



Environmental  
Protection Agency

Division of Surface Water

## Response to Comments

**Project: Bulk Fuel Storage General National Pollutant Discharge Elimination System (NPDES) Permit**

**Ohio EPA ID #: OHB00002**

### Agency Contacts for this Project

Division of Surface Water Contact:

Eric Nygaard, (614) 644-2024, [eric.nygaard@epa.state.oh.us](mailto:eric.nygaard@epa.state.oh.us)

In response to comments, Ohio EPA made several changes to the draft Bulk Fuel Storage General NPDES permit before issuing the permit final. Comments were received from the Ohio Petroleum Marketers and Convenience Store Association and U.S. EPA Region V.

*Comment: We do not agree with the use of chemical oxygen demand as an eligibility criterion for the general permit. We understand that the Ohio EPA desires to ensure that appropriate facilities are covered under the general permit; however, we believe that facilities meeting the other eligibility criteria and utilizing best management practices should be covered under the permit. Ohio EPA concluded in its fact sheet that most bulk fuel facilities' storm water best management practices will keep the organic parameters below both treatable levels and water quality standards. Further, bulk storage facilities are required to have spill prevention, control and countermeasure (SPCC) plans for areas where petroleum is stored and handled at these facilities.*

*We are also concerned that Ohio EPA has set an unrealistic level for the Chemical Oxygen Demand (COD) criterion. Ohio EPA notes in its discussion that the selected COD of 105 mg/l is intended to screen out facilities that are not well operated and would need individual permits. It is unclear how Ohio EPA concluded that a COD of 105 mg/l is appropriate to screen out facilities that are not well operated or would likely exceed the criteria for the identified organic pollutants. In the data provided, COD*

*ranged from 2.4 mg/l to 2094 mg/l. In Ohio EPA's analysis, CODs ranging from 235.7 to 2094 were removed from the data set before estimating a 95<sup>th</sup> percentile. However it is unclear whether these results represent poorly operated facilities. Further, why use the 95<sup>th</sup> percentile? If the remaining data set represented discharges that met the criteria for the identified organic pollutants, why not use the maximum COD value from the data set? We also note that Ohio EPA in their sector-specific benchmarks under the multi-sector general permit identifies a COD threshold of 120 mg/l.*

**Response:** We believe that either an eligibility criterion or benchmark is needed to guide the development of Best Management Practices. In setting the eligibility requirement, Ohio EPA reviewed 5-year average data and eliminated outliers. The draft COD criterion of 105 mg/l was the 95<sup>th</sup> percentile of the remaining facilities' average concentrations. Approximately 90% of bulk fuel facilities could be covered under the general permit under this criterion.

To be consistent with federal benchmarks used in storm water regulation, we agree to use the federal COD benchmark value (120 mg/l) as the eligibility criterion for this permit. This would allow a few more facilities to be covered by the general permit.

*Comment:* It is unclear what the difference is between the information presented in Part V Standard Permit Conditions and the Part III General Conditions on pages 35-47 of the draft permit. Under what circumstances does each apply? Is it the intention that Part III General Conditions replace Part V? The definitions should be incorporated into Section VI Definitions and the current Part V should be replaced with Part III. A definition should also be included for long-term average if that term remains in the permit.

**Response:** The Part III conditions on pages 35-47 of the permit were included by mistake. These are general conditions for individual NPDES permits, and are not meant to be in general NPDES permits. We have removed this language from the final permit, and retained the Part V and VI language as drafted. We have added a definition of long-term average to be an average of all data collected under the permit that is representative of the discharge (under current Best Management Practices).

*Comment: Neither the previous permit nor this draft permit addresses the eligibility for discharges to waters that are impaired for pollutants in discharges to be authorized by the permit. The permit should include eligibility conditions for discharges to impaired waters or the fact sheet should explain why the conditions of the permit are sufficient for the impaired waters.*

**Response: We have included this provision in the eligibility criteria in Part I C. 2. I. of the permit. We do not anticipate that this will significantly restrict the number of facilities eligible for coverage under this permit.**

*Comment: Hydrostatic testing wastewaters may contain many of the parameters contained in petroleum fuels as well as residual chlorine and iron. The Ohio General Permit for Discharging Hydrostatic Testing Water (OHH00001) includes effluent limits for discharges from both new and used tanks and pipes. This permit should include effluent limits for hydrostatic wastewaters or the fact sheet should explain why these limits are not necessary.*

**Response: We have included monitoring requirements and appropriate limits for Total Suspended Solids, iron and residual chlorine at times when the discharge contains hydrostatic test waters. We have added specific BMPs to address suspended solids. We have also added analytical quantification levels for chlorine as the compliance level in Part IV, Item H.**

cc: District Permits Supervisors  
permit file OHB000002  
Brian Bell, U.S. EPA – Region V