

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit Renewal for Discharges of Storm Water from
Small Municipal Separate Storm Sewer Systems (OHQ000003)

I. Background

The concern with municipal separate storm sewer system (MS4) discharges has to do with high concentrations of pollutants resulting from development and its associated increases of impervious areas, such as parking lots, city streets, driveways, sidewalks and rooftops, on which pollutants settle and remain until a storm event washes them into the storm sewer system that then discharges to surface waters. Common pollutants include: pesticides, fertilizers, oils, road salt, litter, motor vehicle fluids, other debris and sediment. Another concern is illicit discharges to MS4s such as sewage and dumping of waste materials into storm drains. When left uncontrolled, these discharges could cause fish kills, destruction of aquatic habitat, loss of surface water's aesthetic value, and contamination of drinking water supplies and recreational waterways.

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. The purpose of issuing an NPDES general permit for small MS4s is to ensure these discharges can be in compliance with applicable state and federal regulations.

Ohio EPA's current NPDES Small MS4 general permit (OHQ000002) was issued on January 30, 2009 and will expire on January 29, 2014. This fact sheet addresses the draft third generation NPDES Small MS4 general permit (OHQ000003).

II. Description of General Permit Coverage and Type of Discharges

This permit would cover the entire State of Ohio and will expire five years after the effective date. The permit would authorize discharges of storm water from a select group of MS4s that serve populations less than 100,000 in urbanized areas, and those that have or may have the potential to negatively impact surface water quality as a result of their discharges. An MS4 individual permitting program exists for those serving populations of more than 100,000.

III. Applying for Coverage

MS4s must submit a Notice of Intent (NOI) application to apply for coverage under the general permit. NOI requirements are intended to put a mechanism in place that can be used to establish a tracking system for MS4s covered by the general permit. Information on the MS4's identity, location, mailing address, MS4 drainage area, nature of discharge and receiving waterbody(s) is required.

MS4s applying for initial general permit coverage will be instructed to complete and submit an NOI application form that is available from Ohio EPA, along with its Storm Water Management Program (SWMP), and a non-refundable application fee of \$200.00. Any new MS4s must submit their NOI and SWMP within 180 days of receiving Ohio EPA's notification.

MS4s applying to renew their general permit coverage will be instructed to complete and submit an NOI application form and a non-refundable application fee of \$200.00. After final issuance of this permit, Ohio EPA will notify all existing MS4 permittees with instructions on how to renew coverage. MS4s renewing coverage must submit their NOI application within 90 days of receiving Ohio EPA's renewal notification.

Ohio EPA will supply MS4s, required to apply for coverage, the necessary forms and instructions once the general permit is issued final.

IV. Description of Permit Conditions

The current NPDES Small MS4 general permit (OHQ000002) requires the development and implementation of a SWMP. This document must provide what best management practices (BMPs) the MS4 has selected to address the six minimum control measures in the permit, why those particular BMPs were selected by the MS4 in light of local water quality issues, and performance standards for BMP implementation. The six minimum control measures are:

1. Public Education and Outreach. A program to inform individuals, businesses and organizations within the MS4 as to the impact on surface water quality of contaminated storm water discharges and how they can help reduce storm water contamination.
2. Public Participation and Involvement. A program to create opportunities for individuals and organizations to participate in the development and implementation of activities to reduce the contamination of storm water.
3. Illicit Discharge Detection and Elimination. A program to detect and eliminate cross-connection, dumping of wastes or other non-storm water discharges not authorized by a separate NPDES permit.
4. Construction Site Runoff Control. A program to require erosion and sediment controls for sites disturbing one or more acres.
5. Post-Construction Runoff Control. A program to require the development, implementation and maintenance of controls on sites after development and redevelopment to address storm water issues.
6. Pollution Prevention/Good Housekeeping for Municipal Operations. A program, including an employee training component, to minimize pollutants from municipal operations such as garages, salt piles, pesticides used for green spaces, etc.).

This draft general permit renewal contains the same basic framework of requirements as the current permit. In comparison to the current permit, this draft general permit renewal contains the following noteworthy changes (identified by permit part):

1. Part III.A.1.a and Part III.A.1.e. The current permit requires a MS4's discharge to be consistent with Total Maximum Daily Load (TMDL) approved by U.S. EPA. For

clarification, language has been added to these two sections which requires MS4s to be aware of and use U.S. EPA approved TMDL report recommendations in their decision process for selection of BMPs. The draft general permit renewal does not require MS4s to monitor storm water discharges to ensure that TMDL MS4 wasteload allocations are being met. Rather, the draft permit requires MS4s to use the recommendations found within TMDL reports to better tailor their mix of BMPs to address noted water quality problems contributed to MS4 discharges. This would be applicable for watersheds which have U.S. EPA approved TMDLs.

2. Part III.A.2. This condition requires that MS4s which are renewing coverage under this permit to update their storm water management program (SWMP) to be consistent with OHQ000003 and submit to Ohio EPA. The updated SWMP would be required to be submitted to the appropriate Ohio EPA District Office within 2 years of when the MS4's coverage under OHQ000003 is granted. Most MS4s have not been required to submit their SWMP to Ohio EPA since 2003. Ohio EPA included this condition in order to obtain current SWMPs from MS4s.
3. Part III.B.4.a.i and Part III.B.5.c. The current permit requires that a MS4's construction and post-construction ordinance or other regulatory mechanism be, at a minimum, equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit(s) for Construction Activities applicable for the MS4's area. Since issuance of the current Small MS4 general permit the Statewide and Big Darby Creek Watershed construction storm water general permits have been renewed. This draft general permit renewal has been updated to reference these current construction storm water general permits. This draft renewal permit provides a two year schedule for MS4s renewing coverage to update their ordinance or other regulatory mechanism to satisfy this requirement.
4. Part III.D.4. The current permit requires that implementation of the SWMP occur within one year on all new areas added to the regulated MS4 (i.e., new annexed areas, expanded urbanized area resulting from new Decennial Census). Ohio EPA believes that it is practical for a MS4 to implement its developed SMWP into new areas which the MS4 becomes responsible within one year except for possibly two permit conditions. As a result, language has been added to the draft general permit renewal which would provide an exception to this one year timeframe for completing the comprehensive storm sewer system map and dry-weather screening of storm water outfalls. MS4s which are unable to complete these two permit requirements within one year for new areas which they become responsible, must provide an alternative schedule to complete with the following annual report.
5. Part V. 40 CFR 122.41 identifies standard conditions that must be included within all NPDES permits. The current permit is deficient in including all such conditions as required by 40 CFR 122.41. To be consistent with 40 CFR 122.41, the following has been added to this draft general permit renewal:
 - Language has been added to Part V.A "Duty to Comply"
 - Language has been added to Part V.E "Duty to Provide Information"
 - Language has been added to Part V.K "Permit Actions"
 - "Oil and Hazardous Substance Liability" has been added as Part V.R.
 - "Duty to Reapply" has been added as Part V.S.
 - "Bypass" has been added as Part V.T.
 - "Upset has been added as Part V.U.

- “Monitoring and Records” has been added as Part V.V.
- “Reporting Requirements” has been added as Part V.W.

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 January 29, 2014. 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 (OHQ000003) should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than January 29, 2014 will be considered.

VI. Additional Information

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

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