



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Telephone Number: (304) 926-0495
Fax Number: (304) 926-0496

Austin Caperton, Cabinet Secretary
dep.wv.gov

November 28, 2018

G. Larry Omms, Manager
Berkeley Springs Development, LLC
110 South Washington Street
Berkeley Springs, WV 25411

And

Warm Springs PSD
271 Wilkes St, Suite B
Berkeley Springs, WV 25411

RE: WV/NPDES Permit Application
No. WV0105953-Morgan County

Dear Sir or Madam:

Your forms for WV/NPDES Individual Permit have been found to be complete.

For your information, we have scheduled the public notice period prescribed in Title 47, Series 10, Section 12.1.b of the West Virginia Legislative Rules issued pursuant to Chapter 22, Article 11 commences on the 5th day of December, 2018 in the *Morgan Messenger*.

Within twenty (20) days after publication of the public notice, you are required to send to the Office a certificate of publication. This should be sent to:

Director, Division of Water and Waste Management, DEP
Permitting Section
601 57th Street, SE
Charleston, WV 25304-2345
Attention: Lori Devereux

Enclosed are copies of your draft permit, any required fact sheet and the public notice. If you have any questions, please do not hesitate to contact this office at 304-926-0495.

Sincerely,



Lori Devereux
NPDES Team

Enclosures

cc: Environmental Inspector Supervisor, Environmental Inspector

**STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT**

PUBLIC NOTICE

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S, PUBLIC INFORMATION OFFICE, 601 57TH STREET, CHARLESTON SE, WEST VIRGINIA 25304-2345 TELEPHONE: (304) 926-0440.

APPLICATION FOR A WEST VIRGINIA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WATER POLLUTION CONTROL PERMIT

Public Notice No.: L-123-18

Public Notice Date: December 05, 2018

Paper: *Morgan Messenger*

The following has applied for a WV NPDES Water Pollution Control Permit for this facility or activity:

Appl. No.: WV0105953

Applicant: BERKELEY SPRINGS DEVELOPMENT, LLC
110 SOUTH WASHINGTON STREET
BERKELEY SPRINGS, WV 25411

Location: BERKELEY SPRINGS, MORGAN COUNTY

Latitude: 39:35:48

Longitude: 78:15:28

Receiving Stream:

Sir John's Run of the Potomac River

Activity:

To acquire, construct, install, operate and maintain a wastewater collection system and a 0.025 million gallons per day wastewater treatment plant. Facilities are to serve a population equivalent of approximately 312 persons at Coolfont Village, and discharge treated wastewater through Outlet No. 001 to Sir John's Run, approximately 5.8 miles from its mouth, of the Potomac River. A full Tier 2 antidegradation review was conducted. Protection is provided for the uses designated in Title 47, Series 2, Section 6. Information regarding impacts to baseline water quality, and decisions regarding alternatives analyses, and socio-economic evaluation are a part of the public record. Resultant to the total nitrogen offset provided, the wastewater treatment plant shall be limited to a maximum daily flow of 0.20 million gallons per day.

Business conducted:

Subdivision

Implementation:

N/A

On the basis of review of the application, the "Water Pollution Control Act (Chapter 22, Article 11-8(a))," and the "West Virginia Legislative Rules," the State of West Virginia will act on the above application.

Any interested person may submit written comments on the draft permit and may request a public hearing by addressing such to the Director of the Division of Water and Waste Management within 30 days of the date of the public notice. Such comments or requests should be addressed to:

Director, Division of Water and Waste Management, DEP

ATTN: Lori Devereux, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

The public comment period begins December 05, 2018 and ends January 04, 2019.

Comments received within this period will be considered prior to acting on the permit application. Correspondence should include the name, address and the telephone number of the writer and a concise statement of the nature of the issues raised. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the Draft Permit(s). Interested persons may contact the public information office to obtain further information.

The application, draft permit and any required fact sheet may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV 25304-2345, between 8:00 a.m. and 4:00 p.m. on business days.



STATE OF WEST VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF WATER AND WASTE MANAGEMENT
 601 57TH STREET SE
 CHARLESTON, WV 25304-2345

 **DRAFT**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 WATER POLLUTION CONTROL PERMIT

NPDES PERMIT NO.: WV0105953
 SUBJECT: Sewage

ISSUE DATE:
 EFFECTIVE DATE :
 EXPIRATION DATE:
 SUPERSEDES: Permit No. WV0105953
 dated February 11, 2015

LOCATION: BERKELEY SPRINGS	Morgan	Potomac River Drains
(City)	(County)	(Drainage Basin)

See the next page for a list of Outlets.

TO WHOM IT MAY CONCERN:

This is to certify that: BERKELEY SPRINGS DEVELOPMENT, LLC
 110 SOUTH WASHINGTON STREET
 BERKELEY SPRINGS, WV 25411
 And
 WARM SPRINGS PSD (OPERATOR)
 271 WILKES ST, SUITE B
 BERKELEY SPRINGS, WV 25411

are hereby granted a West Virginia NPDES Water Pollution Control Permit to:
 acquire, construct, install, operate and maintain a wastewater collection system and a 0.025 million gallons per day activated sludge membrane reactor wastewater treatment plant, which are further described underneath.

The existing collection system consists of approximately 2,964 linear feet of four (4) inch diameter gravity sewer line, 1,965 linear feet of six (6) inch diameter gravity sewer line, 1,120 linear feet of two (2) inch diameter force main, fifteen (15) manholes, approximately twenty (20) cleanouts, and one (1) duplex grinder station, and all requisite appurtenances.

A wastewater treatment plant comprised of an 25,000 gpd Moving Bed Biofilm Reactor (MBBR) AquaCELL System engineered/manufactured by AquaPoint, Inc. of New Bedford, MA. The proposed facilities consist of a 25,000 gallon (nominal) primary settling tank, a 10,000 gallon (nominal) flow equalization tank, and a 20,000 gallon (nominal) AquaCELL MBBR Reactor, a 10-foot diameter secondary clarifier, and an ultraviolet (UV) disinfection system, and all requisite appurtenances.

These facilities are to serve a population equivalent of approximately 312 persons (at 0.025 million gallons per day) at Coolfont Village, and discharge treated wastewater through Outlet No. 001 to Sir John's Run, approximately 5.8 miles from its mouth, of the Potomac River.

This permit shall, further, be subject to the terms and conditions of the Bureau for Public Health, Office of Environmental Health Services, Permit No. 17,935, dated the 8th day of January 2018.

This permit is subject to the following terms and conditions :

The information submitted on, and with, Permit Application No. WV0105953, dated the 10th day of April 2018,

is all, hereby, made terms and conditions of this permit with like effect as if all such permit application information were set forth herein, and with other conditions set forth in Sections A, B, C, and D, and Appendix A.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

Inspectable Unit	Latitude	Longitude	Receiving Stream		Dist. to Stream Mouth (in Mile)	Milepost
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001

39°34'58"

78°15'50"

SIR JOHNS RN

5.8

N/A

A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits

During the period beginning Effective Date of Permit and lasting through midnight Expiration Date of Permit the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050 - (Flow, in Conduit or thru plant) (Year Round) (ML-1) (RF-A)	Rpt Only Monthly Total	N/A	Mill. Galls/Mon	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Continuous measured
00310 - (BOD, 5-Day 20 Deg.C) (Year Round) (ML-B) (RF-A)	1.04 Avg. Monthly	2.09 Max. Daily	Lbs/Day	N/A	10 Max. Daily	1/month Grab
00530 - (Total Suspended Solids) (Year Round) (ML-A) (RF-A)	6.26 Avg. Monthly	12.51 Max. Daily	Lbs/Day	N/A	30 Max. Daily	1/month Grab
74055 - (Coliform, Fecal) (Year Round) (ML-A) (RF-A)	N/A	N/A	N/A	N/A	200 Mon Geo Mean	1/month Grab
00400 - (pH) (Year Round) (ML-A) (RF-A)	N/A	N/A	N/A	6 Inst. Min.	9 Inst. Max.	1/month Grab
00300 - (Dissolved Oxygen) (Year Round) (ML-A) (RF-A)	N/A	N/A	N/A	6 Inst. Min.	N/A	1/month Grab
00610 - (Ammonia Nitrogen) (Year Round) (ML-A) (RF-A)	0.63 Avg. Monthly	1.25 Max. Daily	Lbs/Day	N/A	3 Max. Daily	1/month Grab
00600 - (Nitrogen, Total (as N)) (Year Round) (ML-A) (RF-D)	N/A	3044 Annual Total	Lbs/Year	N/A	N/A	1/year Grab

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

All effluent samples shall be collected at, or as near as possible, to the point of discharge. Effluent BOD5 samples shall be properly labeled and then reseeded, in accordance with approved procedures, prior to analysis.

This discharge shall comply with Appendix A - I MANAGEMENT CONDITIONS | - 12.

**A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits**

During the period beginning Effective Date of Permit and lasting through midnight Expiration Date of Permit the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00665 - (Phosphorus, Total) (Year Round) (ML-A) (RF-A)	Rpt Only Monthly Total	Lbs/Month	Avg. Monthly	mg/l Rpt Only Max. Daily	1/month Grab
00665 - (Phosphorus, Total) (Year Round) (ML-A) (RF-D)	N/A	Lbs/Year Annual Total	N/A	N/A	1/year Grab

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

All effluent samples shall be collected at, or as near as possible, to the point of discharge. Effluent BOD5 samples shall be properly labeled and then reseeded, in accordance with approved procedures, prior to analysis.

This discharge shall comply with Appendix A - I MANAGEMENT CONDITIONS I - 12.

B. SCHEDULE OF COMPLIANCE

- 1. The permittee shall achieve compliance with the provisions for waste treatment and the monitoring requirements specified in the permit in accordance with the following schedule :**

Sep 30, 2019: The wastewater treatment plant shall be constructed and operational by September 30, 2019 in accordance with Section C.22

- 2. Reports of compliance or non-compliance with, and progress reports on interim and final requirements contained in the above compliance schedule, if any, shall be postmarked no later than 14 days following each schedule date.**

Section C - Other Requirements

1. The herein-described treatment works, structures, electrical and mechanical equipment shall be adequately protected from physical damage by the maximum expected one hundred (100) year flood level, and operability shall be maintained during the twenty-five (25) year flood level.
2. The entire sewage treatment facility shall be adequately protected by fencing.
3. The proper operation and maintenance of the listed sewage treatment facility shall be performed, or supervised, by a certified operator possessing at least a Class I - Advanced certificate for Wastewater System Operators as issued by the State of West Virginia. The on-site attendance of this facility's Class I - Advanced operator shall be determined and directed by the Bureau for Public Health, Office of Environmental Health Services.
4. The arithmetic mean of values for effluent samples collected in a period of seven (7) consecutive days shall not exceed 45.0 mg/l for Total Suspended Solids (TSS). Furthermore, the permittee may submit mitigating factors as an attachment to its Discharge Monitoring Report (DMR) related to an excursion of this requirement. The Director may choose to take those mitigating factors into consideration in determining whether enforcement action is required.
5. The permittee shall submit monthly according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration and/or quantities the values of the constituents listed in Section A analytically determined to be in the plant effluent(s). Additional information pertaining to effluent monitoring and reporting can be found in Appendix A, Part III.
6. The required DMRs shall be received by the agency no later than 25 days following the end of the reporting period in accordance with the following requirements.
 - a. The agency is now requiring the permittee to utilize our electronic DMR (eDMR) system which is now mandatory.
 - b. The permittee is not required to submit hard copies of the DMRs to the addresses listed below when using eDMR. Special circumstances may result in the agency granting an exemption to eDMR and are considered on case by case basis. If the permittee was exempted by the agency from using the eDMR system, then the permittee is required to send hard copies to the addresses below. The permittee may contact the agency for more information about the eDMR system and potential exemptions from using it.

Director	Department of Environmental Protection
Division of Water and Waste Management	Environmental Enforcement
601 57th Street SE	22288 Northwestern Pike
Charleston, West Virginia 25304-2345	Romney, West Virginia 26757
Attention: Permitting Program	
 - c. Regardless, in accordance with Appendix A, Section III.6 of this permit, the permittee shall maintain copies of DMRs (either hard copies or electronic copies) at the plant site and the DMRs shall be made readily available upon request from DEP personnel.
7. The permittee shall not use alternate DMRs without prior approval from this agency.
8. In conjunction with all other reporting requirements of this permit, copies of all future correspondence regarding this permit will be forwarded to the Environmental Inspector and Environmental Inspector Supervisor at the following address:

Department of Environmental Protection
Environmental Enforcement
22288 Northwestern Pike
Romney, West Virginia 26757
9. The analytical test procedures, set forth in 40 CFR Part 136, prescribe colorimetric methods for certain parameters. The digestion process for the performance of total recoverable is not sufficient for the utilization of a colorimetric procedure. Therefore, colorimetric procedures shall not be acceptable for the analysis of parameters prescribed as total recoverable.

Section C - Other Requirements

10. Effluent monitoring for the following pollutants shall be conducted using the most sensitive methods and detection levels commercially available and economically feasible. The following methods are to be used unless the permittee desires to use an EPA Approved Test Method with a listed lower method detection level. Regardless, it is recognized that detection levels can vary from analysis to analysis and that non-detect results at a different MDL for the specified test method would not constitute a permit violation.

Parameter	EPA Method No.	Method Detection Level (ug/l)
Copper, Total Recoverable	200.8	0.5
Lead, Total Recoverable	200.8	0.6
Zinc, Total Recoverable	200.8	1.8

11. The permittee shall be required to test the Outlet No. 001 wastewater treatment plant's influent, in order to calculate the percent (%) removal parameters for five (5) day Biochemical Oxygen Demand (BOD5) and TSS, as prescribed in Section A.001 of this Permit. Influent sampling requirements shall include the following:
- Percent removal shall be defined as a percentage expression of the removal efficiency across the wastewater treatment plant for a given pollutant parameter, as determined from the thirty-day average values of the influent concentrations to the facility and the thirty-day average effluent pollutant concentrations. Only influent and effluent samples taken concurrently as specified above shall be used for reporting.
 - Influent and effluent BOD5 and TSS samples shall be collected at least once per month (1/month) for the wastewater treatment facility.
 - Influent BOD5 and TSS sampling shall be collected using, at a minimum, an eight (8) hour composite sample.
 - Influent BOD5 and TSS sampling shall be performed over the same time period as effluent BOD5 and TSS sampling.
12. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.
13. Any "not detected (ND)" laboratory results from samples collected by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL (<MDL) used. The permittee may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the result as less than the average calculation.

14. Unless otherwise authorized under Section A of this permit, any discharge from any point other than a permitted treatment outfall or permitted combined sewer system outfall is expressly prohibited. In the event there is a prohibited discharge from a sewer conveyance system, the permittee shall follow the reporting requirements contained in Appendix A, Part IV, Section 2.
15. The permittee shall submit an application to incorporate the State statutory requirements relative to their sludge management program, on, or before, 90 days from the initiation of operation of the wastewater treatment plant. Whereupon, the review is concluded, and approval is granted by the Director, the permittee shall have fulfilled the requirements of Appendix A, Part II, Section 5, Removed Substances, with respect to the sludge generated by the wastewater treatment facilities permitted herein. Said approval shall be afforded in accordance with the provisions of Title 33, Series 2, of the West Virginia Legislative Rules, accordingly.

Section C - Other Requirements

16. Any future collection system extensions projected to cause an increase in the wastewater flow shall require the permittee to contact the Director to secure approval of the extension. After consideration of the complexity of the project, and the available treatment capacity of the facility, the Director may require the permittee to seek approval through modification of the permit.
17. This permit authorizes the treatment of domestic sewage only. The treatment of any industrial wastes is expressly prohibited.
18. The effluent discharge limitations prescribed in Section A.001 of this permit, for five (5) day Biochemical Oxygen Demand, Total Kjeldahl Nitrogen, and Dissolved Oxygen, are resultant to a comprehensive Tier 2 antidegradation evaluation inclusive of alternatives analysis and a socio-economic justification.
19. Because the permittee is using ultraviolet light as their disinfection method, no Total Residual Chlorine (TRC) effluent limitations shall currently be imposed. Should the permittee in the future decide to use chlorine as a disinfection method, TRC effluent limitations shall be promulgated and imposed.
20. The permittee shall perform a daily inspection of the ultraviolet disinfection facilities. A written log recording the date of the inspection, the name of the individual performing the inspection, any deficiencies, and any corrective action implemented shall be maintained. The log shall be maintained at the site and available for review by Division personnel.
21. The average daily design flow of the Wastewater Treatment Works has been established at 0.025 million gallons per day. When the average monthly effluent flow reported on Discharge Monitoring Reports reaches, or exceeds, 90 percent of the average design flow, (0.0225 mgd) during three (3) consecutive monthly periods, the permittee shall submit a Plan of Action to the Director. The Plan of Action shall present, at a minimum, an analysis of current hydraulic and organic loadings on the plant, an analysis of the future projected loadings, and a Schedule of Tasks to accomplish procedures necessary to maintain required treatment levels.
22. The WWTP shall be constructed and operational by September 30, 2019. If the WWTP is not constructed and operational by this date, then this permit will be revoked and the nutrient allocations afforded by the TMDL will be terminated along with the permit.

Section D - Nutrient Requirements

1. The Chesapeake Bay Total Maximum Daily Load (TMDL) and the West Virginia Watershed Implementation Plan provide individual total nitrogen and total phosphorous wasteload allocations of 3,044 pounds per year and 304.4 pounds per year, respectively.
2. Permit limitations for total nitrogen and total phosphorous are being implemented on an Annual Total Load basis. The Annual Total Load Limitations shall be attained in accordance with the following:

- a. The Division recognizes there is not an EPA approved method to directly test for Total Nitrogen. The Total Nitrogen value to be reported on the permittee's Discharge Monitoring Reports (DMRs) shall be the sum of the following parameters; Total Kjeldahl Nitrogen, Nitrate, and Nitrite.
 - 1) If all three (3) constituents of total nitrogen are not detected at its method detection limit (MDL), the permittee shall sum the actual MDLs for each constituent and report the result as less than the calculation.
 - 2) When calculating the sum of the constituents for total nitrogen, the permittee shall use actual analytical results when these results are greater than or equal to the MDL for a particular constituent and should use zero (0) for a constituent if one (1) or two (2) of the constituents are less than the MDL.
- b. Effluent monitoring for the following pollutants shall be conducted using the most sensitive methods and detection levels commercially available and economically feasible. The following methods and detection levels are recommended to be used unless the permittee desires to use an EPA Approved Method with a lower detection level:

Parameter	EPA Method No.	Method Detection Limit (mg/l)
Total Kjeldahl Nitrogen	351.2	0.05
Nitrate Nitrogen	300.0	0.002
Nitrite Nitrogen	300.0	0.004
Total Phosphorous	365.4	0.01

Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used (See Section 2.a for nitrogen). The permittee may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

- c. The permittee shall collect eight (8) hour composite samples for total phosphorous and for each constituent of total nitrogen. All sampling shall be collected concurrently and shall be representative of normal operations.
- d. The actual total (not the average) monthly flow shall be used in conjunction with the total nitrogen and total phosphorous concentration results in order to determine the total monthly mass results for DMR reporting purposes.

$$[\text{Total Flow Discharged in Month (Million Gallons per Month)}] * [\text{Average Monthly Nutrient Concentration (mg/l)}] * [8.34] = \text{Monthly Load (lbs/month)}$$

- e. The sum of total monthly mass results for total nitrogen and total phosphorous shall not exceed the following annual mass limitations for any calendar year.

Parameter	Annual Total Load Limit
Total Nitrogen	3,044 lbs/yr
Total Phosphorous	304.4 lbs/yr

- f. As a guideline, the permittee shall measure its monthly performance to determine if operations will achieve the annual total load limits. If the total monthly load exceeds 253.7 pounds per month for nitrogen or 25.4 pounds per month for phosphorous, the permittee shall submit written documentation which explains the elevated monthly totals and the rationale for ensuring that the annual loads will still be achieved in future months. The agency recognizes that this is a resort community and there could be variability in the monthly loadings. Nonetheless, the primary objective shall be the attainment of the total annual loads.

3. Expansion of the wastewater treatment plant beyond the limits in Section D.2.e shall require the permittee to obtain offsets. Said offsets shall be submitted to the Director for approval, and the permit subsequently modified prior to any expansion.

Section D - Nutrient Requirements

3. a. At present, no trading or offset program has been established by the state. Proposals will continue to be evaluated on a case-by-case basis until a trading and/or offset program has been established.
4. The annual monitoring period for total nitrogen and total phosphorous is prescribed as January 1st through December 31st of each year. As such, the permittee shall report the total annual mass load for total nitrogen and total phosphorous based on monthly totals from January 1st through December 31st on its December DMR.
5. The permittee shall submit an annual report on, or before, March 1 each year which summarizes the following information.
 - a. The permittee shall summarize the previous year's nutrient data. This may be accomplished in letter form and shall include all calculations of the year's mass loadings reported. In general, this report shall include a table depicting the monthly loadings discharged for the previous year as well as an assessment of compliance with the nitrogen and phosphorus annual load limitations in Section A.001.
 - b. For the purpose of this condition, a year is defined as January 1st through December 31st.

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0105953; with the plan of maintenance and method of operation thereof submitted with such application(s); and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0105953; and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and the invocation of all the enforcement procedures set forth in Chapter 22, Article 11, or 15 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 and 12 and/or 15 of the Code of West Virginia and is transferable under the terms of Section 11 of Article 11.

Harold D. Ward, Acting Director

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

- a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
- b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.

3. Duty to Mitigate

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

4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

6. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

7. Transfers

This permit is not transferrable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

8. Duty to Provide Information

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

9. 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 Director, it shall promptly submit such facts or information.

10. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
- b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.

11. Permit Modification

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 of the Code of West Virginia.

12. Water Quality

This discharge shall not cause or materially contribute to: distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; distinctly visible color which may impair or interfere with the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

13. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, 308 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) 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 \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- c) 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 noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- d) Nothing in I.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. For domestic waste treatment facilities, waste treatment operators as classified by the WV Bureau of Public Health Laws, W. Va. Code Chapter 16-1, will be required except that in circumstances where the domestic waste treatment facility is receiving any type of industrial waste, the Director may require a more highly skilled operator.

2. 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 the permit.

3. Bypass

- a) Definitions
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
 - (2) "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.
- b) 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 provision of II.3.c) and II.3.d) of this permit.
- c)
 - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
 - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
 - (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless;
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) 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 backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
 - (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "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 preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) 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.
- c) 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:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludges, filter backwash or other pollutants (removed in the course of treatment or control of wastewaters) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

III. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Reporting

- a) Permittee shall submit, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, and/or quantities, the values of the constituents listed in Part A analytically determined to be in the plant effluent(s). DMR submissions shall be made in accordance with the terms contained in Section C of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- a) The date, exact place, and time of sampling or measurement;
- b) The date(s) analyses were performed;
- c) The individual(s) who performed the sampling or measurement;
- d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- e) The analytical techniques or methods used, and
- f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original 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 the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified 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.
- b) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.
- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24 hour day, or during the operating day if flows are of shorter duration.
- i) The "monthly average fecal coliform" bacteria is the geometric average of all samples collected during the month.
- j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.

IV. OTHER REPORTING

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11. Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (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 recurrence of the noncompliance.
- b) The following shall also be reported immediately:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit shall be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

3. Reporting Requirements

- a) **Planned changes.** The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) 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 IV.2 of this section.
- b) **Anticipated noncompliance.** The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, or any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) One hundred micrograms per liter (100 ug/l);
 - (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series 10, Title 47.
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47;
 - (2) That any activity has occurred or will occur which would result in any discharge (on a non-routine or infrequent basis) of a toxic which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) Five hundred micrograms per liter (500 ug/l);
 - (B) One milligram per liter (1 mg/l) for antimony;
 - (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47.
 - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.
 - (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a). Should other applicable noncompliance reporting be required, these terms and conditions will be found in Section C of this permit.

FACILITY NAME: (Coal) WWTWP BERKELEY SPRINGS DEVELOPMENT, LLC CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: BERKELEY SPRINGS, Morgan County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0105953 001
 WASTELOAD FOR THE MONTH OF: _____

INDIVIDUAL PERFORMING ANALYSIS:

Parameter	Quantity	Other Units			Measurement Frequency	Sample Type
		Rpt Only Minimum	Rpt Only Avg. Monthly	Rpt Only Max. Daily		
50050 (ML-1) RF-A Flow in Conduit or thru plant Year Round	Reported					
	Permit Limits	N/A	Mill. Galls/Mon			measured
00310 (ML-B) RF-A BOD, 5-Day 20 Deg C Year Round	Reported	1.04 Avg. Monthly	2.09 Max. Daily			
	Permit Limits	N/A	Lbs/Day	10 Max. Daily	1/month	Grab
00530 (ML-A) RF-A Total Suspended Solids Year Round	Reported	6.26 Avg. Monthly	12.51 Max. Daily			
	Permit Limits	N/A	Lbs/Day	60 Max. Daily	1/month	Grab
74055 (ML-A) RF-A Coliform, Fecal Year Round	Reported	N/A				
	Permit Limits	N/A		400 Max. Daily	1/month	Grab
00400 (ML-A) RF-A pH Year Round	Reported	N/A				
	Permit Limits	N/A		9 Inst. Max.	1/month	Grab
00300 (ML-A) RF-A Dissolved Oxygen Year Round	Reported	N/A				
	Permit Limits	N/A		N/A	1/month	Grab

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer		Date Completed	
Title of Officer		Signature of Principal Executive Officer or Authorized Agent	

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 a fine and imprisonment for knowing violations.

STATE OF WEST VIRGINIA
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 DISCHARGE MONITORING REPORT

FACILITY NAME: Coolfont WWTP BERKELEY SPRINGS DEVELOPMENT, LLC CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: BERKELEY SPRINGS, Morgan County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0105953 001
 WASTELOAD FOR THE MONTH OF: _____

INDIVIDUAL PERFORMING ANALYSIS:

Parameter	Reported	Quantity			Other Units			CEL *	Units	N.E.	Measurement Frequency	Sample Type
00610 (ML-A) RF-A Ammonia Nitrogen Year Round	Reported											
	Permit Limits	0.63 Avg. Monthly	1.25 Max. Daily	Lbs/Day	N/A	3 Avg. Monthly	6 Max. Daily	N/A	mg/l		1/month	Grab
00600 (ML-A) RF-D Nitrogen, Total (as N) Year Round	Reported											
	Permit Limits	N/A	3044 Annual Total	Lbs/Year	N/A	N/A	N/A	N/A			1/year	Grab
00665 (ML-A) RF-A Phosphorus, Total Year Round	Reported											
	Permit Limits	Rpt Only Monthly Total	N/A	Lbs/Month	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l		1/month	Grab
00665 (ML-A) RF-D Phosphorus, Total Year Round	Reported											
	Permit Limits	N/A	304.4 Annual Total	Lbs/Year	N/A	N/A	N/A	N/A			1/year	Grab

* CEL = Compliance Evaluation Level

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 a fine and imprisonment for knowing violations.		Date Completed
Name of Principal Executive Officer		Signature of Principal Executive Officer or Authorized Agent
Title of Officer		

**EMERGENCY RESPONSE SPILL ALERT SYSTEM
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

REQUIREMENTS:

Title 47, Series 11, Section 2 of the West Virginia Legislative Rules, Environmental Protection, Water Resources - Waste Management, Effective July 1, 1994.

RESPONSIBILITY FOR REPORTING:

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Division of Water and Waste Management's Emergency Notification Number, 1-800-642-3074. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Division of Water and Waste Management. This also applies to spills to the waters of the State resulting from accidents to common carriers by highway, rail and water.

It shall be the responsibility of each industrial establishment or other entity discharging directly to a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amounts as to constitute a hazard in case of an accidental spill or discharge into a public stream:

- (1) Potential toxicity in water to man, animals and aquatic life;
- (2) Details on analytical procedures for the quantitative estimation of such substances in water and
- (3) Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia may be punishable under Section 24, Article 11, Chapter 22, and/or Section 22, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean-up, remove and otherwise render such spill or discharge harmless to the waters of the State.

When the Director determines it necessary for the effective containment and abatement of spills and accidental discharges, the Director may require the person or persons responsible for such spill or discharge to monitor affected waters in a manner prescribed by the Director until the possibility of any adverse effect on the waters of the State no longer exists.

VOLUNTARY REPORTING BY LAW OFFICERS, U. S. COAST GUARD, LOCK MASTERS AND OTHERS:

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U. S. Coast Guard, Lock Masters and other interested person(s) should make the report.

WHO TO CONTACT:

Notify the following number: **1-800-642-3074**

INFORMATION NEEDED:

- | | |
|--|---------------------------------------|
| - Source of spill or discharge | - Personnel at the scene |
| - Location of incident | - Actions initiated |
| - Time of incident | - Shipper/Manufacturer identification |
| - Material spilled or discharged | - Railcar/Truck identification number |
| - Amount spilled or discharged | - Container type |
| - Toxicity of material spilled or discharged | |

NOTICE TO PERMITTEES

The 1999 regular session of the West Virginia legislature revised the Water Pollution Control Act, Chapter 22, Article 11, Section 10 of the Code of West Virginia relating to fees associated with permits. This section of the Code requires all holders of a State water pollution control permit or a national pollutant discharge elimination system permit to be assessed an annual permit fee, based upon rules promulgated by the Secretary of the Department of Environmental Protection. The Secretary has promulgated a final rule in accordance with the code revision to this effect and these rules were effective May 4, 2000. The rules establish an annual permit fee based upon the relative potential to degrade the waters of the State which, in most instances, relate to volume of discharge. However, for sewage facilities, the annual permit fee is based upon the number of customers served by the facility. You may contact the Secretary of State's Office, State Capitol Building, Charleston, WV 25305, to obtain a copy of the rules. The reference is Title 47, Legislative Rules, Department of Environmental Protection, Division of Water Resources, Series 26 Water Pollution Control Permit Fee Schedules.

Based upon the volume of discharge for which your facility is currently permitted, the number of customers served by your facility or for the category you fall within, pursuant to Section 7 of Title 47, Series 26, your annual permit fee is **\$250.00**. This fee is due no later than the anniversary date of permit issuance in each year of the term of the permit or in the case of coverage under a general permit, the fee is due no later than the anniversary date of your coverage under the general permit. **You will be invoiced by this agency at the appropriate time for the fee.** Failure to submit the annual fee within ninety(90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect.