or the laboratory report from the analyzing laboratory) shall be submitted to:

S.C. Department of Health and Environmental Control  
Bureau of Water/Water Pollution Control Division  
Data and Records Management Section  
2600 Bull Street  
Columbia, South Carolina 29201

(3) Sludge, Biosolids and/or Soil Monitoring: Sludge, biosolids and/or soil monitoring results obtained at the required frequency shall be reported in a laboratory format as stated in Part X of the permit postmarked no later than the 28th day of the month following the end of the monitoring period, unless otherwise stated elsewhere in this permit. Two copies of these results shall be submitted to:

S.C. Department of Health and Environmental Control  
Bureau of Water/Water Pollution Control Division  
Data and Records Management Section  
2600 Bull Street  
Columbia, South Carolina 29201

(4) All other reports required by this permit shall be submitted postmarked no later than the 28th day of the month following the end of the monitoring period, unless otherwise stated elsewhere in this permit. Two copies of these reports shall be submitted to:

S.C. Department of Health and Environmental Control  
Bureau of Water/Water Pollution Control Division  
Data and Records Management Section  
2600 Bull Street  
Columbia, South Carolina 29201

- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503 or R.61-9.504, or as specified in the permit, all valid results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department. The permittee has sole responsibility for scheduling analyses, other than for the sample date specified in Part X, so as to ensure there is sufficient opportunity to complete and report the required number of valid results for each monitoring period.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

5. Twenty-four hour reporting

- a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

<b>County</b>	<b>DHEC Region</b>	<b>Phone No.</b>
Anderson, Oconee	Upstate BEHS Anderson	864-260-5585
Abbeville, Greenwood, Laurens, McCormick	Upstate BEHS Greenwood	864-227-5915
Greenville, Pickens	Upstate BEHS Greenville	864-372-3273
Cherokee, Spartanburg, Union	Upstate BEHS Spartanburg	864-596-3327
Fairfield, Lexington, Newberry, Richland	Midlands BEHS Columbia	803-896-0620
Chester, Lancaster, York	Midlands BEHS Lancaster	803-285-7461
Aiken, Barnwell, Edgefield, Saluda	Midlands BEHS Aiken	803-642-1637
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee BEHS Florence	843-661-4825

Clarendon, Kershaw, Lee, Sumter	Pee Dee BEHS Sumter	803-778-6548
Georgetown, Horry, Williamsburg	Pee Dee BEHS Myrtle Beach	843-238-4378
Berkeley, Charleston, Dorchester	Low Country BEHS Charleston	843-953-0150
Beaufort, Colleton, Hampton, Jasper	Low Country BEHS Beaufort	843-846-1030
Allendale, Bamberg, Calhoun, Orangeburg	Low Country BEHS Orangeburg	803-533-5490

\*After-hour reporting should be made to the 24-Hour Emergency Response telephone number 1-888-481-0125.

A written submission shall also be provided to the address in Part V.L.4.a(4) within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. 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. (See R.61-9.122.44(g)).
  - (2) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See R 61-9.122.44(g)). If the permit contains maximum limitations for any of the pollutants listed below, a violation of the maximum limitations shall be reported orally to the DHEC/Bureau of Water/Water Pollution Control Division within 24 hours or the next business day.
    - (a) Whole Effluent Toxicity (WET),
    - (b) tributyl tin (TBT), and
    - (c) any of the following bioaccumulative pollutants:

$\alpha$ BHC	Mercury
$\beta$ BHC	Mirex
$\delta$ BHC (Lindane)	Octachlorostyrene
BHC	PCBs
Chlordane	Pentachlorobenzene
DDD	Photomirex
DDE	1,2,3,4-Tetrachlorobenzene
DDT	1,2,4,5-Tetrachlorobenzene
Dieldrin	2,3,7,8-TCDD
Hexachlorobenzene	Toxaphene
Hexachlorobutadiene	

c. The Department may waive the written report on a case-by-case basis for reports under Part V.L.5.b of this section if the oral report has been received within 24 hours.

6. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Part V.L.4 and 5 of this section and Part IX at the time monitoring reports are submitted. The reports shall contain the information listed in Part V.L.5 of this section.

7. Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

8. Existing manufacturing, commercial, mining, and silvicultural dischargers.

In addition to the reporting requirements under Part V.L.1-7 of this section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the DHEC/Bureau of Water/Water Pollution Control Division of the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100  $\mu\text{g/l}$ );

(2) Two hundred micrograms per liter (200  $\mu\text{g/l}$ ) for acrolein and acrylonitrile; five hundred micrograms per liter (500  $\mu\text{g/l}$ ) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1  $\text{mg/l}$ ) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;  
or

(4) The level established by the Department in accordance with section R.61-9.122.44(f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed in the highest of the following “notification levels”:

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with R.61-9.122.21(g)(7).

(4) The level established by the Department in accordance with section R.61-9.122.44(f).

#### M. Bypass

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part V.M.2 and 3 of this section.

2. 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 ten days before the date of the bypass to the DHEC/Bureau of Water/ Water Facilities Permitting Division.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part V.L.5 of this section.

3. Prohibition of bypass

a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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; and

(3) The permittee submitted notices as required under Part V.M.2 of this section.

- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.M.3.a of this section.

#### N. Upset

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part V.N.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee submitted notice of the upset as required in Part V.L.5.b(2) of this section.
  - d. The permittee complied with any remedial measures required under Part V.D of this section.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### O. Misrepresentation of Information

1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

#### P. Requiring an Individual Permit or an Alternative General Permit

1. The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Department to take action under this paragraph. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief

statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Department, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D, or 2E, as appropriate) with reasons supporting the request to the Department. The request may be granted by the issuance of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

## **PART VI. Reopener Clause**

- A. If there is evidence indicating potential or realized impacts on water quality due to any petroleum contaminated groundwater discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part V.P of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

## **PART VII. Termination of Coverage**

### A. Notice of Termination

When all discharges from petroleum contaminated groundwater that are authorized by this permit are eliminated, the operator of the facility may submit a Notice of Termination (NOT). The NOT shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds;
2. The owner/operator's name, address, telephone number, and e-mail address.
3. The NPDES permit number for the petroleum contaminated groundwater discharge identified by the Notice of Termination, and
4. The following certification signed in accordance with Part V.K of this permit:

“I certify under penalty of law that all discharges from petroleum contaminated groundwater from the identified facility that are authorized by a NPDES general permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge petroleum contaminated groundwater under this general permit, and that discharging pollutants to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.”

### B. Where to Submit NOT

All Notices of Termination are to be sent, in letter format, to the following address:

SC Dept. of Health and Environmental Control  
Bureau of Water  
NPDES/ND Permit Administration  
2600 Bull Street  
Columbia, SC 29201

**PART VIII. Limitations and Monitoring Requirements**

**A. Effluent Limitations and Monitoring Requirements**

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 001: Treated petroleum contaminated groundwater to **Freshwaters (FW)**. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Mass		Concentration		Sampling Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow	MR <sup>1</sup> , MGD	MR <sup>1</sup> , MGD	-	-	1/Month	Estimate <sup>2</sup>
pH	-	-	Min 6.0 su, Max 8.5 su <sup>3</sup>	-	1/Month	Grab
Biological Oxygen Demand (BOD <sub>5</sub> )	-	-	10 mg/l	20 mg/l	1/Month	Grab
Benzene <sup>4</sup>	-	-	0.0012 mg/l	0.0018 mg/l	1/Month	Grab
Ethylbenzene	-	-	0.068 mg/l	0.287 mg/l	1/Month	Grab
Naphthalene	-	-	0.023 mg/l	0.046 mg/l	1/Month	Grab
Toluene	-	-	0.057 mg/l	0.238 mg/l	1/Month	Grab
Total Xylenes	-	-	0.082 mg/l	0.164 mg/l	1/Month	Grab
Total Lead <sup>4</sup>	-	-	0.00083 mg/l	0.022 mg/l	1/Month	Grab
Methyl Tert Butyl Ether (MTBE)	-	-	7.06 mg/l	14.12 mg/l	1/Month	Grab
Gasoline Range Organics (GRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Diesel Range Organics (DRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
1,2-Dichloroethane <sup>4,5</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Ethylene Dibromide <sup>4,5</sup>	-	-	0.05 µg/l	0.055 µg/l	1/Month	Grab
Surfactants	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Mercury <sup>4</sup>	-	-	0.05 µg/l	0.091 µg/l	1/Month	Grab
Total Arsenic <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Chromium <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Copper <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Nickel <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Zinc <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab

<sup>1</sup>MR: Monitor and Report <sup>2</sup>See Part V.J.1

<sup>3</sup>See Part I.M.

<sup>4</sup>See Part X.A.2

<sup>5</sup>Monitoring for this parameter only required when contamination results from leaded fuel.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after treatment but prior to mixing with the receiving stream.

2. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 001: Treated petroleum contaminated groundwaters to Saltwaters (SW). Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	Mass		Concentration			Sampling Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	1/Month		
Flow	MR <sup>1</sup> , MGD	MR <sup>1</sup> , MGD	-	-	1/Month	Estimate <sup>2</sup>	
pH	-	-	Min 6.0 su, Max 8.5 su <sup>3</sup>	-	1/Month	Grab	
Biological Oxygen Demand (BOD <sub>5</sub> )	-	-	10 mg/l	20 mg/l	1/Month	Grab	
Benzene <sup>4</sup>	-	-	0.0012 mg/l	0.0018 mg/l	1/Month	Grab	
Ethylbenzene	-	-	0.013 mg/l	0.026 mg/l	1/Month	Grab	
Naphthalene	-	-	0.071 mg/l	0.14 mg/l	1/Month	Grab	
Toluene	-	-	0.057 mg/l	0.238 mg/l	1/Month	Grab	
Total Xylenes	-	-	10 mg/l	15 mg/l	1/Month	Grab	
Total Lead <sup>4</sup>	-	-	0.0085 mg/l	0.22 mg/l	1/Month	Grab	
Methyl Tert Butyl Ether (MTBE)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Gasoline Range Organics (GRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Diesel Range Organics (DRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
1,2-Dichloroethane <sup>4,5</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Ethylene Dibromide <sup>4,5</sup>	-	-	0.05 µg/l	0.055 µg/l	1/Month	Grab	
Surfactants	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Total Mercury <sup>4</sup>	-	-	0.05 µg/l	0.091 µg/l	1/Month	Grab	
Total Arsenic <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Total Chromium <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Total Copper <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Total Nickel <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	
Total Zinc <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab	

<sup>1</sup>MR: Monitor and Report <sup>2</sup>See Part V.J.1 <sup>3</sup>See Part I.M.

<sup>4</sup>See Part X.A.2

<sup>5</sup>Monitoring for this parameter only required when contamination results from leaded fuel.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after treatment but prior to mixing with the receiving stream.

3. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 001: Treated petroleum contaminated groundwaters to Freshwater-Saltwaters (FW-SW). Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Mass		Concentration		Sampling Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow	MR <sup>1</sup> , MGD	MR <sup>1</sup> , MGD	-	-	1/Month	Estimate <sup>2</sup>
pH	-	-	Min 6.0 su, Max 8.5 su <sup>3</sup>	-	1/Month	Grab
Biological Oxygen Demand (BOD <sub>5</sub> )	-	-	10 mg/l	20 mg/l	1/Month	Grab
Benzene <sup>4</sup>	-	-	0.0012 mg/l	0.0018 mg/l	1/Month	Grab
Ethylbenzene	-	-	0.013 mg/l	0.026 mg/l	1/Month	Grab
Naphthalene	-	-	0.023 mg/l	0.046 mg/l	1/Month	Grab
Toluene	-	-	0.057 mg/l	0.238 mg/l	1/Month	Grab
Total Xylenes	-	-	0.082 mg/l	0.164 mg/l	1/Month	Grab
Total Lead <sup>4</sup>	-	-	0.00083 mg/l	0.022 mg/l	1/Month	Grab
Methyl Tert Butyl Ether (MTBE)	-	-	7.06 mg/l	14.12 mg/l	1/Month	Grab
Gasoline Range Organics (GRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Diesel Range Organics (DRO)	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
1,2-Dichloroethane <sup>4,5</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Ethylene Dibromide <sup>4,5</sup>	-	-	0.05 µg/l	0.055 µg/l	1/Month	Grab
Surfactants	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Mercury <sup>4</sup>	-	-	0.05 µg/l	0.091 µg/l	1/Month	Grab
Total Arsenic <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Chromium <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Copper <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Nickel <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab
Total Zinc <sup>4</sup>	-	-	MR <sup>1</sup> , mg/l	MR <sup>1</sup> , mg/l	1/Month	Grab

<sup>1</sup>MR: Monitor and Report <sup>2</sup>See Part V.J.1

<sup>3</sup>See Part I.M.

<sup>4</sup>See Part X.A.2

<sup>5</sup>Monitoring for this parameter only required when contamination results from leaded fuel.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after treatment but prior to mixing with the receiving stream.

B. Whole Effluent Toxicity and Other Biological Limitations and Monitoring Requirements

1. Toxicity Effluent Limitations and Monitoring Requirements for FRESHWATERS (FW) and FRESHWATER-SALTWATERS (FW-SW)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall:

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
<i>Ceriodaphnia dubia</i> Chronic Whole Effluent Toxicity @ CTC= 100%	MR %	MR %	1/Term	24 hour composite

See Part X.B.2 for additional toxicity reporting requirements.  
MR = Monitor and Report.

The following notes apply only to valid tests. For invalid tests see Part X.B.2

Note 1: The overall % effect is defined as the larger of the % survival effect or the % reproduction effect from DMR Attachment Form 3880.

Note 2: If only one test is conducted during a month, the monthly average and daily maximum are each equal to the overall % effect.

Note 3: If more than one test is conducted during a month, the monthly average is the arithmetic mean of the overall % effect values of all tests conducted during the month.

Note 4: The monthly average to be reported on the DMR is the highest monthly average for any month during the monitoring period. There is no averaging of data from tests from one month to another.

Note 5: The daily maximum to be reported on the DMR is the highest of the % survival effect or % reproduction effect of all tests conducted during the monitoring period.

Note 6: When a sample is collected in one month and the test is completed in the next month, the overall % effect applies to the month in which the sample was collected.

Note 7: Tests must be separated by at least 7 days (from the time the first sample is collected to start one test until the time the first sample is collected to start a different test). There is no restriction on when a new test may begin following a failed or invalid test.

Note 8: For any split sample:

- a. Determine the % survival effect and % reproduction effect values separately for each test.
- b. Determine the arithmetic mean of the % survival effects and of the % reproduction effects for all tests.
- c. The monthly average and daily maximum shall be the higher of the % effect values from (b) above.
- d. For the purposes of reporting, split samples are reported as an individual sample regardless of the number of times it is split. All laboratories used shall be identified on the DMR attachment and each test shall be reported individually on DMR Attachment Form DHEC 3880 (08/2005).

a. Samples used to demonstrate compliance with the discharge limitations and monitoring requirements specified above shall be taken at or near the final point-of-discharge but prior to mixing with the receiving waters or other waste streams.

2. Toxicity Effluent Limitations and Monitoring Requirements for SALTWATERS (SW)

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall:

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
<i>Mysidopsis bahia</i> Chronic Whole Effluent Toxicity @ CTC= 100%	MR %	MR %	1/Term	24 hour composite

See Part X.B.2 for additional toxicity reporting requirements.  
MR = Monitor and Report.

The following notes apply only to valid tests. For invalid tests see Part X.B.2 The % fecundity effect is not used below when inadequate control fecundity occurs (egg production by less than 50% of females). Inadequate control fecundity alone does not invalidate the toxicity test.

Note 1: The overall % effect is defined as the larger of the % survival effect, the % growth effect or the % fecundity effect from DMR Attachment Form 3883.

Note 2: If only one test is conducted during a month, the monthly average and daily maximum are each equal to the overall % effect.

Note 3: If more than one test is conducted during a month, the monthly average is the arithmetic mean of the overall % effect values of all tests conducted during the month.

Note 4: The monthly average to be reported on the DMR is the highest monthly average for any month during the monitoring period. There is no averaging of data from tests from one month to another.

- Note 5: The daily maximum to be reported on the DMR is the highest of the % survival effect, % growth effect or % fecundity effect of all tests conducted during the monitoring period.
- Note 6: When a sample is collected in one month and the test is completed in the next month, the overall % effect applies to the month in which the sample was collected.
- Note 7: Tests must be separated by at least 7 days (from the time the first sample is collected to start one test until the time the first sample is collected to start a different test). There is no restriction on when a new test may begin following a failed or invalid test.
- Note 8: For any split sample:
- a. Determine the % survival effect, % growth effect and % fecundity effect values separately for each test.
  - b. Determine the arithmetic mean of the % survival effects, of the % growth effects and of the % fecundity effects for all tests.
  - c. The monthly average and daily maximum shall be the higher of the % effect values from (b) above.
  - d. For the purposes of reporting, split samples are reported as an individual sample regardless of the number of times it is split. All laboratories used shall be identified on the DMR attachment and each test shall be reported individually on DMR Attachment Form DHEC 3883 (05/2006).
- a. Samples used to demonstrate compliance with the discharge limitations and monitoring requirements specified above shall be taken at or near the final point-of-discharge but prior to mixing with the receiving waters or other waste streams.

**PART IX. Schedule of Compliance**

A. Schedule(s)

1. Permittees with have an approved discharge as of the effective date of this permit shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedules:

<b>Date Due</b>	<b>Action Required</b>
Within six (6) months of the effective date of this permit*	Submit an interim report of progress describing measures to comply with the Mercury and Ethylene Dibromide limitations on pages 30-32 of this permit.
Within twelve (12) months of the effective date of this permit*	Submit three copies of a Preliminary Engineering Report (PER), in accordance with South Carolina Regulation 61-67, which clearly describes how the facility will attain compliance with the Mercury and Ethylene Dibromide limitations set forth on page 30-32 of this permit. If a new, modification and/or upgrade to the wastewater treatment facility is not needed to comply with these limits, the permittee shall submit a letter to the Department requesting that the final limits become effective. The schedule may require modification based on the submission of an alternative to construction.
Within eighteen (18) months of the effective date of this permit*	Submit an interim report of progress describing measures to comply with the Mercury and Ethylene Dibromide limitations on pages 30-32 of this permit.
Within twenty-four (24) months of the effective date of this permit*	If construction of any wastewater treatment and/or collection facilities is necessary to meet these limitations, the permittee shall submit three copies of an administratively and technically complete Construction Permit Application (DHEC Form 1970). If no construction is necessary, provide a progress report with the justification for no construction included.
Within thirty (30) months of the effective date of this permit*	Submit an interim report of progress describing measures to comply with the Mercury and Ethylene Dibromide limitations on page 30-32 of this permit.
Within thirty-six (36) months of the effective date of this permit*	The permittee shall obtain an operating permit for wastewater treatment facilities detailed in the construction permit application submittal described above, if needed. If no construction was necessary, provide a final progress report on the system. The discharge shall be in compliance with the Mercury and Ethylene Dibromide limitations set forth on page 30-32 of this permit.

\*Date Due to be replaced with actual dates when effective date of permit is determined.

- B. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

**PART X. Other Requirements**

A. Effluent Requirements

1. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
2. Where the permit limitation in Part VIII is below the practical quantitation limit (PQL), the PQL and analytical method stated below shall be considered as being in compliance with the permit limit. Additionally, where the permit requires only monitoring and reporting (MR) in Part VIII, the PQL and analytical method stated below shall be used for reporting results.

<b>Parameter</b>	<b>Analytical Method<sup>1,2</sup></b>	<b>PQL<sup>1,2</sup></b>
Benzene	-	2.0 µg/l
Total Lead	-	2.0 µg/l
Methyl Tert Butyl Ether (MTBE)	-	5.0 µg/l
1,2-Dichloroethane	-	2.0 µg/l
Ethylene Dibromide (EDB)	-	0.02 µg/l
Surfactants	-	50 µg/l
Total Mercury	EPA Method 1669 (sampling)/1631E (analysis)	0.0005 µg/l
Total Arsenic	-	5.0 µg/l
Total Chromium	-	5.0 µg/l
Total Copper	-	10.0 µg/l
Total Nickel	-	10.0 µg/l
Total Zinc	-	10.0 µg/l

1. See Part V.J.4.
2. The SCDHEC certified laboratory performing the analysis must achieve a PQL equal to or lower than the PQL listed above. If a lower PQL can be achieved, the Permittee must use the lower PQL. If the permittee is using a PQL below the PQL listed above, then for purposes of reporting, the lower PQL shall be used in accordance with Part V.J.4.b.
3. Approval from the Department must be obtained prior to chemical addition or other types of treatment to maintain compliance with this permit. A determination will be made by the Department as to whether the discharge can still be covered under the permit. A construction permit may be required for any type of treatment system. The discharge of chemicals into wastewater for reasons other than maintaining compliance with the NPDES permit may be considered process wastewater and may need to be covered under an individual permit or, if available, an alternative general permit.
4. The Department may assign a permittee more stringent limitations than those specified in this permit and/or assign additional limitations for a parameter(s) not specifically addressed in this permit, if necessary to meet water quality standards. A schedule of compliance (to be determined for each individual permittee) may be allowed for instances where a permittee with existing coverage is unable to meet these more stringent or additional limitations upon coverage under this permit. These schedules of compliance shall require compliance in the shortest reasonable time period and will be specified in correspondence sent to the permittee with the interim and final dates specified on the DMR. Any new facility applying for coverage after the effective date of this permit shall meet the specified limits from the beginning of the discharge.

5. This permit may be reopened to change, add or remove monitoring requirements and/or limitations for all parameters in Part VIII based on an evaluation of whether the discharge, with respect to each pollutant parameter, causes, has the reasonable potential to cause or contributes to a water quality violation in accordance with Regulation 61-9.122.44(d) and the modification is in accordance with Regulation 61-9.122.62.

B. Whole Effluent Toxicity and Other Biological Requirements

1. Acute Toxicity

Not applicable to this permit.

2. Chronic Toxicity

- a. For the requirements identified in Part VIII.B.1 for **FRESHWATERS (FW) and FRESHWATER-SALTWATERS (FW-SW)**:

- (1) A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part VIII.B, Effluent Toxicity Limitations and Monitoring Requirements, using the chronic test concentration (CTC) of 100% and the following test concentrations: 0% (control), 12.5%, 25%, 50% and 100% effluent. The permittee may add additional test concentrations without prior authorization from the Department provided that the test begins with at least 10 replicates in each concentration and all data is used to determine permit compliance.

- (2) The test shall be conducted using EPA Method 1002.0 in accordance with “Short-Term Methods for Estimating Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,” EPA/821/R-02/013 (October 2002).

- (3) The permittee shall use the linear interpolation method described in “Short-Term Methods for Estimating Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms,” EPA/821/R-02/013 (October 2002), Appendix M to estimate the percent effect at the CTC according to the equations in d below.

- (4) The linear interpolation estimate of percent effect is  $\left(1 - \frac{M_{CTC}}{M_1}\right) * 100$  if the CTC is a tested

concentration. Otherwise, it is  $\left(1 - \frac{M_J - \frac{M_{J+1} - M_J}{C_{J+1} - C_J} * C_J + \frac{M_{J+1} - M_J}{C_{J+1} - C_J} * CTC}{M_1}\right) * 100$ .

- (5) A test shall be invalidated if any part of Method 1002.0 is not followed or if the laboratory is not certified at the time the test is conducted.

- (6) All valid toxicity test results shall be submitted on the DHEC Form 3880 (08/2005) entitled “DMR Attachment for Toxicity Test Results” in accordance with Part V.L.4. In addition, results from all invalid tests must be appended to DMRs, including lab control data. The permittee has sole responsibility for scheduling toxicity tests so as to ensure there is sufficient opportunity to complete and report the required number of valid test results for each monitoring period.
- (7) The permittee is responsible for reporting a valid test during each monitoring period. However, the Department acknowledges that invalid tests may occur. All of the following conditions must be satisfied for the permittee to be in compliance with Whole Effluent Toxicity (WET) testing requirements for a particular monitoring period when a valid test was not obtained.
  - (a) A minimum of three (3) tests have been conducted which were invalid in accordance with Part X.B.2.a.(5) above;
  - (b) The data and results of all invalid tests are attached to the DMR;
  - (c) At least one additional State-certified laboratory was used after two (2) consecutive invalid tests were determined by the first laboratory. The name(s) and lab certification number(s) of the additional lab(s) shall be reported in the comment section of the DMR; and
  - (d) A valid test was reported during each of the previous three reporting periods.

If these conditions are satisfied, the permittee may enter “H” in the appropriate boxes on the toxicity DMR and add the statement to the Comment Section of the DMR that “H indicates invalid tests.”

- (8) This permit may be modified based on new information that supports a modification in accordance with Regulation 61-9.122.62 and Regulation 61-68.D.
- b. For the requirements identified in Part VIII.B.2 for **SALTWATERS (SW)**:
- (1) A *Mysidopsis bahia* survival, growth and fecundity chronic toxicity test shall be conducted at the frequency stated in Part VIII.B, Effluent Toxicity Limitations and Monitoring Requirements, using the chronic test concentration (CTC) of 100% and the following test concentrations: 0% (control), 12.5%, 25%, 50% and 100% effluent. The permittee may add additional test concentrations without prior authorization from the Department provided that the test begins with at least 8 vessels each containing 5 organisms per concentration and all data is used to determine permit compliance. The effluent’s salinity may be adjusted to 20 to 30 parts per thousand (ppt) by the addition of salts before the test is performed. The effluent shall not be diluted to achieve a lower salinity.
  - (2) The test shall be conducted using EPA Method 1007.0 in accordance with “Short-Term Methods for Estimating Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms,” EPA/821/R-02/014 (October 2002).
  - (3) The permittee shall use the linear interpolation method described in “Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine

Organisms,” EPA/821/R-02/014 (October 2002), Appendix L to estimate the percent effect on survival, growth and fecundity at the CTC according to the equations in d below.

(4) The linear interpolation estimate of percent effect is  $\left(1 - \frac{M_{CTC}}{M_1}\right) * 100$  if the CTC is a tested

concentration. Otherwise, it is  $\left(1 - \frac{M_J - \frac{M_{J+1} - M_J}{C_{J+1} - C_J} * C_J + \frac{M_{J+1} - M_J}{C_{J+1} - C_J} * CTC}{M_1}\right) * 100$ .

(5) A test shall be invalidated if any part of Method 1007.0 is not followed or if the laboratory is not certified at the time the test is conducted.

(6) All valid toxicity test results shall be submitted on the DHEC Form 3883 (05/2006) entitled “DMR Attachment for Toxicity Test Results” in accordance with Part V.L.4. In addition, results from all invalid tests must be appended to DMRs, including lab control data. The permittee has sole responsibility for scheduling toxicity tests so as to ensure there is sufficient opportunity to complete and report the required number of valid test results for each monitoring period.

(7) The permittee is responsible for reporting a valid test during each monitoring period. However, the Department acknowledges that invalid tests may occur. All of the following conditions must be satisfied for the permittee to be in compliance with Whole Effluent Toxicity (WET) testing requirements for a particular monitoring period when a valid test was not obtained.

(a) A minimum of three (3) tests have been conducted which were invalid in accordance with Part X.B.2.b.(5) above;

(b) The data and results of all invalid tests are attached to the DMR;

(c) At least one additional State-certified laboratory was used after two (2) consecutive invalid tests were determined by the first laboratory. The name(s) and lab certification number(s) of the additional lab(s) shall be reported in the comment section of the DMR; and

(d) A valid test was reported during each of the previous three reporting periods.

If these conditions are satisfied, the permittee may enter “H” in the appropriate boxes on the toxicity DMR and add the statement to the Comment Section of the DMR that “H indicates invalid tests.”

(8) This permit may be modified based on new information that supports a modification in accordance with Regulation 61-9.122.62 and Regulation 61-68.D.

### C. Other Conditions

1. The permittee shall maintain an all weather access road to the wastewater treatment plant, land application areas, and appurtenances at all times.
2. The permittee shall update and maintain a Best Management Practices (BMP) plan to identify and control the discharge of significant amounts of oils and the hazardous and toxic substances listed in 40 CFR Part 117 and Tables II and III of Appendix D to 40 CFR Part 122. The plan shall include a listing of all potential sources of spills or leaks of these materials, a method for containment, a description of training, inspection and security procedures, and emergency response measures to be taken in the event of a discharge to surface waters or plans and/or procedures which constitute an equivalent BMP. Sources of such discharges may include materials storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas. The BMP plan shall be developed in accordance with good engineering practices, shall be documented in narrative form, and shall include any necessary plot plans, drawings, or maps. The BMP plan shall be maintained at the plant site and shall be available for inspection by EPA and Department personnel.
3. All waste oil and solid and hazardous waste shall be disposed of in accordance with the rules and regulations of SCDHEC's Bureau of Land and Waste Management.
4. For those facilities that have an oil/water separator, a minimum classification of I-P/C and an operator requirement of Grade D-P/C shall be assigned (Note: this does not supersede any more stringent classification and operator assignment at a previously permitted facility).
5. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period:
  - a. You must notify the SCDHEC Emergency Response at (888) 481-0125 (24-hour/toll free) and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. The notification should include:
    1. Chemical name or common name of compound released;
    2. Whether the substance is an Extremely Hazardous Substance (EHS);
    3. Estimate of quantity released;
    4. Time and duration of the release;
    5. Location of release;
    6. Medium or media affected by the release (i.e., soil, water, or air);
    7. Any known or anticipated acute/chronic health risks associated with the release, and any need for medical attention of exposed individuals;
    8. Need for precautions such as evacuation; and
    9. Name and telephone number of contact person.
  - b. As soon as practicable, but no later than 14 calendar days of knowledge of the release, you must submit a written description of the release including updated information from the initial notice, the date the release occurred, the circumstances leading to the release, actual response actions, and steps taken in to

prevent recurrence of release. This report should be submitted to the appropriate Department Regional office at the address listed in Part V.L.5.

- c. State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.
6. The Department may assign a permittee more stringent limitations than those specified in this permit and/or assign additional limitations for a parameter(s) not specifically addressed in this permit, if necessary to meet water quality standards. A schedule of compliance (to be determined for each individual permittee) may be allowed for instances where a permittee with existing coverage is unable to meet these more stringent or additional limitations upon coverage under this permit. These schedules of compliance shall require compliance in the shortest reasonable time period and will be specified in correspondence sent to the permittee with the interim and final dates specified on the DMR. Any new facility applying for coverage after the effective date of this permit shall meet the specified limits from the beginning of the discharge.