



Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

Honorable Bill Darsey, Mayor
City of Lakeland
64 S Valdosta Road
Lakeland, GA 31635

JUL 13 2007

RE: City of Lakeland WPCP
NPDES Permit No. GA0021296
Lanier County
Suwannee River Basin

Dear Mayor Darsey:

Pursuant to the Georgia Water Quality Control Act, as amended; the Federal Water Pollution Control Act, as amended; and the Rules and Regulations promulgated thereunder, we have today issued the attached National Pollutant Discharge Elimination System (NPDES) permit for the referenced water reuse facility.

Your facility is assigned to the following EPD office for reporting, compliance and enforcement:

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

Please note that the attached permit requires the use of electronic reporting in accordance with Part I.D. of the permit. On and after the effective date indicated in the attached NPDES permit, the permittee must comply with all the terms, conditions and limitations of this permit. If you have any questions, please contact Hwan Cho at 404.465.0665 or Hwan.Cho@dnr.ga.gov.

Sincerely,

Richard E. Dunn
Director

RED/hcc
Attachments: Permit



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In accordance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the "State Act"; the Federal Water Pollution Control Act, as amended (33 U.S. C. 1251 et seq.), hereinafter called the "Federal Act;" and the Rules and Regulations promulgated pursuant to each of these Acts,

City of Lakeland
64 S Valdosta Road
Lakeland, Georgia 31635

is authorized to discharge from a facility located at

Lakeland
Water Pollution Control Plant (WPCP)
South Linda Road
Lakeland, Georgia 31635
(Lanier County)

to receiving waters

Big Creek to the Alapaha River
(Suwannee River Basin)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit.

This permit is issued in reliance upon the permit application signed on January 30, 2017, any other applications upon which this permit is based, supporting data entered therein or attached thereto, and any subsequent submittal of supporting data.

This permit shall become effective on August 1, 2017. This permit and the authorization to discharge shall expire at midnight, July 31, 2022.



Director
Environmental Protection Division

PART I

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

The Federal Act referred to is The Clean Water Act.

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

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

A. SPECIAL CONDITIONS

1. MONITORING

The concentration of pollutants in the discharge will be limited as indicated by the table(s) labeled "Effluent Limitations and Monitoring Requirements." The effluent shall meet the requirements in the table(s) or the condition in paragraph I.A.1.a., whichever yields the higher quality effluent.

- a. For 5 day biochemical oxygen demand (BOD₅) and total suspended solids (TSS), the arithmetic mean of the values of the effluent samples collected during a month shall not exceed 15 percent of the arithmetic mean of values for influent samples collected at approximately the same times (85 percent removal). In accordance with Chapter 391-3-6-.06(4)(d) 2., of the State Rules, under certain conditions the 85 percent removal requirement may not be applicable, as specified in 40 CFR 133.
- b. The monthly average, other than for fecal coliform bacteria, is the arithmetic mean of values obtained for samples collected during a calendar month.
- c. The weekly average, other than for fecal coliform bacteria, is the arithmetic mean of values obtained for samples collected during a 7 day period. The week begins 12:00 midnight Saturday and ends at 12:00 midnight the following Saturday. To define a different starting time for the sampling period, the permittee must notify the EPD in writing. For reporting required by I.C.2. of this permit, a week that starts in one month and ends in another month shall be considered part of the second month. The permittee may calculate and report the weekly average as a 7 day moving average.
- d. Fecal coliform bacteria will be reported as the geometric mean of the values for the samples collected during the time periods in I.A.1.b. and I.A.1.c.
- e. Untreated wastewater influent samples required by I.B. shall be collected before any return or recycle flows. These flows include returned activated sludge, supernatants, centrates, filtrates, and backwash.

- f. Effluent samples required by I.B. of this permit shall be collected after the final treatment process and before discharge to receiving waters. Composite samples may be collected before disinfection with written EPD approval.
- g. A composite sample shall consist of a minimum of 5 subsamples collected at least once every 2 hours for at least 8 hours and shall be composited proportionately to flow.
- h. Flow measurements shall be conducted using the flow measuring device(s) in accordance with the approved design of the facility. If instantaneous measurements are required, then the permittee shall have a primary flow measuring device that is correctly installed and maintained. If continuous recording measurements are required, then flow measurements must be made using continuous recording equipment. Calibration shall be maintained of the continuous recording instrumentation to $\pm 10\%$ of the actual flow.

Flow shall be measured manually to check the flow meter calibration at a frequency of once a month. If secondary flow instruments are in use and malfunction or fail to maintain calibration as required, the flow shall be computed from manual measurements or by other method(s) approved by EPD until such time as the secondary flow instrument is repaired. For facilities which utilize alternate technologies for measuring flow, the flow measurement device must be calibrated semi-annually by qualified personnel.

Records of the calibration checks shall be maintained.

- i. If secondary flow instruments malfunction or fail to maintain calibration as required in I.A.1.h., the flow shall be computed from manual measurements taken at the times specified for the collection of composite samples.
- j. Some parameters must be analyzed to the detection limits specified by the EPD. These parameters will be reported as "not detected" when they are below the detection limit and will then be considered in compliance with the effluent limit. The detection limit will also be reported.

2. SLUDGE DISPOSAL REQUIREMENTS

Sludge shall be disposed of according to the regulations and guidelines established by the EPD and the Federal Act section 405(d) and (e), and the Resource Conservation and Recovery Act (RCRA). In land applying nonhazardous municipal sewage sludge, the permittee shall comply with the general criteria outlined in the most current version of the EPD "Guidelines for Land Application of Sewage Sludge (Biosolids) at Agronomic Rates" and with the State Rules, Chapter 391-3-6-.17. Before disposing of municipal sewage sludge by land application or any method other than co-disposal in a permitted sanitary landfill, the permittee shall submit a sludge management plan to EPD for written approval.

This plan will become a part of the NPDES Permit after approval and modification of the permit. The permittee shall notify the EPD of any changes planned in an approved sludge management plan.

If an applicable management practice or numerical limitation for pollutants in sewage sludge is promulgated under Section 405(d) of the Federal Act after approval of the plan, then the plan shall be modified to conform with the new regulations.

3. SLUDGE MONITORING REQUIREMENTS

The permittee shall develop and implement procedures to ensure adequate year-round sludge disposal. The permittee shall monitor and maintain records documenting the quantity of sludge removed from the facility. Records shall be maintained documenting that the quantity of solids removed from the facility equals the solids generated on an average day. The total quantity of sludge removed from the facility during the reporting period shall be reported each month with the Discharge Monitoring Reports as required under Part I.C.2. of this permit. The quantity shall be reported on a dry weight basis (dry tons).

4. INTRODUCTION OF POLLUTANTS INTO THE PUBLICLY OWNED TREATMENT WORKS (POTW)

The permittee must notify EPD of:

- a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to Sections 301 or 306 of the Federal Act if the pollutants were directly discharged to a receiving stream; and
- b. Any substantial change in the volume or character of pollutants from a source that existed when the permit was issued.

This notice shall include information on the quality and quantity of the indirect discharge introduced and any anticipated impact on the quantity or quality of effluent to be discharged from the POTW.

5. EFFLUENT TOXICITY AND BIOMONITORING REQUIREMENTS

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

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

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

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

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

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

B.1. Discharge to Big Creek – Outfall 001 (31.04622° N, 83.06464° W):

The discharge from the water pollution control plant (WPCP) shall be limited and monitored by the permittee beginning on the effective date of the permit and continuing until permit expiration, as follows:

Parameter	Discharge Limitations mg/L (kg/day) unless otherwise specified		Monitoring Requirements		
	Monthly Average	Weekly Average	Measurement Frequency	Sample Type	Sample Location
Flow (MGD)	0.5	0.63	Seven Days/Week	Instantaneous	Effluent
Five-Day Biochemical Oxygen Demand May – October November – April	20 (38) 30 (57)	30 (48) 45 (71)	Two Days/Week	Composite	Influent and Effluent
Total Suspended Solids	30 (57)	45 (71)	Two Days/Week	Composite	Influent and Effluent
Ammonia, as N May – October November – April	5.0 (9) 10 (19)	7.5 (12) 15 (24)	Two Days/Week	Composite	Effluent
Fecal Coliform Bacteria (#/100mL)	200	400	One Day/Week	Grab	Effluent

Parameters	Discharge Limitations mg/L unless otherwise specified	Monitoring Requirements		
		Measurement Frequency	Sample Type	Sample Location
pH, Minimum – Maximum (Standard Unit)	6.0 – 9.0	Five Days/Week	Grab	Effluent
Dissolved Oxygen, Daily Minimum	5.0	Five Days/Week	Grab	Effluent
Total Residual Chlorine, Daily Maximum	0.039	Five Days/Week	Grab	Effluent
Total Phosphorus, as P ⁽¹⁾	Report	One Day/Month	Composite	Effluent
Ortho-phosphate ⁽¹⁾	Report	One Day/Month	Composite	Effluent
Organic Nitrogen ⁽²⁾⁽³⁾	Report	One Day/Month	Composite	Effluent
Total Kjeldahl Nitrogen ⁽³⁾	Report	One Day/Month	Composite	Effluent
Nitrate-Nitrite as N ⁽³⁾	Report	One Day/Month	Composite	Effluent
Total Recoverable Mercury ⁽⁴⁾	Report	One Day/Month	Grab	Effluent

(Effluent Limitations Continued on Next Page)

STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

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- (1) Total Phosphorus and Ortho-phosphate must be analyzed from the same sample.
- (2) Organic Nitrogen = TKN – Ammonia
- (3) Organic Nitrogen, Nitrate-Nitrite as N, and Total Kjeldahl Nitrogen must be analyzed from the same sample.
- (4) Refer to Parts I.C.8 and I.C.9.

C. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

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

2. SAMPLING PERIOD

- a. Unless otherwise specified in this permit, quarterly samples shall be taken during the periods January-March, April-June, July-September, and October-December.
- b. Unless otherwise specified in this permit, semiannual samples shall be taken during the periods January-June and July-December.
- c. Unless otherwise specified in this permit, annual samples shall be taken during the period of January-December.

3. MONITORING PROCEDURES

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

4. RECORDING OF RESULTS

For each required parameter analyzed, the permittee shall record:

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

5. ADDITIONAL MONITORING BY PERMITTEE

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

6. RECORDS RETENTION

The permittee shall retain records of:

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

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

7. PENALTIES

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

8. MERCURY CHARACTERIZATION PLAN

- a. The permittee shall characterize the effluent using EPA Method 1631E to quantify the amount of mercury present in the effluent. The practical quantitation limit for this method must be 4.9 ng/l at a maximum. The permittee shall monitor for mercury once a month for six months beginning thirty days after permit issuance. The permittee shall also characterize the concentration of mercury in the source water for the drinking water in its service area. This characterization shall also use EPA Method 1631E. The permittee shall sample the source water once per month for six months beginning thirty days after permit issuance.
- b. If the data required by item "a" above shows that the average concentration of mercury in the effluent is 4.9 ng/l or greater and if the average concentration of mercury in the effluent is greater than the average concentration of mercury in the source water, then the permittee will have to develop and implement a mercury minimization plan as outlined below. If the effluent concentration of mercury was less than 4.9 ng/l or if the concentration in the effluent was less than that in the source water, then the permittee will not be required to develop a mercury minimization plan, but will be required to monitor mercury in the effluent using EPA Method 1631E at least twice per year for the remainder of the term of the permit.

9. MERCURY MINIMIZATION PLAN

- a. The permittee shall monitor for mercury in the effluent using EPA Method 1631E a minimum of twice per year for the remainder of the permit.
- b. The permittee shall develop an approvable mercury minimization plan. The goal of the plan is to reduce the concentration of mercury in the effluent to 4.9 ng/l or as close as possible to 4.9 ng/l. The plan shall at a minimum address the following items:
 - 1) The permittee shall identify current and potential sources that contribute mercury to the WPCP. The source identification shall be completed and submitted to EPD within three months of the issuance date of the permit.
 - 2) The permittee shall monitor the identified current sources to confirm and quantify the mercury contribution from the sources identified in item number 1 above. This work is to be completed and the results submitted to EPD within six months of the issuance date of the permit.

- 3) The permittee shall identify potential methods for reducing and eliminating mercury, including housekeeping practices, material substitution, process modifications, materials recovery, spill control and collection, waste recycling, pretreatment, public education, laboratory practices, disposal practices. The permittee shall evaluate the feasibility of the implementation of the identified methods. The permittee shall submit a report containing all the identified potential methods for reducing/eliminating mercury within twelve months of the issuance date of the permit. This report shall specify which potential methods are appropriate, feasible and cost effective. These methods are to be implemented immediately.
- 4) The permittee shall monitor the influent for mercury a minimum of once/quarter and may also monitor specific areas in its collection system to quantify the effects of the mercury minimization plan. This monitoring is to begin within twelve months of permit issuance. The laboratory method used to monitor for mercury must be sensitive enough to quantify the amount of mercury in the sample.
- 5) The permittee shall submit a report of progress to EPD within eighteen months of permit issuance and every six (6) months thereafter for the term of the permit. These reports shall summarize the results of the waste minimization plan.

D. REPORTING REQUIREMENTS

1. The permittee must electronically report the DMR, OMR and additional monitoring data using the web based electronic NetDMR reporting system, unless a waiver is granted by EPD.
 - a. The permittee must comply with the Federal National Pollutant Discharge Elimination System Electronic Reporting regulations in 40 CFR §127. The permittee must electronically report the DMR, OMR, and additional monitoring data using the web based electronic NetDMR reporting system online at:
<https://netdmr.epa.gov/netdmr/public/home.htm>.
 - b. Monitoring results obtained during the calendar month shall be summarized for each month and reported on the DMR. The results of each sampling event shall be reported on the OMR and submitted as an attachment to the DMR.
 - c. The permittee shall submit the DMR, OMR and additional monitoring data no later than 11:59 p.m. on the 15th day of the month following the sampling period.

- d. All other reports required herein, unless otherwise stated, shall be submitted to the EPD Office listed on the permit issuance letter signed by the Director of EPD.
2. **No later than December 21, 2020,** the permittee must electronically report the following compliance monitoring data and reports using the online web based electronic system approved by EPD, unless a waiver is granted by EPD:
 - a. Sewage Sludge/Biosolids Annual Program Reports provided that the permittee has an approved Sewage Sludge (Biosolids) Plan;
 - b. Pretreatment Program Reports provided that the permittee has an approved Industrial Pretreatment Program in this permit;
 - c. Sewer Overflow/Bypass Event Reports;
 - d. Noncompliance Notification;
 - e. Other noncompliance; and
 - f. Bypass
3. OTHER REPORTS

All other reports required in this permit not listed above in Part I.D.2 or unless otherwise stated, shall be submitted to the EPD Office listed on the permit issuance letter signed by the Director of EPD.
4. OTHER NONCOMPLIANCE

All instances of noncompliance not reported under Part I.B. and Part II. A. shall be reported to EPD at the time the monitoring report is submitted.
5. SIGNATORY REQUIREMENTS

All reports, certifications, data or information submitted in compliance with this permit or requested by EPD must be signed and certified as follows:

 - a. Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:
 1. For a corporation, by a responsible corporate officer. A responsible corporate officer means:
 - i 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
 - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or

having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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 facility, by either a principal executive officer or ranking elected official.
- b. All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (a) above or a duly authorized representative of such person, if:
1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;
 2. The authorization is made in writing by the person designated under (a) above; and
 3. The written authorization is submitted to the Director.
- c. Any changes in written authorization submitted to the permitting authority under (b) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (b) and (b.1) and (b.2) above.
- d. Any person signing any document under (a) or (b) above 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."

PART II

A. MANAGEMENT REQUIREMENTS

1. PROPER OPERATION AND MAINTENANCE

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

2. PLANNED CHANGE

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

3. TWENTY-FOUR HOUR REPORTING

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

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

4. ANTICIPATED NONCOMPLIANCE NOTIFICATION

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

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

5. OTHER NONCOMPLIANCE

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

6. OPERATOR CERTIFICATION REQUIREMENTS

The person responsible for the daily operation of the facility must be a Class IV Certified Operator in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Plant Operators and Laboratory Analysts Act, as amended, and as specified by Subparagraph 391-3-6-.12 of the Rules and Regulations for Water Quality Control. All other operators must have the minimum certification required by this Act.

7. LABORATORY ANALYST CERTIFICATION REQUIREMENTS

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

8. BYPASSING

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

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

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

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

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

9. POWER FAILURES

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

10. DUTY TO MITIGATE

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

11. NOTICE CONCERNING ENDANGERING WATERS OF THE STATE

Whenever, because of an accident or otherwise, any toxic or taste and color producing substance, or any other substance which would endanger downstream users of the waters of the State or would damage property, is discharged into such waters, or is so placed that it might flow, be washed, or fall into them, it shall be the duty of the person in charge of such substances at the time to forthwith notify EPD in person or by telephone of the location and nature of the danger, and it shall be such person's further duty to immediately take all reasonable and necessary steps to prevent injury to property and downstream users of said water.

Spills and Major Spills:

A "spill" is any discharge of raw sewage by a Publicly Owned Treatment Works (POTW) to the waters of the State.

A "major spill" means:

1. The discharge of pollutants into waters of the State by a POTW that exceeds the weekly average permitted effluent limit for biochemical oxygen demand (5-day) or total suspended solids by 50 percent or greater in one day, provided that the effluent discharge concentration is equal to or greater than 25 mg/L for biochemical oxygen demand or total suspended solids.
2. Any discharge of raw sewage that 1) exceeds 10,000 gallons or 2) results in water quality violations in the waters of the State.

“Consistently exceeding effluent limitation” means a POTW exceeding the thirty (30) day average limit for biochemical oxygen demand or total suspended solids for at least five days out of each seven day period during a total period of one hundred and eighty (180) consecutive days.

The following specific requirements shall apply to POTW’s. If a spill or major spill occurs, the owner of a POTW shall immediately:

- a. Notify EPD, in person or by telephone, when a spill or major spill occurs in the system.
- b. Report the incident to the local health department(s) for the area affected by the incident.

The report at a minimum shall include the following:

1. Date of the spill or major spill;
 2. Location and cause of the spill or major spill;
 3. Estimated volume discharged and name of receiving waters; and
 4. Corrective action taken to mitigate or reduce the adverse effects of the spill or major spill.
- c. Post a notice as close as possible to where the spill or major spill occurred and where the spill entered State waters and also post additional notices along portions of the waterway affected by the incident (i.e. bridge crossings, boat ramps, recreational areas, and other points of public access to the affected waterway). The notice at a minimum shall include the same information required in 11(b)(1-4) above. These notices shall remain in place for a minimum of seven days after the spill or major spill has ceased.
 - d. Within twenty four (24) hours of becoming aware of a spill or major spill, the owner of a POTW shall report the incident to the local media (television, radio, and print media). The report shall include the same information required in 11(b)(1-4) above.
 - e. Within five (5) days (of the date of the spill or major spill), the owner of a POTW shall submit to EPD a written report which includes the same information required in 11(b)(1-4) above.
 - f. Within seven (7) days (after the date of a major spill), the owner of a POTW responsible for the major spill, shall publish a notice in the largest legal organ of the County where the incident occurred. The notice shall include the same information required in 11(b)(1-4) above.
 - g. The owner of a POTW shall immediately establish a monitoring program of the receiving waters affected by a major spill or by consistently

exceeding an effluent limit, with such monitoring being at the expense of the POTW for at least one year. The monitoring program shall include an upstream sampling point as well as sufficient downstream locations to accurately characterize the impact of the major spill or the consistent exceedence of effluent limitations described in the definition of "Consistently exceeding effluent limitation" above. As a minimum, the following parameters shall be monitored in the receiving stream:

1. Dissolved Oxygen;
2. Fecal Coliform Bacteria;
3. pH;
4. Temperature; and
5. Other parameters required by the EPD.

The monitoring and reporting frequency as well as the need to monitor additional parameters, will be determined by EPD. The results of the monitoring will be provided by the POTW owner to EPD and all downstream public agencies using the affected waters as a source of a public water supply.

- h. Within twenty four (24) hours of becoming aware of a major spill, the owner of a POTW shall provide notice of a major spill to every county, municipality, or other public agency whose public water supply is within a distance of 20 miles downstream and to any others which could be potentially affected by the major spill.

12. UPSET PROVISION

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

B. RESPONSIBILITIES

1. DUTY TO COMPLY

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

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

2. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

3. INSPECTION AND ENTRY

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

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

4. DUTY TO PROVIDE INFORMATION

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

5. TRANSFER OF OWNERSHIP

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

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

6. AVAILABILITY OF REPORTS

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

7. PERMIT ACTIONS

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

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

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

8. CIVIL AND CRIMINAL LIABILITY

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

9. PROPERTY RIGHTS

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

10. DUTY TO REAPPLY

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

11. CONTESTED HEARINGS

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

12. SEVERABILITY

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

13. 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 form to the Director, it shall promptly submit such facts or information.

14. PREVIOUS PERMITS

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

PART III

INDUSTRIAL PRETREATMENT PROGRAM FOR PUBLICLY OWNED TREATMENT WORKS (POTW)

1. The permittee may establish and operate an approved industrial pretreatment program.
2. If the EPD determines that the permittee is required to develop a local industrial pretreatment program, the permittee will be notified in writing. The permittee shall immediately begin development of an industrial pretreatment program and shall submit it to the EPD for approval no later than one year after the notification.
3. During the interim period between determination that a program is needed and approval of the program, all industrial pretreatment permits shall be issued by the EPD.
4. The permittee shall notify the EPD of all industrial users connected to the system or proposing to connect to the system from the date of issuance of this permit.
5. Implementation of the Pretreatment Program developed by the State can be delegated to the permittee following the fulfillment of requirements detailed in 391-3-6-.09 of the Rules and Regulations for Water Quality Control.