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Environmental Quality
Board

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

APPALACHIAN POWER COMPANY, d/b/a AEP

Appellant,

v.

Appeal No. 25-12 EQB

DIRECTOR, DIVISION OF WATER
AND WASTE MANAGEMENT,
WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Appellee.

NOTICE OF APPEAL

The Appellant Appalachian Power Company (“APCo”), doing business as AEP, (“Appellant” “AEP” or the “Company”), respectfully represent(s) that it is aggrieved by certain terms and conditions contained in final WV NPDES Permit No. WV0078875, issued on October 23, 2025, for the London Hydroelectric Plant. **Exhibit A.** On October 10, 2025, timely comments were filed by APCo concerning the draft permit. **Exhibit B.** A copy of this permit was received by email to Jonathan Magalski, American Electric Power Service Corporation, on October 24, 2025, and this appeal is timely per Section 21, Article 11, Chapter 22 of the Code of West Virginia, as it is filed within thirty (30) days after the date of receipt of the permit.

Relief Requested: The appellant therefore prays that this matter be reviewed and that the Board grant the following relief by amending the permit to revise or eliminate those conditions described in the Specific Objections.

Specific Objections: The specific objections to the action, including questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs and

attached hereto as **Attachment A**. The objections may be factual or legal and are summarized in **Attachment B**.

Dated this 24th day of November, 2025.

Respectfully submitted,

Appalachian Power Company d/b/a AEP

By counsel:



Kathy G. Beckett (W. Va. Bar No. 4998)
Keeleigh S. Huffman (W. Va. Bar No. 14389)
STEPTOE & JOHNSON PLLC
707 Virginia Street, East
Charleston, West Virginia 25301
(304) 353-8172

*Counsel for Appalachian Power Company, d/b/a
AEP*

Attachment A

Attachment A
Specific Permit Conditions On Appeal

1. Copper Effluent Limits at Outlet 001

- a. WVDEP failed to provide adequate technical justification for the terms and conditions of the permit raising legal and factual questions about the agency's permitting decision and requirements. For example, the assigned copper effluent limit is not consistent with effluent limitation development policy and therefore renders the permit arbitrary and capricious. The permittee is unable to technically reconstruct data to support the agency's reasonable potential decision.
- b. The schedule of compliance includes terms and conditions are not consistent with the operation or modification of a hydroelectric plant and are therefore legally and factually arbitrary and capricious.

Attachment B

Attachment B
Questions of Fact and Law

1. Does WVDEP have adequate technical basis for prescribing effluent limitations for copper in this permit?

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

APPALACHIAN POWER COMPANY, d/b/a AEP

Appellant,

v.

Appeal No. 25-12-EQB

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

Appellee.

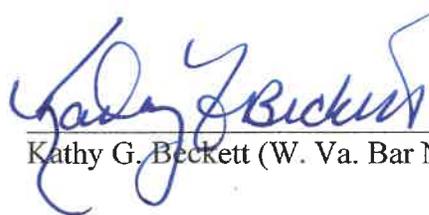
CERTIFICATE OF SERVICE

I, Kathy G. Beckett, counsel for Appalachian Power Company d/b/a AEP, do hereby certify that a true and exact copy of the foregoing "Notice of Appeal" was caused to be served upon the following via hand delivery, on this 24th day of November, 2025.

Kenna M. DeRaimo, Clerk
West Virginia Environmental Quality Board
601 57th Street SE
Charleston, WV 25304

Office of Legal Services
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Jeremy Bandy, Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304



Kathy G. Beckett (W. Va. Bar No. 4998)



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304-2345
Phone: 304-926-0495/Fax: 304-926-0463

Harold D. Ward, Cabinet Secretary
<https://dep.wv.gov>

October 23, 2025

JONATHAN M. MAGALSKI
APPALACHIAN POWER COMPANY
1 RIVERSIDE PLAZA
COLUMBUS, OH 43215

CERTIFIED RETURN RECEIPT REQUESTED

Dear Permittee:

Enclosed please find WV/NPDES Permit Number WV0078875 dated October 23, 2025.

The Permittee's comments were received by letter dated October 10, 2025. The agency is providing the following responses to those comments.

Comment No. 1 : Copper Limits at Outlet 001

The copper limitations at Outlet 001 are water quality-based effluent limits and not technology-based based effluent limits. Whether a permit is considered a minor facility or a major facility is not relevant to the applicability of water quality standards. The agency already considered the value reported for copper on the September 2022 DMR as an outlier and did not include it in its assessment of reasonable potential for copper in the draft permit. The agency's reasonable potential assessment indicated that there was reasonable potential to exceed copper water quality criteria at the end of pipe as well as at the edge of the default mixing zone that was granted. Please note that this permit does not have a site-specific mixing zone. The 2012 mixing zone verification study conducted by Appalachian Power was conducted under lab conditions and not in the field. As a result, the agency did not accept the 2012 mixing zone verification study at that time. The follow up mixing zone verification study conducted by Appalachian Power in 2019 was for Outlet 004 only at the Winfield and Marmet facilities. As such, no site-specific mixing zone has been granted in prior permits issued to the London facility, nor in this permit. However, a default mixing zone was granted and considered in the determination of reasonable potential and water quality-based effluent limitations for copper at Outlet 001 and a compliance schedule was granted.

Comment No. 2 : Metals Monitoring at Outlets 001-003

JONATHAN M. MAGALSKI

Page 2

October 23, 2025

The permittee supplied permit application data for several metals at Outlets 001-003. No other data exists for these metals and the data cannot just be ignored by the agency. The agency believes that the additional monitoring for aluminum, iron, and zinc at Outlet 001; copper at Outlet 002; and copper, lead, aluminum, and iron at Outlet 003 is warranted in the permit due to the levels reported in the permit application.

Please note that a Discharge Monitoring Report (DMR) is to be completed and submitted to this Division each month.

Finally note that copies of all future correspondence regarding the permit must be forwarded to the Field Inspector and Field Supervisor at the following address:

Department of Environmental Protection
Environmental Enforcement
601 57th Street
Charleston, WV 25304

Also, please note the attachment to this permit which describes the annual permit fee requirement. Reissuance of your permit does not change the annual fee billing cycle.

If you have any questions, please contact Brittany Ballengee of this Division at (304) 926-0499 at extension 43820, or by email at brittany.r.ballengee@wv.gov.

Sincerely,



Jeremy W. Bandy
Director

JWB:bb

Enclosures

Permit Number: WV0078875

Permittee: APPALACHIAN POWER COMPANY

cc: Env. Insp. Supv.
Env. Insp.



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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT

NPDES PERMIT NO.: WV0078875
SUBJECT: Industrial Waste

ISSUE DATE: October 23, 2025
EFFECTIVE DATE : December 01, 2025
EXPIRATION DATE: October 22, 2030
SUPERSEDES: Permit No. WV0078875
dated February 08, 2021

LOCATION: HANDLEY (City)	Kanawha (County)	Upper Kanawha River (Drainage Basin)
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See the next page for a list of Outlets.

TO WHOM IT MAY CONCERN:

This is to certify that: APPALACHIAN POWER COMPANY
1 RIVERSIDE PLAZA
COLUMBUS, OH 43215

is hereby granted a West Virginia NPDES Water Pollution Control Permit to:

operate and maintain disposal systems for the direct discharge of untreated industrial wastewater (non-contact cooling water) from Outlet Nos. 001, 002, 003, 005, 006 and 007 into the Kanawha River at Mile Point 82.8. Also, to operate and maintain disposal systems for the direct discharge of treated sewage and industrial sump wastewater via Outlet No. 008 into the Kanawha River at Mile Point 82.8.

This permit is subject to the following terms and conditions :

The information submitted on and with Permit Application No. WV0078875 dated the 7th day of July 2025 is all hereby made terms and conditions of this Permit with like effect as if all such permit application information were set forth herein and with other conditions set forth in Sections A, B, C and Appendix A.

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

Inspectable Unit	Latitude	Longitude	Receiving Stream	Dist. to Stream Mouth (in Mile)	Milepost
001	38°11'29"	81°22'14"	KANAWHA RV	N/A	82.8
002	38°11'29"	81°22'14"	KANAWHA RV	N/A	82.8
003	38°11'29"	81°22'14"	KANAWHA RV	N/A	82.8
005	38°11'29"	81°22'14"	KANAWHA RV -- No Monitoring Required	N/A	82.8
006	38°11'29"	81°22'14"	KANAWHA RV -- No Monitoring Required	N/A	82.8
007	38°11'29"	81°22'14"	KANAWHA RV -- No Monitoring Required	N/A	82.8
008	38°11'29"	81°22'14"	KANAWHA RV	N/A	82.8

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

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 001 (Noncontact Cooling Water)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>		
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050 - (Flow,in Conduit or thru plant) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	mgd	1/month	Estimated
01119 - (Copper, Total Recoverable) (Year Round) (ML-1) (RF-A) Interim: 12/1/2025 to 11/30/2027	N/A	N/A	Rpt Only Avg. Monthly	mg/l	1/month	Grab
01119 - (Copper, Total Recoverable) (Year Round) (ML-1) (RF-A) Final: 12/01/2027 to 10/22/2030	N/A	N/A	0.009 Avg. Monthly	mg/l	1/month	Grab
01094 - (Zinc, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	mg/l	1/quarter	Grab
01104 - (Aluminum, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	mg/l	1/quarter	Grab
00980 - (Iron, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	mg/l	1/quarter	Grab
00018 - (Temp. Diff. Discharge/Upstree) (Year Round) (ML-2) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	DEG.F	1/month	Calculated
00011 - (Temperature, F) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	DEG.F	1/month	Insitu

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 001, at the sampling port on the effluent pipe prior to discharging to the Kanawha River. Outlet 001 sampling results shall be deemed representative of Outlet 005.

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

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

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 001 (Noncontact Cooling Water)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00011 - (Temperature, F) (Year Round) (ML-7) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	1/month	Insitu

Upstream/Intake Temperature. Refer to Section C.16.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 001, at the sampling port on the effluent pipe prior to discharging to the Kanawha River. Outlet 001 sampling results shall be deemed representative of Outlet 005.

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

**A-002 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits**

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 002 (Noncontact Cooling Water)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050 - (Flow in Conduit or thru plant) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Estimated
01119 - (Copper, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
00018 - (Temp. Diff. Discharge/Upstree) (Year Round) (ML-2) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Calculated
Temperature Difference between the Effluent and the Upstream/Intake. Refer to Section C.16.					
00011 - (Temperature, F) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Insitu
Effluent Temperature. Refer to Section C.16.					
00011 - (Temperature, F) (Year Round) (ML-7) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Insitu
Upstream/Intake Temperature. Refer to Section C.16.					

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 002, at the sampling port on the effluent pipe prior to discharging to the Kanawha River. Outlet 002 sampling results shall be deemed representative of Outlet 006.

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

**A-003 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits**

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 003 (Noncontact Cooling Water)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050 - (Flow in Conduit or thru plant) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Estimated
01119 - (Copper, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
01114 - (Lead, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
01104 - (Aluminum, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
00980 - (Iron, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
00018 - (Temp. Diff. Discharge/Upstream) (Year Round) (ML-2) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Calculated
00011 - (Temperature, F) (Year Round) (ML-1) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Insitu
00011 - (Temperature, F) (Year Round) (ML-7) (RF-A)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/month Insitu

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Outlet 003, at the sampling port on the effluent pipe prior to discharging to the Kanawha River. Outlet 003 sampling results shall be deemed representative of Outlet 007.

This discharge shall comply with Appendix A - I MANAGEMENT CONDITIONS 1 - 12.

**A.008 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits**

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 008 (Sanitary, Cooling Water, Storm Water Runoff, Other)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
50050 - (Flow,in Conduit or thru plant) (Year Round) (ML-1) (RF-B)	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Estimated
00310 - (BOD, 5-Day 20 Deg.C) (Year Round) (ML-1) (RF-B)	Rpt Only Avg. Monthly	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	1/quarter Grab
00530 - (Total Suspended Solids) (Year Round) (ML-1) (RF-B)	Rpt Only Avg. Monthly	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	1/quarter Grab
74055 - (Coliform, Fecal) (Year Round) (ML-1) (RF-B)	N/A	N/A	N/A	200 Mon. Geo. Mean	400 Max. Daily	1/quarter Grab
00400 - (pH) (Year Round) (ML-1) (RF-B)	N/A	N/A	6 Inst. Min.	N/A	9 Inst. Max.	1/quarter Grab
00610 - (Ammonia Nitrogen) (Year Round) (ML-1) (RF-B)	Rpt Only Avg. Monthly	Lbs/Day	N/A	15 Avg. Monthly	30 Max. Daily	1/quarter Grab
01119 - (Copper, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab
01114 - (Lead, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 008: Discharge from ultraviolet disinfection unit.

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

**A.008 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Permit Limits**

During the period beginning 12/1/2025 and lasting through midnight 10/22/2030 the permittee is authorized to discharge from Outlet Number(s) 008 (Sanitary, Cooling Water, Storm Water Runoff, Other)

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

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>		
	<u>Quantity</u>	<u>Units</u>	<u>Other Units</u>	<u>Units</u>	<u>Frequency</u>	<u>Sample Type</u>
01094 - (Zinc, Total Recoverable) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter	Grab
00552 - (Oil and Grease, Hexane EXT) (Year Round) (ML-1) (RF-B)	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
Outlet 008: Discharge from ultraviolet disinfection unit.

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

B. SCHEDULE OF COMPLIANCE

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

- | | |
|---------------|--|
| Mar 01, 2026: | The permittee shall submit a plan of action outlining measures to be taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Jun 01, 2026: | The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Sep 01, 2026: | The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Dec 01, 2026: | The permittee shall have completed any designs and/or studies necessary to comply with the final effluent limitations for copper at Outlet 001. The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Mar 01, 2027: | The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Jun 01, 2027: | The permittee shall begin any necessary construction of upgrades or system modifications to achieve compliance with the final effluent limitations for copper at Outlet 001. The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Sep 01, 2027: | The permittee shall submit a quarterly progress report summarizing actions that have been taken to achieve compliance with the final effluent limitations for copper at Outlet 001. |
| Dec 01, 2027: | The permittee shall complete any necessary construction/upgrades and achieve compliance with the final effluent limitations for copper at Outlet 001. |

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

Section C - Other Requirements

01. The permittee shall practice good housekeeping including maintaining the facility grounds. There shall be no scattered parts, equipment, debris, etc. Any and all drums shall be either stored in a covered area or kept upon pallets and properly sealed.
02. The issuance of this permit shall not relieve the permittee of the obligation to comply with any other federal, state or local laws. Compliance with this permit does not relieve the permittee from the obligation of Section 311 of the Clean Water Act. This permit does not authorize spills of hazardous substances/wastes from any permitted outlet into waters of the State. Such incidents are to be reported in accordance with Sections IV.1 and IV.2 of Appendix A of this permit.
03. Upon review of information submitted under terms and conditions of this permit, the permit may be modified to require additional effluent limitations/monitoring requirements and/or improved best management practices.
04. The permittee shall notify the Division of Water and Waste Management immediately when it becomes aware of any migration of any pollutant from any unpermitted source (such as contaminated groundwater and/or storm water) into surface waters of the State.
05. All trash generated at the permittee's facility shall be properly disposed in accordance with solid waste regulations. Trash and debris removed from the rake/sluicing system shall not be returned to the waterway and shall be properly disposed of.
06. The permittee shall submit each month according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration and/or quantities the values of the constituents listed in Section A analytically determined to be in the plant effluent(s). Additional information pertaining to effluent monitoring and reporting can be found in Section III of Appendix A.
07. The required DMRs shall be received by the agency no later than 25 days following the end of the reporting period in accordance with the following requirements. The agency is now requiring the permittee to utilize our electronic discharge monitoring report (eDMR) system which is now mandatory. The permittee is not required to submit hard copies of the DMRs to the addresses listed below when using eDMR. Special circumstances may result in the agency granting an exemption to eDMR and are considered on case by case basis. If the permittee was exempted by the agency from using the eDMR system, then the permittee is required to send hard copies to the addresses below. The permittee may contact the agency for more information about the eDMR system and potential exemptions from using it. Regardless, in accordance with Appendix A, Section III.6 of this permit, the permittee shall maintain copies of DMRs (either hard copies or electronic copies) at the plant site and the DMRs shall be made readily available upon request for DEP personnel.

Director
Division of Water and Waste Management
601 57th Street, SE
Charleston, West Virginia 25304
Attn: Permitting Branch

Department of Environmental Protection
Environmental Enforcement
601 57th Street, SE
Charleston, West Virginia 25304

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

Parameter	EPA Method No.	Method Detection Level (ug/l)
Aluminum, Total Recoverable	200.8	1.0
Copper, Total Recoverable	200.8	0.5
Iron, Total Recoverable	200.7	3.0
Lead, Total Recoverable	200.8	0.6
Zinc, Total Recoverable	200.8	1.8

Section C - Other Requirements

09. The analytical test procedures, set forth in 40 CFR Part 136, prescribe colorimetric methods for certain parameters. The digestion process for the performance of total recoverable is not sufficient for the utilization of a colorimetric procedure. Therefore, colorimetric procedures shall not be acceptable for the analysis of parameters prescribed as total recoverable.
10. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

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

11. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.
12. The permittee shall not use alternate DMRs without prior approval from this Agency.
13. The Groundwater Protection Plan (GPP) shall be maintained at the plant site and shall be available for inspection by the Division of Water and Waste Management personnel.
14. The permittee shall utilize EPA Method No. 1664 A (gravimetric analysis using the hexane extractable method [HEM]) for the analysis of oil and grease.
15. If any portion of the Permittee's discharge that is identified as being subject to Federal Effluent Guideline(s) and the new or revised requirements of the Federal Effluent Guideline(s) are not currently in this permit, the Director may reopen or reissue this permit to incorporate additional, more stringent requirements or limitations.
16. Upstream/Intake temperature monitoring and discharge temperature monitoring required in Section A of this permit shall be collected concurrently. There shall be no more than thirty minutes between monitoring collected at the intake and the discharge.
17. Certain characteristics of sewage, industrial wastes, and other wastes cause pollution and are objectionable in all waters of the State. Certain conditions are not to be allowed in any of the waters of the State. Therefore, the effluent discharge, and specifically the discharge via Outlets 001, 002, 003, 005, 006, 007 and 008, from the permittee's treatment facility shall not cause violation of Appendix A, Section I.12.
18. The permittee shall not use any treatment chemicals or additives that contain, or create as a by-product, total residual chlorine on any discharge. The permittee must first modify this permit for the use of any such chemicals.
19. Outlets 005, 006, and 007 are submerged outlets and no monitoring is currently required. However, the discharges from these outfalls shall not cause violation of Appendix A, Section I.12.
20. There shall be no net addition of pollutants to the river from operation of the filter backwash from service water pump house or from head cover leakage. Trash and debris removed from the rake/sludging system shall not be returned to the waterway and shall be properly disposed of.
21. A list of chemicals used at the facility was submitted with the permit application. The agency does not object to the use of these chemicals contingent upon continued use is as recommended by the manufacturer and application of each individual chemical shall not result in the exceedance of 1/10th (for non-bio-accumulative chemicals) or 1/100th (for bioaccumulated chemicals) of the lowest LC50 listed in each products Material Safety Data Sheet (MSDS) at any Outlet.

Section C - Other Requirements

22. The permittee has provided information in the permit application that it does not intake more than 2 MGD on average and use more than 25% of the intake water for cooling purposes. If the permittee significantly alters its intake structure or increases the amount of cooling water used in its overall flow balance to exceed the above noted thresholds, the permittee shall update and resubmit the applicable information as required in 40 CFR 122.21(r)(2) - (r)(8) along with a major permit modification application.

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0078875; with the plan of maintenance and method of operation thereof submitted with such application(s); and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0078875; and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and the invocation of all the enforcement procedures set forth in Chapter 22, Article 11, or 15 of the Code of West Virginia.

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


Jeremy W. Bandy, Director

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

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

2. Duty to Reapply

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

3. Duty to Mitigate

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

4. Permit Actions

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

5. Property Rights

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

6. Signatory Requirements

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

7. Transfers

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

8. Duty to Provide Information

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

9. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. Inspection and Entry

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

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

11. Permit Modification

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

12. Water Quality

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

13. Outlet Markers

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

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, 308 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- d) Nothing in I.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

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

2. Need to Halt or Reduce Activity Not a Defense

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

3. Bypass

- a) Definitions
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.
- c)
 - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
 - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
 - (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless;
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
 - (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

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

III. MONITORING AND REPORTING

1. Representative Sampling

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

2. Reporting

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

3. Test Procedures

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

4. Recording of Results

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

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

5. Additional Monitoring by Permittee

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

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Definitions

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

IV. OTHER REPORTING

1. Reporting Spills and Accidental Discharges

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

2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit shall be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, or any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) One hundred micrograms per liter (100 ug/l);
 - (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series 10, Title 47.
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47;
 - (2) That any activity has occurred or will occur which would result in any discharge (on a non-routine or infrequent basis) of a toxic which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) Five hundred micrograms per liter (500 ug/l);
 - (B) One milligram per liter (1 mg/l) for antimony;
 - (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47.
 - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.
 - (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

4. Other Noncompliance

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

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY; Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 001
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Quantity	Other Units			Measurement Frequency	Sample Type
		Units	CEL*	N.E.		
50050 (ML-1) RF-A Flow, in Conduit or thru plant Year Round	Reported	N/A				
	Permit Limits	Rpt Only N/A	Rpt Only N/A	Rpt Only N/A	1/month	Estimated
01119 (ML-1) RF-A Copper, Total Recoverable Year Round Interim: 12/1/2025 to 11/30/2027	Reported	N/A				
	Permit Limits	Rpt Only N/A	Rpt Only N/A	Rpt Only N/A	1/month	Grab
01119 (ML-1) RF-A Copper, Total Recoverable Year Round	Reported	N/A				
	Permit Limits	Rpt Only N/A	0.009 Avg. Monthly	0.027 Max. Daily	1/month	Grab
01094 (ML-1) RF-B Zinc, Total Recoverable Year Round	Reported	N/A				
	Permit Limits	Rpt Only N/A	Rpt Only N/A	Rpt Only N/A	1/quarter	Grab
01104 (ML-1) RF-B Aluminum, Total Recoverable Year Round	Reported	N/A				
	Permit Limits	Rpt Only N/A	Rpt Only N/A	Rpt Only N/A	1/quarter	Grab
00980 (ML-1) RF-B Iron, Total Recoverable Year Round	Reported	N/A				
	Permit Limits	Rpt Only N/A	Rpt Only N/A	Rpt Only N/A	1/quarter	Grab

* CEL = Compliance Evaluation Level

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

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY; Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 001
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Quantity	Other Units			Measurement Frequency	Sample Type
		Units	N.E.	CEL*		
00018 (ML-2) RF-A Temp. Diff. Discharge/Upstream Year Round	Reported					
	Permit Limits	N/A	N/A	N/A	1/month	Calculated
00011 (ML-1) RF-A Temperature, F Year Round	Reported					
	Permit Limits	N/A	N/A	N/A	1/month	Insitu
00011 (ML-7) RF-A Temperature, F Year Round	Reported					
	Permit Limits	N/A	N/A	N/A	1/month	Insitu

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.
Title of Officer	
Date Completed	
Signature of Principal Executive Officer or Authorized Agent	

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY, Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 002
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Reported	Quantity		Other Units			Measurement Frequency	Sample Type
		N/A	N/A	Units	N.E.	Units		
50050 (ML-1) RF-A Flow, In Conduit or thru plant Year Round	Permit Limits	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mgd	Estimated
	Reported							
01119 (ML-1) RF-B Copper, Total Recoverable Year Round	Permit Limits	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l	Grab
	Reported							
00018 (ML-2) RF-A Temp. Diff. Discharge/Upstream Year Round	Permit Limits	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	DEG.F	Calculated
	Reported							
00011 (ML-1) RF-A Temperature, F Year Round	Permit Limits	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	DEG.F	Insitu
	Reported							
00011 (ML-7) RF-A Temperature, F Year Round	Permit Limits	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	DEG.F	Insitu
	Reported							

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer _____ Title of Officer _____	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed _____ Signature of Principal Executive Officer or Authorized Agent _____
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STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY; Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 003
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Quantity	Other Units		Measurement Frequency	Sample Type
		Units	N.E.		
50050 (ML-1) RF-A Flow in Conduit or thru plant Year Round	Reported	N/A			
	Permit Limits	N/A		1/month	Estimated
01119 (ML-1) RF-B Copper, Total Recoverable Year Round	Reported	N/A			
	Permit Limits	N/A		1/quarter	Grab
01114 (ML-1) RF-B Lead, Total Recoverable Year Round	Reported	N/A			
	Permit Limits	N/A		1/quarter	Grab
01104 (ML-1) RF-B Aluminum, Total Recoverable Year Round	Reported	N/A			
	Permit Limits	N/A		1/quarter	Grab
00980 (ML-1) RF-B Iron, Total Recoverable Year Round	Reported	N/A			
	Permit Limits	N/A		1/quarter	Grab
00018 (ML-2) RF-A Temp. Diff. Discharge/Upstream Year Round	Reported	N/A			
	Permit Limits	N/A		1/month	Calculated

* CEL = Compliance Evaluation Level

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

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY, Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 003
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Quantity	Other Units			Measurement Frequency	Sample Type
		Units	CEL*	N.E.		
00011 (ML-1) RF-A Temperature, F Year Round	Reported					
	Permit Limits	N/A	N/A		1/month	Insitu
00011 (ML-7) RF-A Temperature, F Year Round	Reported					
	Permit Limits	N/A	N/A		1/month	Insitu

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer _____ Title of Officer _____	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.
	Date Completed _____ Signature of Principal Executive Officer or Authorized Agent _____

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY; Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 008
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Quantity	Other Units			Measurement Frequency	Sample Type
		Units	CEL*	Units		
50050 (ML-1) RF-B Flow in Conduit or thru plant Year Round	Reported	N/A				
	Permit Limits	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	1/quarter	Estimated
00310 (ML-1) RF-B BOD, 5-Day 20 Deg.C Year Round	Reported					
	Permit Limits	Rpt Only Avg. Monthly	30 Avg. Monthly	60 Max. Daily	1/quarter	Grab
00530 (ML-1) RF-B Total Suspended Solids Year Round	Reported					
	Permit Limits	Rpt Only Avg. Monthly	30 Avg. Monthly	60 Max. Daily	1/quarter	Grab
74055 (ML-1) RF-B Coliform, Fecal Year Round	Reported					
	Permit Limits	N/A	200 Mon. Geo. Mean	400 Max. Daily	1/quarter	Grab
00400 (ML-1) RF-B pH Year Round	Reported					
	Permit Limits	N/A	N/A	9 Inst. Max.	1/quarter	Grab
00610 (ML-1) RF-B Ammonia Nitrogen Year Round	Reported					
	Permit Limits	Rpt Only Avg. Monthly	15 Avg. Monthly	30 Max. Daily	1/quarter	Grab

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer	Date Completed	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.
Title of Officer	Signature of Principal Executive Officer or Authorized Agent	

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

FACILITY NAME: (London Hydroelectric Plant) APPALACHIAN POWER COMPANY CERTIFIED LABORATORY NAME: _____
 LOCATION OF FACILITY: HANDLEY, Kanawha County CERTIFIED LABORATORY ADDRESS: _____
 PERMIT NO.: WV0078875 008
 WASTELOAD FOR THE MONTH OF: _____ INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter	Reported	Quantity		Other Units			Measurement Frequency	Sample Type
		N/A	N/A	Units	N.E.	CEL*		
01119 (ML-1) RF-B Copper, Total Recoverable Year Round	Reported	N/A	N/A					
	Permit Limits			Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l	1/quarter Grab
01114 (ML-1) RF-B Lead, Total Recoverable Year Round	Reported	N/A	N/A					
	Permit Limits			Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l	1/quarter Grab
01094 (ML-1) RF-B Zinc, Total Recoverable Year Round	Reported	N/A	N/A					
	Permit Limits			Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l	1/quarter Grab
00552 (ML-1) RF-B Oil and Grease, Hexane EXTR. Year Round	Reported	N/A	N/A					
	Permit Limits			Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l	1/quarter Grab

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer	Date Completed	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.
Title of Officer	Signature of Principal Executive Officer or Authorized Agent	

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

REQUIREMENTS:

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

RESPONSIBILITY FOR REPORTING:

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

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

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

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

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

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

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

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

WHO TO CONTACT:

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

INFORMATION NEEDED:

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

NOTICE TO PERMITTEES

The 2025 regular session of the West Virginia legislature revised the Water Pollution Control Act, Chapter 22, Article 11, Section 10 of the Code of West Virginia relating to fees associated with permits. This section of the Code requires all holders of a State water pollution control permit or a national pollutant discharge elimination system permit to be assessed an annual permit fee, based upon rules promulgated by the Secretary of the Department of Environmental Protection. The Secretary has promulgated a final rule in accordance with the code revision to this effect and these rules were effective May 9, 2025. The rules establish an annual permit fee based upon the relative potential to degrade the waters of the State which, in most instances, relate to volume of discharge. However, for sewage facilities, the annual permit fee is based upon the number of customers served by the facility. You may contact the Secretary of State's Office, State Capitol Building, Charleston, WV 25305, to obtain a copy of the rules. The reference is Title 47, Legislative Rules, Department of Environmental Protection, Division of Water Resources, Series 26 Water Pollution Control Permit Fee Schedules.

Based upon the volume of discharge for which your facility is currently permitted, the number of customers served by your facility or for the category you fall within, pursuant to Section 7 of Title 47, Series 26, your annual permit fee is **\$8500.00**. This fee is due no later than the anniversary date of permit issuance in each year of the term of the permit or in the case of coverage under a general permit, the fee is due no later than the anniversary date of your coverage under the general permit. **You will be invoiced by this agency at the appropriate time for the fee.** Failure to submit the annual fee within ninety(90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this permit which you are aggrieved by to the Environmental Quality Board by filing a NOTICE OF APPEAL on the form prescribed by such Board for this purpose, with the Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after the date of receipt of the above permit.



1 Riverside Plaza
Columbus, OH 43215
aep.com

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

October 10, 2025

**Re: Appalachian Power Company – London Hydroelectric Plant
WV/NPDES Permit Application No. WV0078875 - Kanawha County
Draft WV/NPDES Permit Comments**

Dear Ms. Devereux:

On behalf of Appalachian Power Company (APCo), American Electric Power Service Corporation hereby submits comments regarding the referenced Draft WV/NPDES Permit and Public Notice for London Hydroelectric Plant (London). We appreciate the opportunity to provide these comments to the West Virginia Department of Environmental Protection (DEP) and trust they will be taken into serious consideration.

1. Section A.001., A.002. and A.003 (Pages 3, 5 and 7 of 14):

Given that the DEP considers London a minor discharge facility, it is unclear how the agency arrived at imposing effluent limitations for copper at Outlet 001, 1/quarter monitoring for copper at Outlet 002, and 1/quarter monitoring for copper, lead, aluminum and iron at Outlet 003. Based on our analysis utilizing the DEP's own methodology (without any mixing zone) for calculating a reasonable potential to exceed water quality standards for these metals, effluent limitations for copper at Outlet 001 is not justified or warranted. Please note that a mixing zone study was completed in 2012 and later verified in 2019, and has been previously submitted and approved by the DEP.

Outlets 001, 002 and 003 consist of once-through, non-contact cooling water with no chemical additions or additives. While copper, lead, aluminum and iron may inherently leach from the metal cooling water piping, this is the same process that occurs anywhere uncoated metal is exposed to water (i.e. exposed structural steel, drinking water piping, etc.). Although there are no effluent limitation guidelines for hydroelectric facilities, 40 CFR 423.12-15 does recognize the potential for detection of metals and other pollutants in once-through cooling water, but only regulates discharges for three parameters (polychlorinated biphenyls, free available chlorine and total residual chlorine).

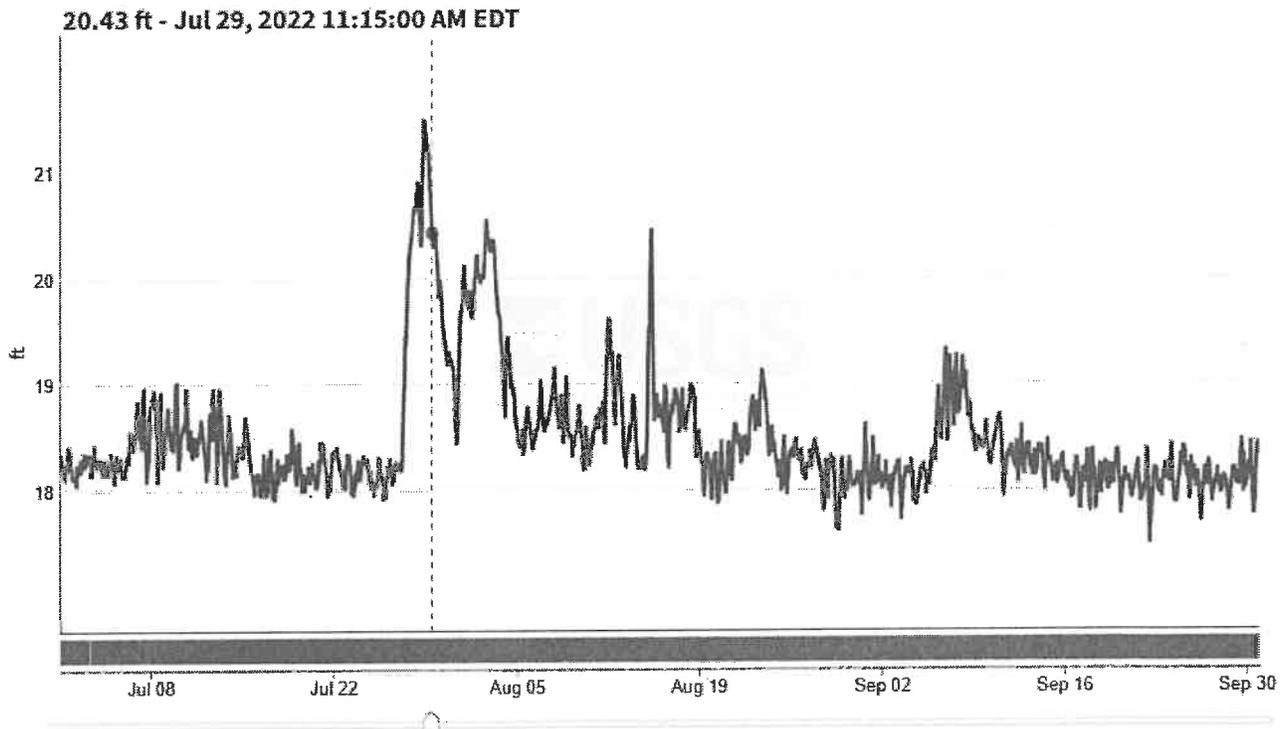
Furthermore, the effluents from Outlets 001, 002 and 003 are filtered river water, so there is no reason to believe effluent quality would change drastically, unless river concentrations for these metals are elevated. As an example, the result for copper at Outlet 001 as reported on the September 2022 DMR was substantially elevated compared to monitoring results submitted under the current permit. We believe the result reported on the September 2022 DMR is an outlier due to the Kanawha River

experiencing a large flood event during the monitoring period as shown below at the Kanawha River USGS gage station at Charleston (USGS 03198000).

Kanawha River at Charleston, WV - USGS-03198000

[Subscribe to WaterAlert](#)

- using custom time span -
July 1, 2022 - September 30, 2022
Gage height, feet

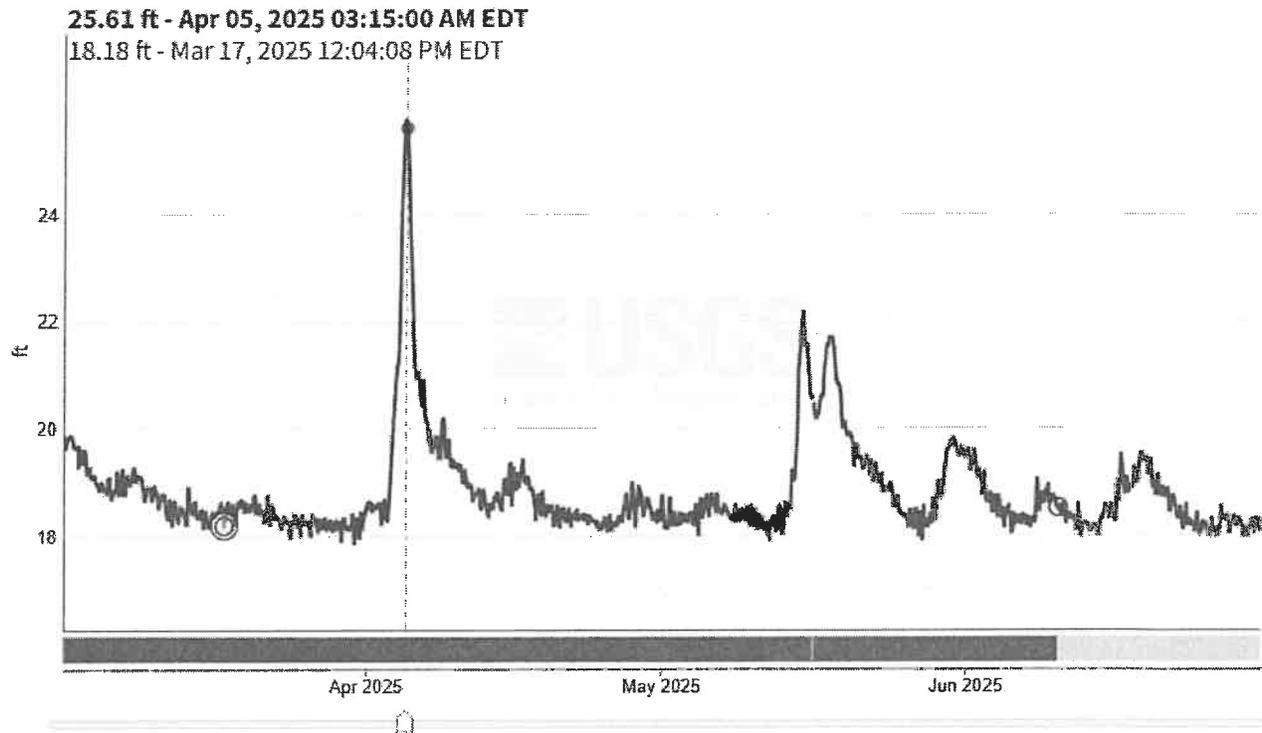


Similarly, any elevated concentrations reported from the renewal sampling should be considered outliers and attributed to the Kanawha River experiencing a large flood event during the monitoring period as shown below at the Kanawha River USGS gage station at Charleston (USGS 03198000). Additionally, one sample under high flow conditions should not further justify an effluent limitation or additional monitoring for other parameters.

Kanawha River at Charleston, WV - USGS-03198000

[Subscribe to WaterAlert](#)

- using custom time span -
March 1, 2025 - June 30, 2025
Gage height, feet



APCo requests removal of the effluent limitations for copper Outlet 001, 1/quarter monitoring for copper at Outlet 002, and 1/quarter monitoring for copper, lead, aluminum and iron at Outlet 003 as proposed in the Draft Permit. Again, it is unclear what basis and justification the DEP used to impose the draft effluent limitations and the 1/quarter monitoring as stated in the Draft Permit and discussed above. It is also unclear if the DEP applied the previously conducted and approved mixing zone study and verification study completed in 2012 and 2019, respectively. As such, we believe they are unjustified and unwarranted and any limitations and additional monitoring as proposed should be removed from the final permit.

London Hydroelectric Plant
WV/NPDES Permit No. WV0078875
October 10, 2025
Page 4

We appreciate the opportunity to review the draft permit and provide the comments contained herein. If you have any questions or would like to further discuss any of the provided comments, please contact me at (614) 716-2240 or at jmmagalski@aep.com. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan M. Magalski". The signature is written in a cursive style with a prominent initial "J" and "M".

Jonathan M. Magalski
Environmental Manager, AEP Service Corporation