

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit Renewal for Discharges of Storm Water Associated with
Construction Activity (OHC000004)

I. Background

There are several pollutants associated with discharges from construction sites, including: sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, concrete truck washout, construction chemicals, and debris. Of those pollutants, sediment is the main pollutant of concern. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical and biological harm to surface waters. For example, excessive sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitat.

The federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]), which was enacted in 1972, provides that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Clean Water Act amendments of 1987 (referred to as the Water Quality Act of 1987) explicitly required the U.S. Environmental Protection Agency (EPA) to adopt regulations to require NPDES permits of storm water dischargers associated with construction activities. Construction sites disturbing one or more acres of land have been required to obtain NPDES permit coverage since March 10, 2003.

Ohio EPA's current NPDES statewide construction storm water general permit (OHC000003) was issued on April 21, 2008 and will expire on April 20, 2013. This fact sheet addresses the draft fourth generation NPDES statewide construction storm water general permit (OHC000004).

II. Description of General Permit Coverage and Type of Discharges

The permit would authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely considered construction storm water (such as trench dewatering), as well as storm water discharges associated with on-site concrete and asphalt batch plants. This permit would not authorize storm water discharges from construction activities authorized by an individual NPDES permit or alternative NPDES general permit (e.g., Big Darby Creek watershed and Portions of the Olentangy River watershed). The permit contains waiver provisions from permit coverage, in accordance with U.S. EPA Phase II regulations, for small construction sites (disturbances of one to five acres).

III. Application and Termination Procedures

New Dischargers: To obtain initial coverage, a discharger needs to submit a complete Notice of Intent (NOI) form and appropriate application fee at least 21 days prior to the commencement of construction activity.

Existing Dischargers: In accordance with Ohio Administrative Code (OAC) 3745-38-02(E)(2)(a)(i), entities authorized under a construction storm water general permit are required to renew their coverage every five years for projects which are not complete. This requires submittal of a renewal NOI and associated application fee. Permittees having coverage under previous generations of this general permit (OHC000003, OHC000002 and OHR100000) will have continued coverage under OHC000004 until their approval for coverage date exceeds five (5) years. Existing permittees who want to continue coverage under OHC000004 must submit a new NOI form and appropriate application fee at least 21 days prior to their coverage date reaching 5 years. For example, if a permittee was issued coverage under OHC000003 on June 1, 2008 then a renewal application must be submitted at least 21 days prior to June 1, 2013. This language has been included in Part I.F.5 of the draft general permit renewal.

Permit Expiration: The general permit renewal will expire five years after the effective date.

Notice of Termination: Permittees must submit a Notice of Termination (NOT) form within 45 days of completing all permit requirements in accordance with Part IV of this draft general permit renewal.

IV. Description of Permit Conditions

In comparison to the current NPDES statewide construction storm water general permit (OHC000003), this draft general permit renewal contains the following noteworthy changes:

1. Federal Construction and Development Effluent Limitation Guidelines. On December 1, 2009, the U.S. Environmental Protection Agency (EPA) published effluent limitation guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction sites. The regulation became effective on February 1, 2010 (40 CFR 450.21-24). After this date, all construction storm permits issued by EPA or states must incorporate the final rule requirements.

This regulation includes both numeric and non-numeric effluent limitations. Effective, January 4, 2011, U.S. EPA stayed the numeric limitation of 280 NTU that was published in the December 1, 2009, Construction and Development Effluent Limitation Guideline. U.S. EPA will propose a revised limit in a future rulemaking and the numeric limit will not be a part of this permit. However, the non-numeric limitations are still applicable and required to be included in this general permit renewal. These federal non-numeric effluent limitations have been included in Part II of the permit. OHC000003 already addresses many of the federal non-numeric limitations but the following conditions have been added or changed to this draft general permit renewal in order to be in compliance with the federal regulation:

- a. Part II.B and Part III.G.2.b.i – Changing site dormancy period from 21 days to 14 days.
- b. Part II.F and Part III.G.2.d.ii – Added language requiring the use of a surface dewatering device for sediment ponds, when feasible.

- c. Part II.E and Part III.G.2.g.i – Added language to minimize or prevent the discharge of non-sediment pollutants to surface waters of the State.

For additional information on the federal Construction and Development Effluent Limitation Guidelines, please see the following U.S. EPA web page for additional information:
<http://water.epa.gov/scitech/wastetech/guide/construction/index.cfm>.

2. Structural Post-Construction BMPs & Associated Drain (Drawdown) Times. The following changes have been made to Table 2 (Structural Post-Construction BMPs & Associated Drain (Drawdown) Times) found within Part III.G.2.e:
 - a. To be consistent with terminology found within the ODNR Rainwater and Land Development Manual, the practice Infiltration Basin has been changed to Infiltration Basin or Trench.
 - b. Permeable Pavement is a BMP that has been added to Table 2 with the different types of design reflected in the drain time. In addition, specifications for this practice have been added to the ODNR Rainwater and Land Development Manual.
 - c. For Sand & Other Media Filtration and Bioretention Cell, the drain time of the WQv for these BMPs has been changed from 40 hours to 24 hours. The drain time of these practices was changed to 24 hours to reflect a more realistic drain time for these practices and one that is still effective for both water pollutant capture and stream stability objectives. The terms Bioretention and Bioretention area are used in the ODNR Rainwater and Land Development Manual so the practice Bioretention Cell has been changed to Bioretention Area/Cell.
 - d. For clarification purposes, the words “with berm” has been added to the Vegetated Filter Strip practice. Application of the common understanding of a Vegetated Filter Strip would not meet the goal of treating the WQv, unless an embankment or berm that ponds the WQv is incorporated.

V. Procedures for the Formulation of Final Determinations

This general permit shall be issued as a final action unless the director revises the draft after consideration of the record of a public hearing or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Interested persons are invited to submit written comments upon the general permit. Comments should be submitted in person or by mail no later than 45 days after the date of the Public Notice. Deliver or mail all comments to the following address:

Ohio Environmental Protection Agency
Division of Surface Water - Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

The NPDES permit number (OHC000004) should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 45 days after the date of the Public Notice will be considered.

VI. Additional Information

For additional information regarding this draft general permit renewal, please contact one of the following:

Michael Joseph

(614) 752-0782

michael.joseph@epa.state.oh.us

Anthony Robinson

(614) 728-3392

anthony.robinson@epa.state.oh.us

Jason Fyffe

(614) 728-1793

jason.fyffe@epa.state.oh.us

Mark Mann

(614) 644-2023

mark.mann@epa.state.oh.us