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NPDES Permit No.: OHR100000

Effective Date: October 26, 1992

Expiration Date: April 26, 1994

OHIO ENVIRONMENTAL PROTECTION AGENCY

**AUTHORIZATION FOR STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of storm water from sites where construction activity is being conducted, as defined in Part I.B. of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the outfalls at the sites and to the receiving waters of the state identified in their Notices of Intent Application form (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through VII of this permit.

This permit is conditioned upon payment of applicable fees and submittal of the Notice of Intent Application form.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge above the beyond date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA.

Donald R. Schregardus
Director

PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers the entire State of Ohio.

B. Eligibility.

1. Except for storm water discharges identified under paragraph I.B.2., this permit may cover all new and existing discharges composed entirely of storm water discharges associated with construction activity. Construction activities covered by this permit include any clearing, grading, excavating, grubbing and/or filling activities that result in the disturbance of five or more acres of total land. Operations that result in the disturbance of less than five acres of total land which are not part of a larger common plan of development are exempt from coverage under this permit.
2. Limitations on coverage. The following storm water discharges associated with construction activity are not covered by this permit.
 - a. Storm water discharges associated with construction activity that contain discharges of material other than storm water;
 - b. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;
 - c. Storm water discharges associated with construction activity that the Director has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard;
 - d. Storm water discharges associated with industrial activity from inactive mining or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified;
 - e. Storm water discharges authorized by an individual permit; and
 - f. Storm water discharges to combined or sanitary sewer systems.

C. Requiring an individual permit or an alternative general permit.

1. The Director may require any person authorized by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or developer authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or developer has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or developer to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Director may grant additional time to submit the application upon request of the applicant. If an owner or developer fails to submit in a timely manner an individual NPDES permit application required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or developer authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or developer shall submit an individual application with reasons supporting the request to the Director in accordance with the requirements of 40 CFR 122.26. The request shall be granted by issuing of an individual permit if the reasons cited by the owner or developer are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or developer otherwise subject to this permit, or the owner or developer is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective

date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be.

D. Application requirements for sites that comprise part of a larger common plan of development. If the owner or developer obtains a permit for a development then sells off lots or parcels within that development, permit coverage must be continued on those lots. A NOI must be submitted for these lots if the developer does not retain permit responsibility for the entire development.

E. Authorization.

Owners or developers of storm water discharges associated with construction activity must submit a Notice of Intent Application form (NOI) in accordance with the requirements of part II of this permit to be authorized to discharge under this general permit. After the NOI Application form is reviewed by the Director, the permittee shall be notified that the application has been approved and is authorized to discharge storm water associated with construction activity under the terms and conditions of this permit. Upon review of the NOI, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit. Applicants denied coverage under the general permit shall have 45 days to submit an individual permit application.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification. Individuals who intend to obtain coverage for a storm water discharge associated with construction activity under this general permit shall submit a Notice of Intent Application form (NOI) at least 45 days prior to the commencement of a new construction activity or in the case of an existing construction activity, or activities scheduled to begin before December 17, 1992, by November 3, 1992.

B. Failure to Notify. Owners/developers, who fail to notify the Director of their intent to be covered, and discharge pollutants to waters of the United States without an NPDES permit, are in violation of ORC 6111. In such instances, Ohio EPA may bring an enforcement action for any discharges of storm water associated with construction activity that have occurred on or after the dates specified in Part II.

C. Contents of Notice of Intent Application Form. The applicant shall complete and submit an approved Notice of Intent form provided by Ohio EPA. The form shall include the following items:

1. The permittees name, address, contact person and telephone number;
2. Site name, contact person, telephone number and mailing address of the site for which the notification is submitted. The site location described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) where the construction site is located. The name and number of the U.S.G.S. quad map that the construction site is located on;
3. The name of the immediate receiving water(s) or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer;
4. The number of any NPDES permit for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit;
5. The proposed start and end date of the project; and
6. An estimate of the area to be disturbed.

D. Where to submit. Facilities which discharge storm water associated with construction activity must submit signed copies of the Notice of Intent Application form provided by the Director (or photocopy thereof) to the following address:

Ohio Environmental Protection Agency
General Permits Program
Construction - NOI
P.O. Box 1049
Columbus, OH 43266-0149

- E. Additional Notification.** Facilities which discharge storm water associated with construction activities and are operating under approved local sediment and erosion plans, grading plans, or storm water management plans, in addition to filing copies of the Notice of Intent in accordance with paragraph II.D. shall submit signed copies of the Notice of Intent form to the local agency approving such plans in accordance with the deadlines in Part II. A. of this permit.
- F. Renotification.** Upon reissuance of this general permit, the permittee is required to notify the Director of his intent to be covered by the general permit renewal.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS.

- A. Prohibition on non-storm water discharges.** All discharges covered by this permit shall be composed entirely of storm water. Discharges of material other than storm water must be in compliance with an individual NPDES permit or alternative general permit (other than this permit) issued for the discharge.
- B. Releases in excess of Reportable Quantities.** This permit does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.
- C. Storm Water Pollution Prevention Plans.** A storm water pollution prevention plan (plan) shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering and/or conservation practices by a professional experienced in the design and implementation of standard erosion and sediment control practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. In addition, the plan shall describe and ensure the implementation of practices which are used to reduce the pollutants in storm water discharges associated with construction activity and to assure compliance with ORC 6111.04, OAC 3745-1, and the terms and conditions of this permit.
1. The plan shall be completed prior to the timely submittal of an NOI to be covered under this permit and updated in accordance with Part III. C. 3. For construction activities begun on or before October 1, 1992 or activities scheduled to begin before December 17, 1992, the plan shall provide for compliance with the terms and schedule of the plan by December 17, 1992. For construction activities that begin after December 17, 1992, the plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.
 2. **Signature and Plan Review.** The plan shall be signed in accordance with Part V. G., and shall be made available immediately upon request of the Director during working hours or if possible retained on site at the facility which generates the storm water discharge. A copy of the NOI and letter authorizing discharges under the general permit shall be posted at the site in a prominent place for public viewing (such as alongside a building permit). The permittee shall make plans available upon request to the Director; or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with a NPDES permit, to the municipal operator of the system. The Director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part.

Immediately after such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

3. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the United States or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity. Amendments to the plan may be reviewed by Ohio EPA in the same manner as Part III.C.2.
4. The permittee shall inform all contractors and subcontractors who will be involved in the implementation of the storm water pollution prevention plan of the terms and conditions of this general (NPDES) permit that authorizes the discharge of storm water from the construction site. Before conducting any service at the site all contractors and subcontractors shall understand the conditions and standards of the pollution prevention plan and the schedule proposed for their implementation.
5. Operations that discharge storm water from construction activities are subject to the following requirements and the storm water pollution prevention plan shall include the following items:

a. Site description. Each plan shall provide a description of the following:

- i. A description of the nature and type of the construction activity;
- ii. Total area of the site and the area of the site that is expected to undergo excavation, filling or grading;
- iii. A calculation of the runoff coefficients for both the pre-construction and post construction site conditions;
- iv. Existing data describing the soil and the quality of any discharge from the site;
- v. The schedule of major construction operations as related to implementing erosion and sediment control practices and storm water management facilities;
- vi. The name and/or location of the immediate receiving stream or surface water(s) and the subsequent named receiving water(s);
- vii. Site map showing:
 - (A) Limits of earth-disturbing activity including areas used for borrow or spoil;
 - (B) Existing and proposed contours and drainage patterns anticipated after major grading activities;
 - (C) Surface water locations including springs, wetlands, streams, lakes, etc. on or within 200 feet of the site;
 - (D) Existing and planned locations of buildings and utilities which may affect erosion and sediment control practices;
 - (E) Erosion and sediment control practices;
 - (F) Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed.

b. Controls. Each construction operation covered by this permit shall develop a description of controls appropriate for the construction operation, and implement such controls. The controls shall include the following minimum components:

i. Erosion and sediment controls.

- (A) **Stabilization/nonstructural practices.** A description of control practices designed to preserve existing vegetation where attainable and revegetate disturbed areas as soon as practicable after grading or construction shall be provided. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing and protection of trees. The operator shall initiate appropriate vegetative practices on all disturbed areas within seven (7) days if they are to remain dormant (undisturbed) for more than forty-five (45) days. For areas within fifty (50) feet of any stream, first order or larger, soil stabilization practices shall be initiated within two (2) days on all inactive, disturbed areas. Permanent or temporary soil stabilization shall be applied to disturbed areas within seven (7) days after final grade is reached on any portion of the site. When seasonal conditions prohibit the application of temporary or permanent seeding, non-vegetative soil stabilization practices such as mulching and matting shall be used.
- (B) **Structural practices.** A description of structural practices that shall store runoff allowing sediments to settle and/or divert flows from exposed soils or otherwise limit runoff from eroding exposed areas of the site shall be provided. Structural practices shall be used to control erosion and trap sediment from all sites remaining disturbed for more than fourteen (14) days. Such practices may include among others sediment traps, sediment basins, silt fences, earth diversion dikes, check dams and storm drain inlet protection.
- (1) Timing. Sediment control structures shall be functional throughout earth disturbing activity. Sediment ponds and perimeter sediment barriers shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is restabilized.
- (2) Settling Ponds. Concentrated storm water runoff from disturbed areas flowing at rates which exceed the design capacity of sediment barriers shall pass through a sediment-settling pond. The facility's storage capacity shall be sixty seven (67) cubic yards per acre of drainage area.
- (3) Sediment Barriers. Sheet flow runoff from denuded areas shall be intercepted by sediment barriers. Sediment barriers, such as sediment fences or diversions directing runoff to settling facilities, shall protect adjacent properties and water resources from sediment transported by sheet flow.
- (4) Stream Protection. Structural practices shall be designed and implemented on site to protect all adjacent streams, first order and larger, from the impacts of sediment runoff.
- (5) Other erosion and sediment control practices shall prevent sediment laden water from entering storm drain systems, unless the storm drain system drains to a settling pond. These practices shall divert runoff from disturbed areas and steep slopes where practicable and stabilize channels and outfalls from erosive flows.

ii. Post-Construction Storm Water Pollution Prevention. A description of measures that will be installed during the construction process to

control pollutants in storm water discharges that will occur after construction operations have been completed shall be provided. Such practices may include among others: infiltration of runoff; flow reduction by use of open vegetated swales and natural depressions and storm water retention and detention ponds.

Where such controls are needed to prevent or minimize erosion, velocity dissipation devices shall be placed at the outfall of all detention or retention structures and along the length of any outfall channel as necessary to provide a non-erosive flow velocity from the structure to a water course. Justification shall be provided by the permittee for rejecting each practice based on site conditions.

This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to the final stabilization of the site, and are not responsible for the maintenance after storm water discharges associated with construction activity have been eliminated from the site.

- iii. Surface Water Protection.** If the project site contains any streams, rivers, lakes, wetlands or other surface waters, certain construction activities at the site may be regulated under the Clean Water Act. Sections 404 and 401 of the Act regulate the discharge of dredged or fill material into surface waters, and the impacts of such activities on water quality, respectively. Construction activities in surface waters which may be subject to Clean Water Act regulation include, but are not limited to: sewer line crossings, grading, backfilling or culverting streams, filling wetlands, road and utility line construction, bridge installation, and installation of flow control structures. If the project contains streams, rivers, lakes or wetlands or possible wetlands, you should contact the appropriate U.S. Army Corps of Engineers District Office. (CAUTION: Any area of seasonally wet hydric soil is a potential wetland - please consult the Soil Survey and list of hydric soils for your County, available at your Soil Conservation Service county office.) If you have any questions about Section 401 water quality certification, please contact the Ohio Environmental Protection Agency, Section 401 Coordinator.

U.S. Army Corps of Engineers (Section 404 regulation):

Huntington, WV District (304) 529-5210 (Muskingum, Hocking and
Scioto River Basin)
Buffalo, NY District (716) 879-4330 (Lake Erie Basin)
Pittsburgh, PA District (412) 644-6872 (Mahoning River Basin)
Louisville, KY District (502) 582-5607 (Little & Great Miami
River Basin)

The Ohio Environmental Protection Agency (Section 401 regulation):
Columbus, OH (614) 644-2856 (all of OH)

iv. Other controls.

- (A) **Waste disposal.** No solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff.
(B) Off-site vehicle tracking of sediments shall be minimized.
(C) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

- v. **Maintenance.** All temporary and permanent control practices shall be maintained and repaired as needed to assure continued performance of their intended function. The pollution prevention plan shall be designed to minimize maintenance requirements. The applicant shall provide a description of maintenance procedures needed to assure the continued performance of control practices.

- vi. **Inspections.** At a minimum, procedures in a plan shall provide that all erosion and sediment controls on the site are inspected at least once every seven (7) calendar days and within 24 hours after any storm event greater than 0.5 inch of rain per 24 hour period. In addition, qualified inspection personnel (provided by the permittee) shall conduct a weekly inspection of the construction site to identify areas contributing to storm water discharges associated with construction activity and evaluate whether measures to prevent erosion and control pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the schedule proposed in Part III. C.5.a.v. of this permit or whether additional control measures are required. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

The permittee shall maintain for two (2) years following the submittal of the NOT a record summarizing the results of the inspection, names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan and a certification that the facility is in compliance with the plan and the permit, and identify any incidents of non-compliance. The record and certification shall be signed in accordance with Part V.G. of this permit.

- c. Erosion and sediment control practices used to satisfy the conditions of this permit shall meet the standards and specifications in the current edition of Water Management and Sediment Control in Urbanizing Areas (Soil Conservation Service, USDA).

- d. **Approved State or local plans.** All dischargers regulated under this general permit must comply with the lawful requirements of municipalities, counties and other local agencies regarding discharges of storm water from construction activities. All erosion and sediment control plans and storm water management plans approved by local officials shall be retained with the storm water pollution prevention plan prepared in accordance with this permit. Applicable requirements for erosion and sediment control and storm water management approved by local officials are, upon submittal of a NOI form, incorporated by reference and enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit.

- e. The terms and conditions of this permit shall remain in effect until final site stabilization is achieved and all temporary erosion and sediment control practices are disposed of. All temporary erosion and sediment control practices shall be removed and disposed of within thirty (30) days after final site stabilization is achieved or after the temporary practices are no longer needed unless authorized by the approving agency. Trapped sediment shall be permanently stabilized to prevent further erosion.

- f. If specific site conditions prohibit the implementation of any of the erosion and sediment control practices contained in this permit, then the permittee shall provide justification for rejecting each practice based on site conditions. Exceptions from implementing the erosion and sediment control standards contained in this permit will be reviewed and issued on a case-by-case basis.
- 6. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- 7. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under section 308(b) of the Act. The permittee shall make plans available to the public upon request or provide a copy of the plans at public expense in a timely manner. However, the permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR part 2.

PART IV. NOTICE OF TERMINATION REQUIREMENTS

- A. Once the construction activity is completed, the permittee shall submit a Notice of Termination form. This form shall be signed in accordance with the signatory requirements of Part V.G. and submitted within 45 days after final site stabilization has been achieved. Final site stabilization is considered achieved once all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment has been permanently stabilized to prevent further erosion.
- B. **Failure to Notify.** The terms and conditions of this permit shall remain in effect until a signed Notice of Termination form is submitted. Failure to submit a Notice of Termination constitutes a violation of this permit and may affect the ability of the permittee to obtain general permit coverage in the future.
- C. **Contents of Notice of Termination Form.**
 - 1. OEPA Permit number (as assigned by Ohio EPA).
 - 2. Name, mailing address and location of the facility for which the notification is submitted.
 - 3. The permittee's name, address and telephone number.
 - 4. Certification that final site stabilization has been achieved and all elements of the Storm Water Pollution Prevention Plan have been completed. The following certification signed in accordance with Part V.G of this permit shall be made:

"I certify under penalty of law that all elements of the storm water pollution prevention plan have been completed, the disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activity from the identified facility that are authorized by a NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with construction activity by the general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under ORC 6111 where the discharge is not authorized by a NPDES permit."

- 6. Where to submit. All Notices of Termination are to be sent, using the form provided by the Director (or photocopy thereof), to the Ohio EPA at the following address:

Ohio Environmental Protection Agency
General Permits Program
Construction - NOT
P.O. Box 1049
Columbus, OH 43266-0149

PART V. STANDARD PERMIT CONDITIONS.

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORC 6111 and is grounds for enforcement action; for termination of coverage under this permit, revocation and reissuance or modification; or for denial of a permit renewal application.
2. Penalties for Violations of Permit Conditions.
 - a. Criminal
 - (1) ORC Chapter 6111 provides that any person who violates permit conditions is subject to a fine or by imprisonment for not more than 1 year, or both.
 - (2) False Statement. ORC Section 2921.13 provides that any person who knowingly makes false material statement, representation, or certification in any application, record, report plan or other document filed or required to be maintained or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or record required to be maintained under the Act, shall upon conviction, be punished by a fine or by imprisonment for not more than 6 months, or both.
 - b. Civil Penalties - ORC Chapter 6111 provides that any person who violates a permit condition is subject to civil penalties.

B. Continuation of the expired general permit. An expired general permit continues in force and effect until a new general permit is issued. Only those facilities authorized to discharge under the expired general permit are covered by the continued permit.

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

D. 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.

E. Duty to provide information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request 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.

F. Other information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent, Storm Water Pollution Prevention Plan, Notice of Termination or in any other report to the Director, he or she shall promptly submit such facts or information.

G. Signatory requirements. All Notices of Intent, Notices of Termination, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed.

1. These items shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 1. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - c. For a municipality: State, Federal or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 - c. Changes to authorization. If an authorization under paragraph V.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.G.2. must be submitted to the Director prior to or together with any reports, information or application to be signed by an authorized representative.

H. Certification. Any person signing documents under this section shall make the following certification:

"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 gathered and evaluated 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 fine and imprisonment for knowing violations."

I. Penalties for falsification of monitoring systems. ORC Chapter 6111 provides that 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 fines and imprisonment.

- J. Oil and hazardous substance liability.** 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 to which the permittee is or may be subject under section 311 of the CWA.
- K. Property rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. Transfers.** Ohio NPDES general permit coverage is transferable. The Ohio EPA must be notified in writing sixty days prior to any proposed transfer of coverage under an Ohio NPDES general permit. The transferee must inform the Ohio EPA it will assume the responsibilities of the original permittee transferor.
- N. Environmental laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- O. 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 and with the requirements of storm water pollution prevention plans. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- P. Inspection and entry.** The permittee shall allow the Director or an authorized representative of EPA, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
 3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

PART VI. Reopener Clause

- A.** If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain individual permit or an alternative general permit in accordance with part I.C of this permit or the permit may be modified to include different limitations and/or requirements.
- B.** Permit modification or revocation will be conducted according to ORC Chapter 6111.

PART VII. DEFINITIONS

"Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500,

as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq.

"Best Management Practices" (BMP's) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMP's also include treatment requirements, operating procedures, and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Construction" - The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Director" means the Director of the Ohio Environmental Protection Agency.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.

"First Order Stream" means all streams identified on a U.S.G.S. 7.5 minute topographical map by either a dashed or solid blue line.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or

(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"Larger common plan of development" - a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

"NOI" means notice of intent to be covered by this permit (see Part II of this permit)

"NOT" means notice of termination (see Part IV of this permit).

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm Water" means storm water runoff, snow melt, and surface runoff and drainage.

"SWPPP" means storm water pollution prevention plan to be completed as a condition of this permit (see part III of this permit).

Ohio Environmental Protection Agency
Modification of National Pollutant Discharge
Elimination System (NPDES) General Permit

Issue Date: August 27, 1993

Existing Permit No.: OHR100000

Effective Date: February 2, 1994

General Permit for Storm Water Associated with Construction Activity

In accordance with Rule 3745-33-06 of the Ohio Administrative Code (formerly Ohio EPA Regulation EP-31-06), the above referenced NPDES General Permit is hereby modified as follows:

See attached pages for revisions. New language in capital letters and deleted language has a line through it.

All terms and conditions of the existing permit not recommended for modification by this document will remain in effect. Any modified term or condition contained in this modification shall supercede, on the date this modification is effective, the existing respective term or condition of the permit.

When the modification is effective, the Ohio EPA permit number will remain OHR100000.

Donald R. Schregardus
Director

**Modification of General Permit
for Storm Water Associated with Construction Activity**

PART I. COVERAGE UNDER THIS PERMIT

Page 3

- D. **Application requirements for sites that comprise part of a larger common plan of development.** If the owner or developer obtains a permit for a development then sells off lots or parcels within that development, permit coverage must be continued on those lots. AN ~~NOT~~ INDIVIDUAL LOT NOTICE OF INTENT must be submitted for these lots if the developer does not retain permit responsibility for the entire development.
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PART II. NOTICE OF INTENT REQUIREMENTS

Page 3

- A. **Deadlines for Notification.** Individuals who intend to obtain initial coverage for a storm water discharge associated with construction activity under this general permit shall submit a Notice of Intent Application form (NOI) at least 45 days prior to the commencement of a new construction activity or in the case of an existing construction activity, or activities scheduled to begin before December 17, 1992, by November 3, 1992. INDIVIDUALS OR ENTITIES WHO INTEND TO ACCEPT RESPONSIBILITY FOR A PORTION OF A DEVELOPMENT FROM AN EXISTING PERMITTEE FOR COMPLYING WITH THIS PERMIT WHETHER AS SOLE RESPONSIBLE PARTY OR AS A CO-PERMITTEE SHALL SUBMIT AN INDIVIDUAL LOT NOI FORM, TO BE PROVIDED BY THE DIRECTOR, 7 DAYS PRIOR TO INITIATING CONSTRUCTION OR AS OF THE DAY THE ENTITY BECOMES THE OWNER OF PART OF THE DEVELOPMENT, WHICHEVER COMES FIRST.
- D. **Where to submit.** Facilities which discharge storm water associated with construction activity must submit signed copies of the Notice of Intent AND INDIVIDUAL LOT NOI Application forms provided by the Director (~~or photocopy thereof~~) to the following address:
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PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

Page 4

- C. 1. The plan shall be completed prior to the timely submittal of an NOI OR INDIVIDUAL LOT NOI to be covered under this permit and updated in accordance with Part III. C. 3. For construction activities begun on or before October 1, 1992 or activities scheduled to begin before December 17, 1992, the plan shall provide for compliance with the terms and schedule of the plan by December 17, 1992. For construction activities that begin after December 17, 1992, the plan shall provide

for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

PART IV. NOTICE OF TERMINATION REQUIREMENTS

Follows Part IV.C. on page 9

- D. ALTERNATIVE FACTORS ALLOWING SUBMISSION OF A NOTICE OF TERMINATION (NOT).** IF THE INITIAL OWNER OR DEVELOPER OF A SITE HAS SOLD OFF ALL THE INDIVIDUAL PARCELS WHERE CONSTRUCTION IS NOT COMPLETED WITHIN THE AREA ADDRESSED BY THE ORIGINAL NOI; ENTERED INTO A CONTRACT WITH THE NEW OWNER WHEREBY THE NEW OWNER ACCEPTS RESPONSIBILITY FOR COMPLYING WITH THE REQUIREMENTS AND CONDITIONS OF THIS PERMIT; HAS PROVIDED THE FOLLOWING TO THE INDIVIDUAL LOT OWNER: A COPY OF THIS PERMIT, A SITE MAP OF THE DEVELOPMENT IDENTIFYING INDIVIDUAL LOTS, AND THE OPPORTUNITY TO OBTAIN A COPY OF THE ORIGINAL STORM WATER POLLUTION PREVENTION PLAN; AND HAS COMPLIED WITH THE OTHER CONDITIONS OF THIS PERMIT; THEN THE INITIAL PERMITTEE MAY SUBMIT A NOTICE OF TERMINATION TO TERMINATE COVERAGE.
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PART V. STANDARD PERMIT CONDITIONS

Page 10

- B. Continuation of the expired general permit.** An expired general permit continues in force and effect until a new general permit is issued. ~~Only those facilities authorized to discharge under the expired general permit are covered by the continued permit.~~
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PART VII. DEFINITIONS

Page 13 Follows the definition of First Order Stream.

"INDIVIDUAL LOT NOI" MEANS A NOTICE OF INTENT FOR AN INDIVIDUAL LOT TO BE COVERED BY THIS PERMIT (SEE PARTS I AND II OF THIS PERMIT).