

Permit



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

**PAG-05**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT FOR DISCHARGES FROM  
PETROLEUM PRODUCT CONTAMINATED  
GROUNDWATER REMEDIATION SYSTEMS**

**NPDES PERMIT NO: \_\_\_\_\_**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

is authorized to discharge from a Petroleum Product Contaminated Groundwater Remediation System (PPCGRS) facility located at:

to receiving water(s) named:

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts A, B, and C herein.

Discharge monitoring reports (DMRs) must be submitted to DEP and kept on site as specified in this General Permit.

**APPROVAL FOR COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT SHALL COMMENCE \_\_\_\_\_, AND SHALL EXPIRE AT MIDNIGHT DECEMBER 12, 2012, UNLESS EXTENDED IN WRITING BY DEP.**

**The aforementioned approval is authorized by:**

\_\_\_\_\_

**Regional Office**

**Department of Environmental Protection**



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In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) hereby authorizes eligible dischargers of treated water from petroleum product contaminated groundwater remediation systems (PPCGRS), who are required under the federal treated water regulations (40 CFR Part 122), to submit an application and obtain an NPDES permit to discharge treated water into waters of the Commonwealth of Pennsylvania. The authorization under this General Permit shall only be valid for eligible discharges for which an administratively complete and acceptable Notice of Intent (NOI) has been submitted to, and approved by, DEP.

The authorization is subject to the effluent limitations, terms, conditions, criteria and, if applicable, special requirements contained herein. All discharge monitoring and reporting requirements of the discharge monitoring report (DMR) and other special requirements specified under this General Permit shall govern.

No new discharge may be commenced under this General Permit until the applicant demonstrates compliance with all of the following:

1. The applicant has submitted a complete Notice of Intent (NOI) in accordance with the requirements of this General Permit, using a NOI form provided by DEP (or a photocopy thereof).
2. The applicant has, or will install, treatment facilities, which will produce an effluent meeting the discharge requirements contained in Part A of this General Permit.
3. The applicant has received a signed copy of this General Permit authorizing coverage under this General Permit.

Existing PPCGRS dischargers covered under an individual NPDES permit may seek coverage under this General Permit by submitting an administratively complete and acceptable NOI and documentation that the treatment system meets the requirements of Item 2. above to DEP. If the NOI is acceptable and meets the requirements set forth in this General Permit, DEP will revoke the individual permit and notify the discharger that the discharge is covered under this General Permit.

DEP may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

**NOTICE OF INTENT REQUIREMENTS**

**Deadlines for NOI and Associated Document Submittal**

Persons seeking coverage under this PPCGRS General Permit must submit an administratively complete and acceptable NOI, along with the other documentation specified above, 60 days prior to commencing any discharge. Persons authorized to discharge from a PPCGRS pursuant to an individual NPDES permit who are seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while their NOI and associated documents are being reviewed by DEP.

### **Contents of Notice of Intent**

The Notice of Intent shall be signed in accordance with the signatory requirements of this General Permit and shall include the information required in the NOI form.

### **Where to Submit**

Each NOI is to be submitted to the appropriate regional office of DEP.

### **Discharges Not Authorized by the PPCGRS General Permit**

Discharges from a PPCGRS are NOT covered by this General Permit when one or more of the following conditions exist:

1. The discharges contain toxic or hazardous pollutants, or any other substance which - because of its quantity, concentration, or physical, chemical, or infectious characteristics - may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters;
2. The discharges individually or cumulatively have the potential to cause significant adverse environmental impact;
3. The discharges are to waters classified as "High Quality" or "Exceptional Value" waters under Chapter 93 of DEP's Rules and Regulations;
4. The discharges are not, or will not be in compliance with any of the terms or conditions of this General Permit;
5. The applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance, or order issued by DEP;
6. The discharges do not, or will not, result in compliance with applicable effluent limitations or water quality standards;
7. The discharges are from contaminated groundwater remediation activities, which DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law, or rules and regulations promulgated thereto, or where a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
8. The discharges are associated with an activity that would adversely affect a listed endangered or threatened species or its habitat;
9. The discharges are from any source other than treated PPCGRS, including stormwater, domestic sewage, industrial waste or other commercial or manufacturing wastes;
10. The discharges would interfere with a downstream riparian landowner's reasonable use of surface waters, or property rights, or otherwise cause a private or public nuisance;
11. The discharges are from a facility that does not meet the definition of "PPCGRS" as defined in Part B 4. herein;
12. The discharges are associated with an activity that is subject to an existing NPDES individual or General Permit, except as allowed herein; or are from a facility where a General Permit has been terminated or denied; and

13. The discharges contain pollutants with concentrations exceeding those listed in Part(s) A 1. and/or A 2. of this General Permit.

The authority granted by this General Permit is subject to the following conditions:

1. DEP may require any person with a discharge authorized by this General Permit to apply for and obtain an individual NPDES permit. Any interested person may petition DEP to take action under this paragraph. DEP may require any discharger authorized to discharge under this General Permit to apply for an individual NPDES permit, but only if the owner or operator has been notified in writing that a permit application is required. This notice shall include the following:
  - a. a brief statement of the reasons for this decision;
  - b. an application form;
  - c. a statement setting a deadline for the person to file the application; and
  - d. a statement that on the effective date of the individual NPDES permit, coverage under this General Permit shall automatically terminate.

The applicant shall submit the individual permit application within 90 days of receipt of the notice. DEP may grant additional time to submit the application for an individual permit upon written request from the applicant. If the person fails to submit a permit application within the time allowed, coverage under this General Permit is automatically terminated at the end of the day specified for individual permit application submittal.

2. Any applicant authorized to discharge under this General Permit may request to be excluded from coverage by applying for an individual permit. That applicant shall submit an approved Pennsylvania individual NPDES application form, with reasons supporting the request, to DEP. The request shall be granted by issuance of an individual permit if the reasons cited by the person are adequate to support the request.
3. When an individual NPDES permit is issued to an applicant otherwise authorized to discharge under this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. When an individual NPDES permit is denied to an applicant otherwise authorized to discharge under this General Permit, the applicant can continue discharging if all eligibility requirements under this General Permit are met. If the applicant does not meet the eligibility requirements of this General Permit, or is otherwise prohibited from this General Permit coverage, coverage under this General Permit is automatically terminated on the date of such denial, unless otherwise specified by DEP.
4. Renewal of Coverage Under This General Permit -- Except as provided in Paragraph a. below, coverage under this General Permit will be renewed once DEP receives a PAG-05 "NPDES General Permit Renewal" postcard indicating the permittee's desire to continue coverage when this General Permit is re-issued.
  - a. Coverage under this General Permit is renewed upon its re-issuance unless any of the following conditions occur:
    - (1) This General Permit is not re-issued by DEP upon its expiration;
    - (2) This General Permit has been significantly amended or modified during its term or when it is re-issued;
    - (3) There has been a change in any of the information provided by the permittee in the original NOI;

- (4) This General Permit has been terminated or revoked;
  - (5) The permittee has not been in compliance with the terms and conditions of the expiring permit and will not be in compliance with the terms and conditions of the re-issued permit;
  - (6) The permittee has applied for or received an individual permit for the discharge otherwise authorized by this General Permit; or
  - (7) The activity covered by this General Permit has been completed or terminated.
5. This General Permit expires at midnight on December 12, 2012. DEP will publish a notice in the *Pennsylvania Bulletin* of a draft, reissued General Permit prior to the expiration date of this General Permit. After a comment period, notice of the final reissued General Permit will be published in the *Pennsylvania Bulletin*.
6. Coverage under this General Permit shall be revoked if monitoring data indicates that toxic pollutant(s) are, or are expected to be, discharged in toxic amounts at the permitted facility. If there is evidence indicating potential or real adverse impacts on water quality due to the discharge from a PPCGRS, the permittee may be required to obtain an individual NPDES permit.
7. No condition of this General Permit shall release the permittee from any responsibility or requirement under any other federal or Pennsylvania environmental statute or regulation or any local ordinances.

**General Permit  
(PAG-05) Issued**

**By**

\_\_\_\_\_  
**Director  
Bureau of Water Standards and Facility Regulation**

**Issue Date** December 12, 2007

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**PART A**

**EFFLUENT LIMITATIONS, SELF-MONITORING AND REPORTING REQUIREMENTS**

**1. Effluent Limitations – Gasoline**

Based on the wastewater characteristics and flow data described in the NOI, the following effluent limitations and monitoring requirements apply:

**a. General Requirements** (All values expressed in mg/l, unless otherwise noted.)

Discharge Parameter	Average Monthly	Instantaneous Maximum	Sample Type	Monitoring Frequency
Flow	Monitor/Report		Measured Flow	2/month
Benzene	0.001	0.0025	Grab	2/month
Total BTEX	0.1	0.25	Grab	2/month
Toluene	Monitor/Report	Monitor/Report	Grab	2/month
Ethylbenzene	Monitor/Report	Monitor/Report	Grab	2/month
Xylenes, Total	Monitor/Report	Monitor/Report	Grab	2/month
MTBE	Monitor/Report	Monitor/Report	Grab	2/month
pH (Standard Units)	Between 6.0 – 9.0		Grab	2/month
Oil & Grease	15.0	30.0	Grab	once every six months
Iron, Dissolved		7.0	Grab	1/year
Total Suspended Solids	30.0	75.0	Grab	1/year

**b. Other Conditions for All Discharges**

- (1) Samples shall be taken at least 10 days apart for a minimum of two sampling events.
- (2) There shall be no discharge of floating solids or visible foam in other than trace amounts.
- (3) Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge pipe after treatment.
- (4) BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and xylenes. Benzene shall be measured by an EPA-approved method with a sensitivity of 0.001 mg/L or lower. Ethylbenzene, toluene, and xylenes shall be measured by an EPA-approved method. Measurement for xylenes shall include ortho-, meta-, and para-xylene.
- (5) For all discharges authorized under this General Permit, a water quality-based effluent limitation may be required under applicable state and federal law, upon notice from DEP, when necessary to ensure that the water quality standards of the receiving water are attained. Discharges under this General Permit shall not result in a violation of the water quality criteria prescribed in 25 Pa. Code Chapters 16 and 93 for the various designated and existing uses of the receiving waters.

**2. Effluent Limitations – Petroleum Products Other Than Gasoline**

Based on the wastewater characteristics and flow data described in the NOI, the following effluent limitations and monitoring requirements apply:

**a. General Requirements** (All values expressed in mg/l, unless otherwise noted.)

Discharge Parameter	Average Monthly	Instantaneous Maximum	Sample Type	Monitoring Frequency
Flow	Monitor/Report		Measured Flow	2/month
Benzene	0.001	0.0025	Grab	2/month
Naphthalene	0.01	0.025	Grab	2/month
Fluorene	1.0	2.5	Grab	2/month
Toluene	Monitor/Report	Monitor/Report	Grab	2/month
Ethylbenzene	Monitor/Report	Monitor/Report	Grab	2/month
Pyrene	Monitor/Report	Monitor/Report	Grabe	2/month
Cumene	Monitor/Report	Monitor/Report	Grab	2/month
Phenanthrene	Monitor/Report	Monitor/Report	Grab	2/month
Chrysene	Monitor/Report	Monitor/Report	Grab	2/month
pH (Standard Units)	Between 6.0 – 9.0		Grab	2/month
Oil & Grease	15.0	30.0	Grab	once every six months
Iron, Dissolved		7.0	Grab	1/year
Total Suspended Solids	30.0	75.0	Grab	1/year

**b. Other Conditions for All Discharges**

- (1) Samples shall be taken at least 10 days apart for a minimum of two sampling events.
- (2) There shall be no discharge of floating solids or visible foam in other than trace amounts.
- (3) Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge pipe after treatment.
- (4) For all discharges authorized under this General Permit, a water quality-based effluent limitation may be required under applicable state and federal law, upon notice from DEP, when necessary to ensure that the water quality standards of the receiving water are attained. Discharges under this General Permit shall not result in a violation of the water quality criteria prescribed in 25 Pa. Code Chapters 16 and 93 for the various designated and existing uses of the receiving waters.

**3. Self-Monitoring, Reporting, and Records Keeping**

**a. Representative Sampling**

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- (2) Records Retention -- Except for records of monitoring information required by this General Permit related to the permittee's sewage sludge use and disposal activities if applicable, which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation, calibration and maintenance records), copies of all reports required by this General Permit, and records of all data used to complete the NOI for this General Permit shall be retained by the permittee for three (3) years from the date of the sample measurement, report, or application. The three (3) year period shall be extended as requested by DEP or the EPA Regional Administrator.
- (3) Recording of Results -- For each measurement or sample taken pursuant to the requirements of this General Permit, the permittee shall record the following information:
  - (a) The exact place, date, and time of sampling or measurements;
  - (b) The person(s) who performed the sampling or measurements;
  - (c) The date(s) the analyses were performed;
  - (d) The person(s) who performed the analyses;
  - (e) The analytical techniques or methods used, the associated detection level; and
  - (f) The results of such analyses.
- (4) Test Procedures -- Unless otherwise specified in this General Permit, the test procedures for the analyses of pollutants shall be those contained in 40 CFR Part 136 (or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503), or alternate test procedures approved pursuant to those parts or test procedures approved by DEP. The test method selected shall be able to detect the range of values for the parameters of concern identified in this General Permit.
- (5) Quality Assurance/Control -- In an effort to assure accurate self-monitoring analyses results:
  - (a) The permittee or the designated laboratory shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA.
  - (b) The permittee or the designated laboratory shall develop and implement a program to assure the quality and accuracy of the analyses performed to satisfy the requirements of this General Permit in accordance with 40 CFR Part 136, Appendix A.

**b. Reporting of Monitoring Results**

- (1) The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this General Permit.
- (2) Unless instructed otherwise in Part C of this General Permit or agreed to by DEP in writing, monitoring results obtained each month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR). The DMR shall be submitted to the DEP regional office which issued the approval of coverage under this General Permit within one (1) month.
- (3) The completed DMR Form shall be signed and certified as follows:



- (a) *For a corporation* - by a principal executive officer of at least the level of vice president, or an authorized representative if the representative is responsible for the overall operation of the facility from which the discharge originates.
- (b) *For a Partnership or Sole Proprietorship* - by a general partner or the proprietor, respectively.
- (c) *For a Municipality, State, Federal or Other Public Agency* - by a principle executive officer, ranking elected official or other authorized employee.

If signed by other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP.

- (4) If the permittee monitors any pollutant using analytical methods described in Part A 3.a. above more frequently than this General Permit requires, the results of this additional monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

**c. Reporting Requirements**

- (1) Planned Changes -- The permittee shall give notice to DEP as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b);
  - (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this General Permit, nor to notification requirements under 40 CFR §122.42(a)(1); or
  - (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practice, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in this General Permit, including notification of additional use or disposal sites not reported during this General Permit application process or not reported pursuant to an approved land application plan.
- (2) Anticipated Non-Compliance -- The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity, which may result in non-compliance with this General Permit's requirements.
- (3) Twenty-Four Hour Reporting
  - (a) The permittee shall report any non-compliance to DEP which may endanger health or the environment. Information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent re-occurrence of the non-compliance.

- (b) The following shall be included as information, which must be reported within 24 hours under this paragraph.
  - 1) Any unanticipated bypass, which exceeds any effluent limitation in this General Permit.
  - 2) Any catastrophic event, which causes the discharge to exceed effluent limitations in this General Permit.
  - 3) Violation of a maximum daily discharge limitation for any of the pollutants listed by DEP in this General Permit.
- (c) DEP may waive the written report on a case-by-case basis for reports under Part A 3.c.(3)(b) above if the oral report has been received within 24 hours.
- (4) Other Non-Compliance -- The permittee shall report all instances of non-compliance not reported under paragraph c.(3) of this section at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph c.(3) of this section.
- (5) Other Information -- Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit such facts or information.

Compliance with reporting requirements under Part A 3.c. above shall not excuse a person from immediate notification of incidents causing or threatening pollution as required under 25 Pa. Code Chapter 91.

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## PART B STANDARD CONDITIONS

### 1. Management Requirements

#### a. Permit Modification, Termination, or Revocation and Re-Issuance

- (1) DEP may amend, revoke, suspend, or terminate previously issued coverage under this General Permit, and require the discharger to apply for and obtain an individual NPDES permit in accordance with 25 Pa. Code §92.83.
- (2) The filing of a request by the permittee for coverage, revocation and re-issuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.

#### b. Duty to Provide Information

- (1) The permittee shall furnish to DEP, within a reasonable time, any information that DEP may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating this General Permit or revoking or terminating coverage approved under this General Permit, or to determine compliance with this General Permit.
- (2) The permittee shall furnish to DEP, upon request, copies of records, which are required to be retained by this General Permit.
- (3) When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to DEP, the permittee shall promptly submit such facts or information.

#### c. Facilities Operation

The permittee shall, at all times, maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this General Permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision applies to the operation of backup or auxiliary facilities or similar systems, which are installed by the permittee only when necessary to achieve compliance with the terms and conditions of this General Permit.

The permittee shall develop, install, and maintain Best Management Practices to control or abate the discharge of pollutants when the practices are reasonably necessary to achieve the effluent limitations and standards in this General Permit or to carry out the purposes and intent of the Clean Water Act, or when required to do so by DEP.

#### d. Adverse Impact

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

**e. Termination of Coverage**

(1) Notice of Termination -- When all PPCGRS discharges are eliminated at the facility, the operator of the facility shall submit a Notice of Termination to DEP that is signed in accordance with Part A 3.b.(3) of this General Permit. The Notice of Termination shall include the following information:

- (a) Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
- (b) The operator's name, address, and telephone number;
- (c) The approval of coverage for the NPDES permit for the PPCGRS identified by the Notice of Termination; and
- (d) The following certification signed in accordance with signatory requirements of Part A 3.b.(3) of this General Permit:

"I certify under penalty of law that all PPCGRS discharges from the identified facility that are authorized by an NPDES General Permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge from the PPCGRS under this General Permit, and that discharging pollutants to surface waters of the Commonwealth is unlawful under the Clean Water Act and the Clean Streams Law where the discharge is not authorized by an NPDES permit."

(2) Where to Submit -- All Notices of Termination are to be sent to the appropriate DEP regional office.

**2. Penalties and Liability**

**a. Violations of Permit Conditions**

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative, and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality who violates any provision of this General Permit, any rule, regulation, or order of DEP, or any condition or limitation of any permit issued pursuant to the Clean Streams Law is subject to criminal and/or civil penalties as set forth in Sections 602, 603, and 605 of the Clean Streams Law.

**b. Falsifying Information**

The Clean Water Act provides that any person who:

Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this General Permit, or knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit (including monitoring reports or reports of compliance or non-compliance) shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 40 CFR 122.41(j)(5) and (k)(2).

In addition, criminal sanctions are set forth for false swearing and un-sworn falsification at 18 Pa. C.S. §§4903-4904.

**c. Liability**

Nothing in this General Permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603, or 605 of the Clean Streams Law.

Nothing in this General Permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

**d. Enforcement Proceedings**

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

**3. Other Responsibilities**

**a. Right of Entry**

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, 25 Pa. Code, Chapter 92 and §1917-A of the Administrative Code, the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

- (1) To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;
- (2) To have access to and copy at reasonable times any records that must be kept under the conditions of this General Permit;
- (3) To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit;
- (4) To sample or monitor for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location.

**b. Property Rights**

The issuance of this General Permit does not convey any property rights of any sort, or any exclusive privilege.

**c. Other Laws**

The issuance of this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

**d. Transfer of Authorization for Coverage**

- (1) The authorization for coverage under this General Permit may be automatically transferred to a new permittee if:

- (a) The current permittee notifies DEP at least 30 days in advance of the proposed transfer date.
  - (b) The notice includes the (1) appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them or (2) an agreement which complies with 40 CFR 122.61(b)(2).
  - (c) DEP does not notify the existing permittee and the proposed new permittee of its intent to revoke and re-issue this General Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (1)(b) of this section.
- (2) In the event DEP does not approve transfer of authorization for coverage under this General Permit, the new owner must submit a new NOI for coverage.

**e. Duty to Comply**

The permittee must comply with all terms and conditions of this General Permit. Any permit non-compliance constitutes a violation of Pennsylvania's Clean Streams Law and the Federal Clean Water Act and is grounds for enforcement action, General Permit coverage revocation, denial of coverage, or denial of renewal of coverage.

**4. Definitions**

- a. "Applicant," "Discharger," "Permittee" refers to a person or organization that requests approval or authorization from DEP to perform a regulated activity.
- b. "Average" refers to the use of an arithmetic mean, unless otherwise specified in this General Permit.
- c. "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 values" measured during that month.
- d. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- e. "Daily discharge" means the discharge of a pollutant measured during the calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in concentration or other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- f. "DEP" refers to the Pennsylvania Department of Environmental Protection.
- g. "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.
- h. "Grab sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not to exceed 15 minutes.
- i. "Hazardous substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

- j. "Instantaneous maximum" means the level not to be exceeded at any time in any grab sample.
- k. "Maximum daily" discharge limitation means the highest allowable "daily discharge."
- l. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- m. "NOI" refers to the Notice of Intent for coverage under this General Permit.
- n. "Petroleum Product" refers to crude oil or any product that is a result of the refining process of crude oil, including gasoline, diesel fuel, heating oil, jet fuel, kerosene, lubrication oils, etc.
- o. "PPCGRS" refers to petroleum product contaminated groundwater remediation systems including the combination of wells, piping, pumping and treatment facilities installed for the purpose of extracting petroleum product contaminated groundwater for treatment prior to discharge to surface waters of the Commonwealth. This definition includes remediation systems at gasoline service stations and other sites with petroleum product groundwater contamination. This definition does not apply where contamination is due to pollutants other than those specified in Part A 1.a. and Part A 2.a. of this General Permit.
- p. "Surface waters of the Commonwealth" refers to any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, including wetlands, whether natural or artificial, within or on the boundaries of this Commonwealth.
- q. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- r. "Toxic pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or a chemical or compound in sufficient quantity or concentration, which is, or may become, harmful to human, animal or plant life. The term includes, but is not limited to, priority pollutants and those substances which are identified in 25 Pa. Code Chapter 16.

## PART C OTHER REQUIREMENTS

### 1. Solids Disposal

Solids, sludges, screenings, slurries and other pollutants removed in the course of treatment or control of wastewaters shall be managed and disposed of in accordance with the requirements of the Solid Waste Management Act, 35 P.S. §6018.101, *et seq.*, 25 Pa. Code Chapters 271-285, (municipal) 287-299 (residual), federal regulations at 40 CFR Part 257, and the federal Clean Water Act, in a manner such as to prevent any pollutant from such materials from adversely affecting the environment.

### 2. Other Wastewaters

There shall be no discharge of backwash or stripper tower cleaning wastewaters to waters of the Commonwealth. These wastewaters shall be discharged to the sanitary sewer system if allowed by the owner of this sanitary sewer system or hauled offsite for proper disposal, unless otherwise authorized by DEP.

### 3. Results Less Than Detection Levels

Samples for the parameters listed in Part A of this General Permit shall be analyzed using EPA-approved test methods or DEP-approved equivalent methods. The test methods used shall be sensitive enough to detect the parameter at or below the discharge limitation specified in Part A 1.a. and/or Part A 2.a. If the discharge limit is so low that it cannot be detected, the most sensitive or approved method shall be used.

All sample results must be expressed as either the measured (quantified) value or as "less than" the detection level used in the test (e.g., <x.x). Results shall not be reported as simply "Not Detected" or "ND."

For computing averages for DMR reporting and for determining this General Permit compliance, all detection sample results which are "less than the detectable level," may be counted as zero values.

### 4. Malfunctioning Treatment System or Change in Conditions

If, in the opinion of DEP, the treatment system is not operated in compliance with the conditions of this General Permit, or if the character of the waste changes, there is an increased load to the treatment system, the use or condition of the receiving water changes, or the effluent ceases to be satisfactory, or the discharge otherwise creates a public nuisance, then upon notice from DEP, the right to discharge pursuant to this General Permit will cease. DEP may allow persons with such discharges a specified time period to implement remedial measures, which result in a satisfactory effluent discharge into the receiving body of water.

### 5. Re-Opener Clause

If there is evidence indicating potential or real impacts on water quality due to any PPCGRS discharge, the operator of such discharge may be required to obtain an individual permit or this General Permit may be modified to include different limitations and/or requirements.

### 6. Outfall Structures

Prior to construction of outfall structures, the permittee shall obtain any necessary DEP permits or approvals for construction in wetlands or floodplains.