

STATE OF GEORGIA  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION

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**PART I**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning with the effective date of this permit and lasting through \_\_\_\_\_, the permittee is authorized to discharge from outfall(s) serial number(s) 001 – Treated Process Wastewater.

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

	Discharge Limitations				Monitoring Requirements		
	Mass Based (lbs/day)		Concentration Based (mg/l) unless otherwise specified		Measurement Frequency	Sample Type	Sample Location
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.			
Flow (MGD)	Report	Report	---	See Below at III.B.1.---	Daily	Continuous	Final Effluent
BOD	776	1552	30	60	5/Week	Composite	Final Effluent
COD	<del>7,245</del> 5,500	<del>14,430</del> 11,000	Report	Report	5/Week	Composite	Final Effluent
TSS	650	1160	30	45	5/Week	Composite	Final Effluent
TDS	---	---	2,500	3,800	5/Week	Composite	Final Effluent
Sulfide	24	48	Report 1.5	Report 3.0	Daily	Grab	Final Effluent
Total Phenols	5.0	15	Report	Report	1/Week	Grab	Final Effluent
Total Chromium	12	24	1.2	2.0	1/Week	Composite	Final Effluent
Total Ammonia (as N)	260	520	<del>40</del> 7	<del>20</del> 13	Daily	Composite	Final Effluent
Total Kjeldahl Nitrogen (as N)	---	---	Report	---Report	1/Week	Composite	Final Effluent
Total Nitrogen (as N)	---	---	Report	---Report	1/MonthWeek	Composite	Final Effluent
Total Phosphorus (as P)	---	---	Report	Report	3/Week	Composite	Final Effluent
Specific Conductance (µmhos/cm)	---	---	Report	Report	5/Week	Grab	Final Effluent
Formaldehyde	---	---	---Report	1.6	Daily	Grab	Final Effluent

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	Discharge Limitations				Monitoring Requirements		
	Mass Based (lbs/day)		Concentration Based (mg/l) unless otherwise specified		Measurement Frequency	Sample Type	Sample Location
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.			
Color (ADMI color value)	---	---	Report	Report See below	1/Week	Grab	See Part III B.7.
Sodium	---	---	Report	Report	Daily	Composite	Final Effluent
Peroxide	---	---	Report	Report	Daily	Grab	Final Effluent
THPC <sup>a</sup>	---	---	---	Report	2/YearMonth	Grab	Final Effluent
Fecal Coliform Bacteria (#/100 mL)			200 colonies per 100 mL	400 colonies per 100 mL	Weekly	Grab	Final Effluent
Whole Effluent Toxicity	See Parts III B.3. and III B.4.						

The Color (ADMI color value) of the final effluent shall be monitored and reported once weekly as required above. In addition, until such time as the Division acts on the color study prescribed in Part III.B.7. the Color of the Ogeechee River 25 ft. upstream of the discharge point will also be monitored on the same day that the Color of the final effluent is monitored. The difference between the Color of the final effluent and the Color of the Ogeechee River at the point 25 ft. upstream of the discharge shall be no more than 80 ADMI color units.

Fecal Coliform in the final effluent shall be monitored and reported once weekly. The concentration based discharged limitation shall be a daily average of 200 colony-forming units per 100 mL, and a daily maximum of 400 colony-forming units per 100 mL. Fecal coliform bacteria will be reported as the geometric mean of the value for the samples collected for the purposes of calculating the daily average value.

The pH of the final effluent shall be continuously monitored and recorded. The continuous monitoring system shall have an alarm system that warns that the pH is approaching effluent limits. In addition, to continuous monitoring, the pH of the final effluent shall be monitored by analyzing grab samples once per day, five days per week. The pH of the final effluent shall not be less than 6.0 standard units or greater than 8.0 standard units. The monthly minimum and maximum pH from each method shall be reported.

The dissolved oxygen concentration in the final effluent shall be continuously monitored and recorded. In addition to continuous monitoring,

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the dissolved oxygen concentration in the final effluent shall be separately monitored once per day by a grab sample, five days per week. The dissolved oxygen concentration in the final effluent shall be 5.0 mg/l or higher at all times. The monthly minimum dissolved oxygen concentration from each method shall be reported.

The temperature of the final effluent shall be continuously monitored. In addition to continuous monitoring, the temperature of the final effluent shall be separately monitored once per day by a grab sample, five days per week. The monthly minimum and maximum temperature from each method shall be reported.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Final effluent samples shall be taken at the outfall, defined as the nearest accessible point after final treatment but prior to discharge or mixing with the receiving stream.

<sup>a</sup>. ~~Tetrakis(hydroxymethyl)phosphonium chloride samples shall be collected in June and December of each year during periods that a product line with which this parameter is associated is operating and monitored pursuant to an EPD-approved test method.~~

B. SCHEDULE OF COMPLIANCE

1. The Permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
  - a. The effluent limitations in Part I A.1. are effective on the effective date of this permit, except as specified below.
  - b. The permittee shall achieve compliance with the total suspended solids limitation specified in Part I A.1. of this permit in accordance with the following schedule:
    - (i) Beginning on the effective date of this permit, the permittee shall start monitoring total suspended solids in accordance with Part I A.1. of this permit. The monthly average and daily maximum mass shall not exceed 2140 lbs/day and 4280 lbs/day, respectively.
    - (ii) Within 60 days of the effective date of this permit, the permittee shall submit to EPD a proposal for achieving compliance with the total suspended solids limits specified in

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Part I A.1. of this permit, including any related plans and specifications for proposed facility upgrades.

- (iii) Within 180 days of the effective date of this permit, the permittee shall achieve compliance with the total suspended solids limits specified in Part I A.1. of this permit.

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**Note:** EPD as used herein means the Environmental Protection Division of the Department of Natural Resources.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting

Monitoring results obtained during the month shall be summarized for each month and reported on an Operation Monitoring Report (Form WQ 1.45). Forms other than Form WQ 1.45 may be used upon approval by EPD. These forms and any other required reports and information shall be completed, signed and certified by a principal executive officer or ranking elected official, or by a duly authorized representative of that person, and submitted to EPD, postmarked no later than the 21st day of the month following the reporting period.

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All instances of noncompliance not reported under Part I B. and C. and Part II A. shall be reported at the time the operation monitoring report is submitted.

3. Definitions

- a. The "daily average" mass means the total discharge by mass during a calendar month divided by the number of days sampled during the calendar month when the measurements were made.
- b. The "daily maximum" mass means the greatest total discharge by mass during any calendar day of the reporting period.
- c. The "daily average" concentration means the arithmetic average of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample.
- d. The "daily maximum" concentration means the greatest daily concentration for any calendar day of the reporting period.
- e. For the purpose of this permit, a calendar day is defined as any consecutive 24-hour period.
- f. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- g. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that 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.
- h. For the purpose of this permit, a composite sample shall consist of a minimum of 13 sub samples collected at least once every 2 hours for 24 hours, and composited proportionately to flow.

4. Monitoring Procedures

Analytical methods, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and methods listed in 40 CFR Part 136. For any parameter not listed in 40 CFR Part 136, analytical methods, sample containers, sample preservation techniques, and sample holding times shall be approved by EPD. The analytical method used shall be sufficiently sensitive. Approved methods must be applicable to the concentration ranges of the permit

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samples. If the result for a given sample analysis is such that a parameter is not detected at or above the specified detection limit, a value of "Not Detected" will be reported for that sample and the detection limit will also be reported.

Continuous recording flow measurement is required. Calibration shall be maintained of the continuous recording instrumentation to  $\pm 10\%$  of the actual flow. Flow shall be measured manually to check the flow meter calibration at a frequency of at least once per ~~week~~ month. If secondary flow instruments are in use and malfunction or fail to maintain calibration as required, the flow shall be computed from manual measurements or by other method(s) approved by EPD until such time as the secondary flow instrument is repaired.

Continuous recording of pH, dissolved oxygen, and temperature for the final effluent is required. Continuous recording equipment shall be in continuous operation and data recorded during all periods of operation of the facility. The continuous recording systems shall be calibrated in accordance with manufacturer's specifications, and records shall be maintained of all calibration checks. Maintenance or repairs during continuous recording system breakdowns shall be conducted in such a manner as to minimize the period during which the system(s) are out of service.

Unless specified otherwise in this permit, quarterly analyses required by this permit shall be performed in March, June, September, and December. Analyses required twice per year shall be performed in June and December. Analyses required annually shall be performed in June.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling or measurements, and the person(s) performing the sampling or the measurements;
- b. The dates the analyses were performed, and the person(s) who performed the analyses;
- c. The analytical techniques or methods used; and
- d. The results of all required analyses.

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6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Operation Monitoring Report Form (WQ 1.45). Such increased monitoring frequency shall also be indicated. EPD may require by written notification more frequent monitoring or the monitoring of other pollutants not required in this permit.

7. Records Retention

The permittee shall retain records of all monitoring information, including all records of analyses performed, calibration and maintenance of 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 (3) years from the date of the sample, measurement, report or application. This period may be extended by request of EPD at any time.

8. Penalties

The Federal Clean Water Act and the Georgia Water Quality Control Act provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, 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 or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Act, any permit condition or limitation established pursuant to the Act, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director of EPD.



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**PART II**

**A. MANAGEMENT REQUIREMENTS**

**1. Change in Discharge**

- a. Advance notice to the Watershed Protection Branch of EPD shall be given of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. Any anticipated facility expansions, production increases, or process modifications must be reported at least 90 days prior to the planned changes by submission of a new NPDES permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Watershed Protection Branch of EPD of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.
- b. All existing manufacturing, commercial, mining, and silviculture dischargers shall notify the Watershed Protection Branch of EPD as soon as it is known or there is reason to believe that any activity has occurred or will occur which would result in the discharge, on a



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routine or frequent basis, of any toxic pollutant not limited in the permit, if that discharge will exceed (i) 100 µg/l, (ii) five times the maximum concentration reported for that pollutant in the permit application, or (iii) 200 µg/l for acrolein and acrylonitrile, 500 µg/l for 2,4 dinitrophenol and for 2-methyl-4-6-dinitrophenol, or 1 mg/l antimony.

- c. All existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Watershed Protection Branch of EPD as soon as it is known or there is reason to believe that any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis, of any toxic pollutant not limited in the permit, if that discharge will exceed (i) 500 µg/l, (ii) ten times the maximum concentration reported for that pollutant in the permit application, or (iii) 1 mg/l antimony.

2. Noncompliance Notification

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

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

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and 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.

4. Adverse Impact

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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, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

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5. Bypassing

a. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to EPD at least 10 days (if possible) before the date of the bypass. The permittee shall submit notice of any unanticipated bypass with an oral report within 24 hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:

1. A description of the discharge and cause of noncompliance; and
2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

b. Any diversion or bypass of facilities covered by this permit is prohibited, except (i) where unavoidable to prevent loss of life, personal injury, or severe property damage; (ii) 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 the permittee could have installed adequate back-up equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and (iii) the permittee submitted a notice as required above. The permittee shall operate the treatment works, including the treatment plant and total sewer system, to minimize discharge of the pollutants listed in Part I of this permit from combined sewer overflows or bypasses. Upon written notification by EPD, the permittee may be required to submit a plan and schedule for reducing bypasses, overflows, and infiltration in the system.

6. Sludge Disposal Requirements

Sludge shall be disposed of in accordance with the regulations and guidelines established by EPD, the Federal Clean Water Act, and the

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Resource Conservation and Recovery Act (RCRA). Prior to disposal of sludge by any method other than co-disposal in a permitted sanitary landfill, the permittee shall submit a sludge management plan to the Watershed Protection Branch of EPD for written approval. For land application of nonhazardous sludge, the permittee shall comply with the applicable criteria outlined in the most current version of EPD's "Guidelines for Land Application of Sewage Sludge (Biosolids) at Agronomic Rates" and with the State Rules, Chapter 391-3-6-.17. EPD may require more stringent control of this activity. Prior to land applying nonhazardous sludge, the permittee shall submit a sludge management plan to EPD for review and approval. Upon approval, the plan for land application will become a part of the NPDES permit upon modification of the permit. Any sludge management plan previously approved by EPD is hereby rescinded.

7. Sludge Monitoring Requirements

The permittee shall develop and implement procedures to insure adequate year-round sludge control. The permittee shall monitor the volume and concentration of solids removed from the plant. Records shall be maintained which document the quantity of solids removed from the plant. The ultimate disposal and/or use of solids shall be reported monthly (in the unit of lbs/day) with the Operation Monitoring Report Forms required under Part I C. 2. of this permit.

8. Power Failures

Upon the reduction, loss, or failure of the primary source of power to said water pollution control facilities, the permittee shall use an alternative source of power if available to reduce or otherwise control production and/or all discharges in order to maintain compliance with the effluent limitations and prohibitions of this permit.

If such alternative power source is not in existence, and no date for its implementation appears in Part I, the permittee shall halt, reduce or otherwise control production and/or all discharges from wastewater control facilities upon the reduction, loss, or failure of the primary source of power to said wastewater control facilities.

9. Certification Requirements (Operation)

The person responsible for the daily operation of the wastewater treatment facility shall be a certified operator in accordance with the Georgia State Board of Examiners for Certification of Water and Wastewater Plant Operators and Laboratory Analysts Act, as amended, the Rules promulgated there under, and as specified by Subparagraph 391-3-6-.12

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of the Georgia Rules and Regulations for Water Quality Control. The person responsible for the daily operation of the wastewater treatment facility shall be a Class II Biological Wastewater Treatment System Operator, certified in accordance with the Georgia State Board of Examiners for Certification of Water and Wastewater Plant Operators and Laboratory Analysts Act, as amended, and the Rules promulgated there under.

10. Certification Requirements (Laboratory)

The permittee shall ensure that, when required, the person in responsible charge of the laboratory performing the analysis for determining permit compliance is certified in accordance with the Georgia Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, as amended, and the Rules promulgated there under.

B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated activity or facility is located or conducted or where any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and to sample any substance or parameters in any location.

2. Transfer of Ownership or Control

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

- a. The permittee notifies the Director of EPD in writing of the proposed transfer at least thirty (30) days in advance of the proposed transfer;
- b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the new permittee is liable for

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violations from that date on) is submitted to the Director at least thirty (30) days in advance of the proposed transfer; and

- c. The Director, within thirty (30) days, does not notify the current permittee and the new permittee of EPD's intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

3. Availability of Reports

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

4. Permit Modification

After written notice and opportunity for a hearing, this permit may be modified, suspended, revoked or reissued in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
- d. To comply with any applicable effluent limitation issued pursuant to the order of the United States District Court for the District of Columbia issued on June 8, 1976, in Natural Resources Defense Council, Inc. et.al. v. Russell E. Train, 8 ERC 2120(D.D.C. 1976), if the effluent limitation so issued:
  - (1) is different in conditions or more stringent than any effluent limitation in the permit; or
  - (2) controls any pollutant not limited in the permit.

5. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established pursuant to Section 307(a) of the Federal Clean Water Act for toxic pollutants, which are present in the discharge within the time

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provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

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6. Civil and Criminal Liability

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

7. State Laws

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 any applicable State law or regulation under authority preserved by Section 510 of the Federal Clean Water Act.

8. Water Quality Standards

Nothing in this permit shall be construed to preclude the modification of any condition of this permit when it is determined that the effluent limitations specified herein fail to achieve the applicable State water quality standards.

9. Property Rights

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

10. Expiration of Permit

The permittee shall not discharge after the expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information, forms, and fees as are required by EPD at least 180 days prior to the expiration date.

11. Contested Hearings

Any person who is aggrieved or adversely affected by an action of the Director of EPD shall petition the Director for a hearing within thirty (30) days of notice of such action.



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12. 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.

13. Best Management Practices

The permittee will implement best management practices to control the discharge of hazardous and/or toxic materials from ancillary manufacturing activities. Such activities include, but are not limited to, materials storage, in-plant transfer, process and material handling loading and unloading operations, plant site runoff, and sludge and waste disposal.

14. Need to Halt or Reduce Activity Not a Defense

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

15. Duty to Provide Information

- a. The permittee shall furnish to the Director of EPD, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request copies of records required to be kept by this permit.
- b. When 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 any report to the Director, it shall promptly submit such facts and information.

16. Upset Provisions



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

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**PART III**

**A. PREVIOUS PERMITS**

1. All previous State water quality permits issued to this facility, whether for construction or operation, are hereby revoked by the issuance of this permit. This action is taken to assure compliance with the Georgia Water Quality Control Act, as amended, and the Federal Clean Water Act, as amended. Receipt of the permit constitutes notice of such action. The conditions, requirements, terms and provisions of this permit authorizing discharge under the National Pollutant Discharge Elimination System govern discharges from this facility.

**B. SPECIAL REQUIREMENTS**

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1. The permittee shall record stream flows measured at the USGS Rocky Ford gage (02202040) at 8:00 a.m. daily. The total final effluent flow volume discharged for the following 24 hour period shall not exceed 108% of the actual stream flow as measured at the Rocky Ford gage. The stream flow recorded each day and the total final effluent flow volume discharged shall be reported in accordance with Part I C.2. of this permit.
2. Beginning with the effective date of this permit, grab samples of the Ogeechee River collected 25 feet upstream and 25 feet downstream of the facility outfall pipe shall be monitored concurrently for pH, temperature, conductivity, ammonia, nitrogen, formaldehyde, sodium, sulfide, peroxide and dissolved oxygen once per month. The results shall be reported in accordance with Part I C.2. of this permit.
3. Acute Whole Effluent Toxicity testing of the final effluent and the Ogeechee River 25 feet downstream from the outfall pipe shall be conducted concurrently using the water flea (Ceriodaphnia dubia). In performing the testing, the most current U.S. EPA acute aquatic testing manual shall be followed. The reference document for this method is "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5<sup>th</sup> Edition, October 2002" or the most recently approved edition. The LC50 of the final effluent shall be greater than 100% effluent. Beginning with the issuance date of this permit, testing of the final effluent and the Ogeechee River shall be conducted twice per week and once per month, respectively. Complete reports shall be submitted to EPD in accordance with Part I C.2. of this permit. Once per quarter for the first year from the issuance date of this permit, and annually thereafter, acute Whole Effluent Toxicity testing of the final effluent and the Ogeechee River 25 feet downstream from the outfall pipe shall include the fathead minnow (Pimephales promelas).
4. Chronic Whole Effluent Toxicity testing of the final effluent and the Ogeechee River 25 feet downstream of the facility outfall pipe shall be conducted concurrently once per month using the water flea (Ceriodaphnia dubia). In performing the testing, the most current U.S. EPA chronic aquatic testing manuals shall be followed. The reference document for this method is: "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, 4th Edition, EPA-821-R-02-013, October 2002" or the most recently approved edition. The No Observed Effect Concentration of the effluent shall be equal to or greater than 10% effluent. Testing of the final effluent also using the Fathead minnow (Pimephales promelas) shall be conducted quarterly for the first year, and annually thereafter. Complete reports shall be submitted to EPD in accordance with Part I C.2. of this permit.

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5. Mercury Characterization

- a. The concentration of mercury in the final effluent shall at no time exceed 1) 6.0 ng/l or 2) a concentration equal to the concentration of mercury in the source water, whichever is greater.
- b. The permittee shall characterize the final effluent and source water using EPA Method 1631E to quantify the amount of mercury present in each. The detection limit for this method shall be no higher than 0.5 ng/l. The permittee shall concurrently monitor the final effluent and source water for mercury once per month for 6 months by a grab sample.
- c. The permittee shall submit a report to EPD within 90 days of completion of the mercury testing required in b. above, providing the average final effluent concentration and average source water concentration from the 6 months of monitoring. When averaging the results, zero shall be used for values below the detection limit.
- d. If the data required by b. above show that the average concentration of mercury in the final effluent is greater than 6.0 ng/l, and the average concentration of mercury in the final effluent is greater than the average concentration of mercury in the source water, the permittee shall develop and implement a mercury minimization plan as outlined below. If the final effluent concentration of mercury is less than or equal to 6.0 ng/l, or if the concentration in the final effluent is less than that in the source water, the permittee is not required to develop a mercury minimization plan. However, the permittee shall monitor for mercury in the final effluent using EPA Method 1631E at least twice per year for the remaining term of this permit.

6. Mercury Minimization Plan

- a. The permittee shall develop a mercury minimization plan upon written notification by EPD. The goal of the plan is to reduce the concentration of mercury in the final effluent to 1) 6.0 ng/l or less, or 2) the concentration of mercury in the source water, whichever is greater. The permittee shall achieve compliance with effluent limitations specified in Part III B.5.a. above within 24 months of EPD's notification to develop a plan. The plan shall at a minimum address the following items:
  1. The permittee shall identify sources of mercury and potential methods for reducing and eliminating mercury, including housekeeping practices, material substitution, process modifications, materials recovery, spill control and collection,

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waste recycling, pretreatment, employee education, laboratory practices, and disposal practices. The permittee shall evaluate the feasibility of the implementation of the identified methods. The permittee shall submit a report to EPD containing all the identified potential methods for reducing/eliminating mercury within 6 months of EPD's written notification to develop a plan. The report shall specify which potential methods are appropriate, feasible and cost effective. These methods are to be implemented immediately.

2. The permittee shall submit a report of progress to EPD 12 and 18 months after EPD's written notification to develop a plan. These reports shall summarize the results of the minimization plan.
7. Beginning with the issuance date of this permit, the permittee shall monitor concurrently color in the Ogeechee River 25 feet upstream and 25 feet downstream of the facility outfall pipe, and the final effluent using Method 2120E of the "Standard Methods for the Examination of Water and Wastewater", 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> edition, once per week. The results shall be reported in accordance with Part I C.2. of this permit.

The permittee shall conduct a color study to evaluate the effect the permittee's discharge has on the "color" of the receiving stream. The study shall focus on conditions when the permittee's final effluent flow is equal to ~~84~~10% of the flow in the receiving stream. The purpose of the study is to establish a color limit in the permit and to determine the need for color removal in the final effluent to meet that limit. The plan for the color study shall be submitted to EPD within 30 days from the issuance date of this permit. Upon approval of the plan by EPD, the permittee shall complete the study in accordance with the approved plan and in the time frame approved by EPD. Prior to approval of the plan, the permittee shall resubmit the plan within 30 days from the date of EPD comments on the plan revised in accordance with those comments. Upon completion of the study, EPD may reopen the permit to incorporate a color limit and, if appropriate, a schedule for achieving compliance with the limit.

8. Beginning in June 2013, the permittee shall submit to the Coastal District of EPD an annual certification in June of each year certifying whether or not there has been any change in processes or wastewater characteristics as described in its September 27, 2011 NPDES permit application. Compliance with this condition shall not be construed to constitute compliance with Part I A. 1., Change in Discharge, of this permit.

C. BIOMONITORING AND TOXICITY REDUCTION REQUIREMENTS

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

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

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

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

**EXHIBIT B**

**Bench Scale Testing for Pre-Release Aeration**

King America will conduct bench-scale batch tests to simulate the effects of a pre-release aeration step on effluent samples from the existing clarifiers. This simulation will utilize King America's existing batch reactors and will begin seven (7) days after entry of the Consent Decree. The batch reactors will simulate an additional one and one-half (1.5) days of aeration of the clarifier effluent to measure the reduction of chemical oxygen demand ("COD") and sulfide concentrations, if any. The simulation will be run twice per week for four (4) weeks.

King America will collect grab samples from the clarifier effluent for batch testing. COD and sulfide concentrations will be measured on this sample prior to aeration in the batch reactor and again on a sample from the batch reactor at the end of each simulation. At the end of the 36-hour aeration period (and prior to collecting the effluent sample), deionized water will be added to the batch reactor so that the level in the reactor is equal to the level at the start of the test. This will account for any evaporation losses that occur during the aeration test that could impact the analytical results.

Analytical methods, sample containers, sample preservation techniques, and sample holding times will be consistent with the techniques and methods listed in 40 CFR Part 136. If the result for a given sample analysis is such that a parameter is not detected at or above the specified detection limit, a value of "Not Detected" will be reported for that sample and the detection limit will also be reported.

Within sixty (60) days of entry of the Consent Decree, King America will prepare and submit a report to Plaintiff summarizing the results of the simulation. King America shall simultaneously submit this report to the EPD.

**EXHIBIT C**

**Media Filtration System Protocol**

King America will conduct additional bench-scale tests to simulate its planned cloth media filtration system using a pilot filter unit from Aqua-Aerobic Systems, Inc., the anticipated supplier of the full-scale equipment. This unit is designed to approximate the performance of the full scale equipment in an on-site laboratory setting. The device will be installed in King America's wastewater treatment plant laboratory, and water to be filtered through the unit will be collected after exiting the clarifiers, which is where the full-scale system will be located when anticipated installation occurs in 2014. This bench scale testing will commence within thirty (30) days after entry of the Consent Decree, and the testing will be conducted for three (3) weeks.

King America will collect grab samples from the clarifier effluent for batch testing. These samples will be analyzed prior to the start of the filtration batch test. Filtrate (or filter effluent) from the batch tests will also be analyzed twice weekly. The initial influent samples and biweekly filter effluent samples will be analyzed for the following parameters: TSS, VSS (volatile suspended solids), pH, alkalinity, TDS, conductivity, total nitrogen, total phosphorus, nitrate, nitrite, and ammonia. Analytical methods, sample containers, sample preservation techniques, and sample holding times will be consistent with the techniques and methods listed in 40 CFR Part 136. If the result for a given sample analysis is such that a parameter is not detected at or above the specified detection limit, a value of "Not Detected" will be reported for that sample and the detection limit will also be reported.

Within seventy-five (75) days of entry of the Consent Decree, King America will prepare and submit a report to Plaintiff summarizing the results of this testing.

King America shall simultaneously submit this report to the EPD.



## **EXHIBIT D**

### **Benthic Invertebrate Assessment Protocol**

#### **I. Fish and Benthic Invertebrate Assessment**

King America will complete annual biological monitoring at a total of four (4) stations in the Ogeechee River, and the stations will be designated as follows:

Two (2) locations will be located up stream of the existing outfall to document background conditions, and two (2) locations will be located downstream of the outfall to evaluate potential impacts of King America operations.

Sampling stations will be located to include representative habitats in this reach of the river while not overlapping sampling sites.

The stations below the outfall will be located to include an area directly downstream of the discharge and a second station further downstream where the effluent is fully mixed with the ambient river water.

Locations of any significant tributaries or other potential sources of additional runoff or pollutants will be identified within the sampling reach. Both benthic macroinvertebrate and fish communities will be sampled following the protocols established by the Georgia Department of Natural Resources' Environmental Protection Division (EPD) and Wildlife Resources Division:

1. Georgia Department of Natural Resources (GADNR). 2005. Standard Operating Procedures for Conducting Biomonitoring on Fish Communities in Wadeable Streams of Georgia. Wildlife Resources Division, Fisheries Management Section.
2. Georgia Department of Natural Resources (GADNR). 2007. Standard Operating Procedures- Macroinvertebrate Biological Assessment of Wadeable Streams in Georgia. Environmental Protection Division, Watershed Protection Branch.

#### **II. Additional Benthic Invertebrate Sediment Assessment**

To further evaluate potential effects on benthic invertebrate communities found below the sediment surface, King America will collect sediment samples upstream and downstream of the outfall to identify macro (>500 microns) fauna and meio (> 300 microns but < 500 microns) fauna. King America will collect the samples as follows:

1. Five (5) stations will be located upstream of the existing outfall and nine (9) stations will be located downstream of the downfall.
2. The samples will be taken with a Petit Ponar grab sampler (or similar standard sampling device).
3. The downstream stations will be located in gradient downstream from the diffuser beginning within the immediate mixing zone – approximately fifty (50) feet below the diffuser – and approximately equal distance downstream.

At each station, a total of three (3) grabs of sediment material will be composited and

shipped to a laboratory for sorting and identification to the species level. Each sample will be sieved with a 500 and then 300 micron sieve to distinguish between macro and meiofauna. The composite samples will be sorted in the laboratory down to species level following the procedures in the EPD protocols and results summarized using the multi-metric approach including species richness, composition, tolerant/intolerant, functional feeding group, and habitat. Results from each station will be compared using standard statistical methods to compare similarity between locations.

### **III. General Matters**

The biological monitoring will be conducted annually in the late summer or early fall months as recommended in the protocols. This sampling will be conducted annually for three (3) years to allow for a range of annual stream flow conditions. Upon completion of this protocol, King America and Plaintiff will meet and confer in good faith to evaluate whether it is necessary and/or advisable to extend this sampling for an additional two (2) years.

King America will prepare a Sampling and Analysis Plan (SAP) that specifically identifies sampling stations and will provide the SAP to Plaintiff no later than July 1, 2014 for Plaintiffs' review and comment. Following the assessments, King America will summarize the results from both sampling procedures described above in an annual report to be provided to Plaintiff on or before the 1st of December annually, beginning on December 1, 2014.

**EXHIBIT E**

**RCRA Metals and Priority Pollutants Protocol (Effluent)**

King America will test the facility's effluent at the permitted outfall (Outfall 001) once annually for three (3) years beginning in June 2014 for the following parameters:

1. All priority pollutants, as that term is defined in the federal Clean Water Act and its implementing regulations. A list of all priority pollutants can be found in Appendix A to 40 CFR Part 423; and
2. The following metals: arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. These are more commonly known as the federal Resource Conservation and Recovery Act metals; and
3. The following parameters from the NPDES Permit: total phenols, total chromium, formaldehyde, and sodium.

Samples will be sent to a certified laboratory for analysis. King America will compile the results of these tests into an annual report to be provided to Plaintiff on or before the 1st of September annually, beginning on September 1, 2014. King America shall simultaneously submit this report to the EPD.

**EXHIBIT F**

**RCRA Metals and Priority Pollutants Protocol (Sludge)**

King America will test the sludge in the facility's waste water treatment plant holding ponds annually for three (3) years beginning in June 2014 for the following parameters:

1. All priority pollutants, as that term is defined in the federal Clean Water Act and its implementing regulations. A list of all priority pollutants can be found in Appendix A to 40 CFR Part 423; and
2. The following metals: arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. These are more commonly known as the federal Resource Conservation and Recovery Act metals; and
3. The following parameters from the NPDES Permit: total phenols, total chromium, formaldehyde, and sodium.

The sampling will be conducted at four (4) discrete sampling points in each pond. At each sampling point, sludge will be collected from three (3) different depths. The sludge from the three (3) different depths at each sampling point will be composited into a single sample, which will result in four (4) discrete samples – one from each point – that are submitted to a certified laboratory for analysis.

King America will compile the results of these tests into an annual report to be provided to Plaintiff on or before the 1st of September annually, beginning on September 1, 2014. King America shall simultaneously submit this report to the EPD.

**EXHIBIT G**

**WET Testing Protocol**

Once per quarter (in March, June, September, and December) for three (3) years following entry of the Consent Decree, King America will collect instream samples twenty-five (25) feet above and below the permitted outfall discharge into the Ogeechee River. Acute and chronic whole effluent toxicity (WET) testing of these samples by a certified laboratory will be conducted concurrently using both *Ceriodaphnia dubia* and *Daphnia ambigua*.

In performing the acute WET testing, the most current U.S. EPA acute aquatic testing manual shall be followed. The reference document for this method is “Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5<sup>th</sup> Edition, October 2002” or the most recently approved edition. In performing the chronic WET testing, the most current U.S. EPA chronic aquatic testing manuals shall be followed. The reference document for this method is: “Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, 4th Edition, EPA-821-R-02-013, October 2002” or the most recently approved edition.

In addition to a reconstituted laboratory control test performed according to EPA protocols using MHRW 2611 laboratory prepared water for the serial dilutions, a parallel set of tests using Ogeechee River water collected upstream will also be conducted using a serial dilution with Ogeechee River water as dilution water. The results of the tests using the dual controls will be analyzed according EPA Section 7.1.3.

King America will compile the results of these tests into a quarterly report to be provided to Plaintiff within thirty (30) days of the completion of each chronic WET test.

## **EXHIBIT H**

### **Webpage Protocol**

For five (5) years following entry of the Consent Decree, King America will maintain a password-protected webpage for the dissemination of technical information such as sampling results to the Ogeechee Riverkeeper and its consultants. Ogeechee Riverkeeper will provide King America with a list of up to seven (7) individuals who will be authorized users and will be issued login credentials and passwords and will be provided with the website address. In order to receive such credentials and passwords, those individuals will need to provide an email address and phone number to King America. Ogeechee Riverkeeper may substitute an authorized user at any time by providing substitute information to King America and indicating which previously-authorized user is no long authorized.

The password-protected webpage will include sampling results required to be collected and maintained for purposes of King America's submission of Discharge Monitoring Reports (DMRs) to Georgia EPD and will include certain process control results maintained for King America's operation of its wastewater treatment plant. In addition, PDF copies of the reports prepared pursuant to Section II.2 of the Consent Decree will be maintained on the website.

For the following results that are collected, reported, and recorded by King America personnel for DMR purposes, the results will be posted within forty-eight (48) hours of collection and recording of any analysis (to the extent applicable):

- Flow
- pH (daily grab and daily high and low from continuous monitoring)
- Temperature (daily grab and daily high and low from continuous monitoring)
- Dissolved Oxygen (daily grab and daily low from continuous monitoring)
- Peroxide
- Color (effluent)

For the following results that are collected and analyzed by an accredited laboratory for DMR purposes, the results will be posted by 9 a.m. on the third (3<sup>rd</sup>) day following King America's receipt of final (i.e., non-provisional) data:

- BOD<sub>5</sub>
- Chemical Oxygen Demand
- Total Suspended Solids
- Total Phenols
- Total Chromium
- Total Ammonia
- Formaldehyde
- Sodium
- Sulfide
- Whole Effluent Toxicity testing (effluent and in-stream)

- In-stream sampling of the Ogeechee River (i.e., color, pH, temperature, conductivity, ammonia, formaldehyde, sodium, sulfide, peroxide, and dissolved oxygen)

For the process control testing that King America maintains in the course of operating its wastewater treatment plant, the parties have agreed that – to the extent King America continues to utilize these parameters for process control and on the days that King America generates data for a particular parameter – the following parameters will be reported on the website:

- pH of the aeration basin influent (taken during the A.M. operator's shift)
- Chemical Oxygen Demand of the aeration basin influent (taken during the A.M. operator's shift)
- Dissolved Oxygen taken from Pier 4 within the aeration basin (taken during the A.M. operator's shift)
- Mixed Liquor Suspended Solids within the aeration basin (daily grab sample)
- Mixed Liquor Volatile Suspended Solids within the aeration basin (not a daily sample, availability may vary)
- pH of the aeration basin effluent (taken during the A.M. operator's shift)
- Return Suspended Solids from the clarifiers (not a daily sample, availability may vary)
- Sludge Volume Index from the clarifiers (not a daily sample, availability may vary)
- Ammonia within the clarifiers (daily grab sample)
- Chemical Oxygen Demand within the clarifiers (daily grab sample)
- Total Suspended Solids within the clarifiers (daily grab sample)
- Nitrate and Nitrite within the clarifiers (daily grab sample)

That data will be input into a spreadsheet and uploaded to the website by King America on a weekly basis and no later than noon Monday for the previous week's data (which shall run from Sunday through Saturday). Any data which has not been quality-control verified by King America in time for the noon Monday upload will be uploaded once it is verified.

No sooner than ninety (90) days following entry of the Consent Decree, the parties will discuss the format of the presentation of the data on the webpage to determine whether modification of the presentation of the data is necessary to facilitate Plaintiff's review of same.