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November 2, 2016

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Oregon Clean Energy, LLC
Case No. 12-2959-EL-BGN**

Dear Ms. McNeal:

The May 1, 2013 Opinion, Order, and Certificate approving Oregon Clean Energy, LLC's ("OCE") Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility ("Certificate") and the March 15, 2013 Second Supplement to Application established a set of conditions and supplemental commitments as part of the Certificate.

Specifically, in part, **Commitment No. 20**, which is included in the Second Supplement filed on March 15, 2013, requires that:

The Applicant will provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant.

Attached for filing is a copy of the City of Oregon Wastewater Discharge Permit issued October 28, 2016.

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

Attachment

Cc: Grant Zeto (w/Attachment)
Chris Cunningham (w/Attachment)



CITY OF OREGON OHIO

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CITY OF OPPORTUNITY

MICHAEL J. SEFERIAN, MAYOR
Phone: 419/698-7045
Fax: 419/691-0241

MICHAEL J. BEAZLEY
City Administrator
Phone: 419/698-7095
Fax: 419/690-7305

PAUL ROMAN, P.E.
Director of Public Service
Phone: 419/698-7047
Fax: 419/691-0241

October 28, 2016

Peter Rigney
Project Director
Oregon Clean Energy Center
816 North Lallendorf Road
Oregon, Ohio 43616

RE: Issuance of Wastewater Discharge Permit to Oregon Clean Energy Center by the City of Oregon.
Permit No. 03-2016.

Dear Mr. Rigney:

Your application for an industrial user discharge permit has been reviewed and processed in accordance with Section 927.10 of the City of Oregon Municipal Code.

The enclosed permit 03-2016 covers the wastewater discharged from the facility located at 816 North Lallendorf Road, Oregon, Ohio into the City of Oregon sanitary sewer system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

If you wish to appeal or challenge any conditions imposed in this permit, a petition shall be filed for modification or reissuance of this permit in accordance with the requirements of Section 927.23 of the City of Oregon Municipal Code, within 30 days of your receipt of this correspondence. Failure to petition for reconsideration of the permit within the allotted time is deemed a waiver by the permittee of his right to challenge the terms of this permit.

Paul Roman, P.E.
Director of Public Service

Issued this 28th day of October, 2016

cc: Mayor Seferian
D. Nelson
B. Martin
S. Beckford
T. Smith





CITY OF OREGON OHIO

Wastewater Discharge Permit No. 03-2016

Expires: December 31, 2017

In accordance with the provisions of Chapter 927.10 of the City of Oregon Municipal Code:

Oregon Clean Energy Center
816 North Lallendorf Road
Oregon, Ohio 43616

Is hereby authorized to discharge industrial wastewater from the above-identified facility and through outfalls identified herein into the City of Oregon sanitary sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under Federal, State, or local laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of Chapter 927 of the City of Oregon Municipal Code.

This permit shall become effective on November 1, 2016 and expire at midnight on December 31, 2017.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements of Section 927.32 of the City of Oregon Municipal Code, a minimum of 30 days prior to the expiration date.

Paul Roman, P.E.
Director of Public Service



CITY OF OREGON OHIO

Wastewater Discharge Permit No. 03-2016

Expires: December 31, 2017

Page 1 of 19

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Paul Roman, P.E.
Director of Public Service

PART 1 - EFFLUENT LIMITATIONS

A. During the period of November 1, 2016 to December 31, 2017 the permittee is authorized to discharge process wastewater to the City of Oregon sanitary sewer system from the outfall(s) listed below. Monitoring locations shall not be changed without notification to and the approval of the City of Oregon.

Description of outfall(s):

Outfall	Descriptions
001	A single combined sanitary and industrial outfall is connected to the sewer system is located on the east side of North Lallendorf Road, northeast of the York Street intersection. The exact location is North 617.80, East 662.38. Sampling of the industry takes place at this manhole.

B. During the period of November 1, 2016 to December 31, 2017, the discharge from Outfall 001 shall not exceed the following effluent limitations. Effluent from this outfall consists sanitary and industrial wastes.

Parameter	Daily maximum mg/l	Monthly average mg/l	Sample Type
Arsenic – total ¹	-----	14.2	24-hr composite
Cadmium – total ¹	1.24	1.24	24-hr composite
Chromium – hexavalent ¹	5.21	3.32	Grab
Copper – total ¹	25.4	-----	24-hr composite
Cyanide – total ¹	-----	13.1	Grab
Lead – total ¹	13.9	10.2	24-hr composite
Mercury – total ¹	0.0050	0.0007	24-hr composite
Nickel – total ¹	11.8	6.08	24-hr composite
Oil & Grease ¹ - vegetable or mineral	100	-----	Grab
pH - maximum	11.0 S.U.	-----	Grab
pH - minimum	6.0 S.U.	-----	Grab
Silver – total ¹	-----	2.76	24-hr composite
Temperature - maximum	150 °F	-----	Grab
Zinc – total ¹	32.0	18.8	24-hr composite

¹Subject to monitoring as described in Part 4A.

- C. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in Chapter 925 - Sewer Regulations and Chapter 927 - Pretreatment of the City of Oregon Municipal Code, and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

PART 2 - MINIMUM MONITORING REQUIREMENTS

- A. From the period beginning on the effective date of the permit until December 31, 2017, the permittee shall monitor Outfall 001 for the following parameters, at the indicated frequency:

Sample Parameter (units)	Measurement Location	Frequency	Sample Type
Flow Rate – Gal/Day Block Total	Outfall 001	Continuous ²	24 Hour
Water Temperature – °F	Outfall 001	1/Weekday	Maximum Indicating Thermometer
Total Suspended Solids -mg/l	Outfall 001	1/week	Grab
Nitrogen, Ammonia -mg/l	Outfall 001	1/week	Grab
Phosphorous, Total - mg/l	Outfall 001	1/week	Grab
pH – S.U.	Outfall 001	1/week	Grab
Residue, Total Filterable – mg/l (Total Dissolved Solids)	Outfall 001	1/week	Grab
Specific Conductance - µmhos/cm	Outfall 001	1/week	Grab
BOD 5 day -mg/l	Outfall 001	1/week	Grab

- B. All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

²The permittee may use pump curves and operating time to calculate and report flow when flow transmitter and totalizer data are unavailable.

PART 3 - REPORTING REQUIREMENTS

A. Monitoring Reports

Monitoring results obtained shall be summarized and reported monthly. On or prior to the 15th day of each calendar month, the Permittee shall submit one copy of a report for the preceding calendar month. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the month preceding the submission of each report including measured daily flows.

- B. If the permittee self-monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in a report submitted to the City of Oregon.

C. Automatic Resampling

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

1. Inform the City of Oregon of the violation within 24 hours; and
2. Repeat the sampling and pollutant analysis within 30 days of the first violation, except the permittee is not required to resample if:
 - a. The City performs sampling at the permittee at a frequency of at least once per month, or
 - b. The City performs sampling at the permittee between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling.

D. Accidental Discharge Report

1. The permittee shall notify the City of Oregon immediately upon the occurrence of an accidental discharge of substances prohibited by Section 927.04 of the City of Oregon Municipal Code or any slug loads or spill that might enter the public sewer. During normal business hours the City of Oregon Wastewater Plant should be notified by telephone at 698-7042. At other times, the City of Oregon should be notified by telephone at either 698-7042 or by telephoning the police dispatcher at 698-7064 after 5 p.m. Monday - Friday or weekends and holidays. The notification shall include the location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.

Within five days following an accidental discharge, the permittee shall submit to the City of Oregon a detailed written report. The report shall specify:

- a. Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such upset, slug load, accidental discharge, or other conditions of noncompliance.

- E. All reports required by this permit shall be submitted to the City of Oregon Wastewater Treatment Plant at the following address:

City of Oregon Wastewater Treatment
Attn: Industrial Pretreatment
4657 Dupont Road
Oregon, OH 43616

The permittee may submit the reports electronically using email. The reports shall be sent to a list of email recipients designated by the City of Oregon.

PART 4 - SPECIAL CONDITIONS

SECTION A. MONITORING PERFORMED BY THE CITY

1. *Scheduled Monitoring*

Two scheduled monitoring events will be performed annually. Scheduled monitoring will be performed with the prior knowledge and consent of the permittee. On-site inspections of pretreatment facilities and plant processes will be performed as part of the scheduled monitoring activities. Parameters to be analyzed are: antimony, arsenic, beryllium, cadmium, total chromium, copper, lead, USEPA 1631 mercury, molybdenum, nickel, oil & grease, total phenolics, total petroleum hydrocarbons, selenium, silver, thallium, and zinc. Measurement location and sample types will be the same as listed in Part 1B.

2. *Unscheduled Monitoring*

Two unscheduled monitoring events will be performed annually. Unscheduled monitoring will be undertaken without notification to the permittee. Parameters to be analyzed are: antimony, arsenic, beryllium, cadmium, chromium, copper, cyanide, lead, USEPA 1631 mercury, molybdenum, nickel, oil & grease, total phenolics, total petroleum hydrocarbons, selenium, silver, thallium, USEPA 624 & 625 priority pollutant organics, and zinc. Measurement location and sample types will be the same as listed in Part 1B.

SECTION B. PRETREATMENT STANDARDS FOR NEW SOURCES, 40 CFR Part 423

1. *Cooling Tower Blowdown*

Within 90 days of commencement of Cooling Tower Blowdown discharge, the permittee must perform and submit to the City of Oregon a Priority Pollutant Scan (PPS) on the discharge from the Cooling Tower Blowdown or submit engineering calculations which demonstrate that the regulated pollutants are not detectable in the discharge from the Cooling Tower Blowdown by the analytical methods in 40 CFR Part 136. The Cooling Tower Blowdown sample must be taken prior to any commingling with other discharge streams. After the initial sample, the permittee shall provide a certification statement that no priority pollutant chemicals have been introduced to the cooling tower blowdown discharge during each subsequent reporting period. The pollutants discharged in the cooling tower blowdown shall not exceed the concentration listed in the following table at any time:

Pollutant or pollutant property	PSNS
	Maximum for any time (mg/L)
The 126 priority pollutants (appendix A) contained in chemicals added for cooling tower maintenance, except	No detectable amount
Chromium, total	0.2
Zinc, total	1.0

2. *Cooling Tower Maintenance Chemicals*

The ongoing monitoring requirement for chromium and zinc at the Cooling Tower Blowdown discharge may be waived for the duration of this permit term based on 40 CFR 122.44(a)(2). This waiver is only valid for the term of this permit. The permittee must request this monitoring waiver when applying for a reissued permit. The monitoring waiver request must be accompanied by a signed certification that the facility does not use cooling tower maintenance chemicals that contain chromium or zinc. The signed certification shall include the statements specified in 40 CFR Part 122.22(d).

3. *Special Wastes*

There shall be no discharge of polychlorinated biphenyl compounds such as those used for transformer fluid. Chemical metal cleaning waste discharges are not authorized under this permit.

PART 5 - STANDARD CONDITIONS

SECTION A. GENERAL CONDITIONS AND DEFINITIONS

1. *Severability*

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

2. *Duty to Comply*

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

3. *Duty to Mitigate*

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. *Permit Modification*

This permit may be modified for good causes including, but not limited to, the following:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements
- b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit
- c. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge
- d. Information indicating that the permitted discharge poses a threat to the City's collection and treatment systems, POTW personnel or the receiving waters
- e. Violation of any terms or conditions of the permit
- f. Misrepresentation or failure to disclose fully all-relevant facts in the permit application or in any required reporting

- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13; or
- h. To correct typographical or other errors in the permit
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

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

5. *Permit Termination*

This permit may be terminated for the following reasons:

- a. Falsifying self-monitoring reports
- b. Tampering with monitoring equipment
- c. Refusing to allow timely access to the facility premises and records
- d. Failure to meet effluent limitations
- e. Failure to pay fines
- f. Failure to pay sewer charges
- g. Failure to meet compliance schedules

6. *Permit Appeals*

The permittee may petition to appeal the terms of this permit within thirty (30) days of the notice. This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The effectiveness of this permit shall not be stayed pending reconsideration by the Director. If, after reconsidering the petition and any arguments put forth, by the wastewater and pretreatment staff, the Director determines that reconsideration is proper, it shall remand the permit back to the Commissioner of Water & Wastewater for reissuance. Those permit provisions being reconsidered by the Director shall be stayed pending reissuance.

The Director's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

7. *Property Rights*

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

8. *Limitation on Permit Transfer*

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director of Public Service:

- a. The permittee must give at least thirty (30) days advance notice to the Director
- b. The notice must include a written certification by the new owner which:
 - 1) States that the new owner has no immediate intent to change the facility's operations and processes
 - 2) Identifies the specific date on which transfer is to occur
 - 3) Acknowledges full responsibility for complying with the existing permit.

9. *Continuation of Expired Permits*

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The permittee has submitted a complete permit renewal application at least 30 days prior to the expiration date of the user's existing permit.
- b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

10. *Dilution*

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

11. *Definitions*

- a. *Daily Maximum* - The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- b. *Composite Sample* - A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composed either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of flow; or a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increase while maintaining a constant time interval between the aliquots.
- c. *Grab Sample* - An individual sample collected in less than 15 minutes, without regard for flow or time.
- d. *Instantaneous Maximum Concentration* - The maximum concentration allowed in any single grab sample.
- e. *Cooling Water* -
 - 1) Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.
 - 2) Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- f. *Monthly Average* - The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30-day period (as opposed to a rolling 30 day window).
- g. *Weekly Average* - The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.
- h. *Bi-Weekly* - Once every other week.
- i. *Bi-Monthly* - Once every other month.

- j. *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, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- k. *Bypass* - Means the intentional diversion of wastes from any portion of a treatment facility.
- i. *Weekday* – Means Monday, Tuesday, Wednesday, Thursday and Friday.

12. *General Pretreatment Standards*

The permittee shall comply with all the general prohibitive discharge standards in Section 927.04 of the Oregon Municipal Code. Namely, the industrial user shall not discharge wastewater to the sewer system:

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW;
- b. Containing any solid or viscous substances, which will or may cause obstruction to the flow in a sewer or other interference with the operation of the POTW;
- c. Any wastewater having a pH less than 6.0 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system;
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Chapter 927 of the City of Oregon Municipal Code. A toxic pollutant shall include but not be limited to any pollutant identified in the Priority Pollutant List set forth in Chapter 927 Appendix A of the City of Oregon Municipal Code;
- e. Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair;
- f. Any substance, which may cause the POTW's effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act or State standards applicable to the sludge management method being used;

- g. Any substances, which will cause the POTW to violate its NPDES and/or other Disposal System Permits;
- h. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- i. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW wastewater treatment plant which exceeds 40°C (104°F);
- j. Any slugload, which shall mean any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference or pass-through at the POTW;
- k. Any unpolluted water including, but not limited to, non-contact cooling water, except such water as may be discharged to a sewer which is designated to carry storm water;
- l. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentrations as exceed limits in compliance with applicable State or Federal regulations;
- m. Any wastewater, which causes a hazard to human life or creates a public nuisance.
- n. Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
- o. Any trucked or hauled pollutants except at discharge points designated by the Director.
- p. Discharge of hazardous wastes (as defined in Section 1004 of the Resource Conservation and Recovery Act) into a pipeline connected to the public sewer, which is dedicated to only the discharge of hazardous wastes, is prohibited. The discharge of hazardous wastes to the headworks of the wastewater treatment plant by truck and rail is also prohibited.

13. *Compliance with Applicable Pretreatment Standards and Requirements*

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

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 includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. *Duty to Halt or Reduce Activity*

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. *Bypass of Treatment Facilities*

- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage and no feasible alternatives exist.
- b. The permittee may allow bypass to occur which does not cause effluent limitations to be affected, but only if it is also for essential maintenance to assure efficient operation.
- c. Notification of bypass:
 - 1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the City of Oregon Wastewater Treatment Plant.
 - 2) Unanticipated bypass. The permittee shall immediately notify the City of Oregon Wastewater Treatment Plant and submit a written notice to the POTW within 5 days. This report shall specify:
 - (i) A description of the bypass, and its cause, including its duration;
 - (ii) Whether the bypass has been corrected; and
 - (iii) The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

4. *Removed Substances*

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act

SECTION C. MONITORING AND RECORDS

1. *Representative Sampling*

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected and maintained to ensure their accuracy. Monitoring points shall not be changed without notification and the approval of the City of Oregon.

2. *Flow Measurements*

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3. *Inspections and Entry*

The permittee shall allow the City of Oregon, 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 where a regulated facility or activity is located or conducted, 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;
- d) Sample or monitor, for the purposes of assuring permit compliance, any substances or parameter at any location; and

- e) Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

4. *Retention of Records*

- a) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application.

This period may be extended by the request of the City of Oregon at any time.

- b) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Oregon shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

5. *Record Contents*

Records of sampling and analysis shall include:

- a) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b) Who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) Who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

6. *Falsifying Information*

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

SECTION D. ADDITIONAL REPORTING REQUIREMENTS

1. *Planned Changes*

The permittee shall give notice to the City of Oregon 90 days prior to any facility expansion, production increase, or process modifications, which results in new or substantially increased discharges or a change in the nature of the discharge.

2. *Anticipated Noncompliance*

The permittee shall give advance notice to the City of Oregon of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

3. *Duty to Provide Information*

The permittee shall furnish to the City of Oregon, within thirty (30) days any information which the City of Oregon may request to determine whether cause exist for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also upon request, furnish to the City of Oregon within 10 days copies of any records required to be kept by this permit.

4. *Signatory Requirements*

All applications, reports, or information submitted to the City of Oregon must contain the following certification statement and be signed as required in Sections (a), (b), (c) or (d) below:

"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."

- a) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - 1) 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;

- 2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b) By the general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
- c) The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
- d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c);
 - 1) The authorization is made in writing by the individual described in paragraph (a), (b), or (c);
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - 3) The written authorization is submitted to the City.
- e) If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, anew authorization satisfying the requirements of paragraph (d) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

5. *Annual Publication*

A list of all industrial users which were in significant violation of applicable Pretreatment Standards or Pretreatment Requirements during the twelve (12) previous months shall be annually published in the largest daily newspaper within its service area. According, the permittee is apprised that noncompliance with this permit may result in publication of its name in an appropriate newspaper in accordance with this section.

6. *Civil and Criminal Liability*

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Section 927.21 of the City of Oregon Municipal Code or State or Federal laws or regulations.

7. *Penalties for Violations of Permit Conditions*

Section 927.99 of the City of Oregon Municipal Code provides that any person who violates a permit condition is subject to an administrative penalty of not more than \$1,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of at least \$1,000 per day of violation. The permittee may also be subject to sanctions under State and/or Federal law.

8. *Recovery of Cost Incurred*

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or Chapter 927 of the City of Oregon Municipal Code or causing damage to or otherwise inhibiting the City of Oregon wastewater disposal system shall be liable to the City of Oregon for any expense, loss, or damage caused by such violation or discharge. The City of Oregon shall bill the permittee for the costs incurred by the City of Oregon for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of Section 927.25 of the City of Oregon Municipal Code.

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Case No(s). 12-2959-EL-BGN

Summary: Correspondence of Oregon Clean Energy, LLC in Compliance with Commitment No. 20 - Wastewater Discharge Permit electronically filed by Teresa Orahod on behalf of Sally W. Bloomfield