OHIO E.P.A.

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NPDES Permit No.: OHRM00001
Issuance Date: October 15, 2007
Effective Date: January 13, 2008
Expiration Date: January 12, 2013

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM MARINAS 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 industrial facilities, as defined in Part I.A 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 identified in the applicant's Notice of Intent (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through XI of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

Permit coverage is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent, and receipt of written approval of coverage from the Director of Ohio EPA in accordance with Ohio Administrative Code Rule 3745-38-06.

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

Chris Korleski
Director

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 10-15-07

PART I. COVERAGE UNDER THIS PERMIT

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

B. Applicability. All operators who conduct activities described by Standard Industrial Classification (SIC) code 4493 (Marinas) and conduct boat maintenance activities may have their storm water discharges authorized by this general permit.

SIC 4493 - Marinas: establishments which primarily rent boat slips, store boats, and generally perform a range of other marine services including boat cleaning, and incidental boat repair.

Boat maintenance activities include boat rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning.

To obtain coverage under this general permit, a marina operator shall submit a Notice of Intent (NOI) application to Ohio EPA, as described in Part II of this permit.

Marina operators shall apply for coverage by the effective date of this permit, shown above, unless eligible and have submitted to Ohio EPA a completed "No Exposure" certification for an exemption from storm water permitting. See Part VIII of this permit for more information on the "No Exposure" exemption.

C. Authorized Discharges

1. Except as specified below, only discharges of storm water are authorized under this permit.

   a. The following discharges to a municipal separate storm sewer system (MS4) or surface waters of the state are authorized under this permit. The applicant shall include the discharge location of each (except for fire fighting activities) in the Storm Water Pollution Prevention Plan (SWPPP) for the site:

      i. discharges from fire fighting activities;
      ii. fire hydrant flushings;
      iii. potable water sources including waterline flushings;
      iv. irrigation drainage and lawn watering;
      v. air conditioning condensate;
      vi. springs and uncontaminated ground water; and
      vii. foundation or footing drains where flows are not contaminated with process materials such as solvents.

2. This permit authorizes the discharge of wastewater from boat washing into MS4s or waters of the state, provided that only water or high pressure steam is used and no detergents or other chemical cleaning agents are used.

3. This permit authorizes storm water discharges from the marina that are mixed with a non-storm water discharge, provided that the non-storm water discharge is already covered under a different NPDES permit,

4. Discharges of any other material not meeting the conditions 1 through 3 above, are not authorized under this permit and shall be covered under an NPDES permit (other than this permit) issued for the discharge or eliminated.

5. If the Director of Ohio EPA has determined that storm water discharge at the marina is contributing to a violation of Ohio's water quality standards, the discharge is not authorized under this permit.

PART II. OBTAINING COVERAGE UNDER THIS GENERAL PERMIT

A. Permit Application (Notice of Intent)

1. In order to be eligible for coverage under this general permit, a marina (also referred to as "applicant") shall, by the effective date of this permit:

   (a) Submit a permit application (called the Notice of Intent, or NOI) in accordance with Ohio Administrative Code 3745-38 to Ohio EPA. The applicant shall use Ohio EPA's NOI form and follow the instructions for completing and mailing the form. The NOI and instructions are available on-line at www.epa.state.oh.us/dsw/storm/stormform.html, or by contacting Ohio EPA's Division of Surface Water at (614) 644-2001.

2. The marina will be notified by Ohio EPA in writing whether coverage under this general permit is approved or denied. No discharges covered under this permit are authorized until the marina receives written approval from Ohio EPA.

3. Based on the review of the NOI or other information, the Director of Ohio EPA may determine that the marina is not eligible for coverage under this general permit and require that the marina submit an application for an individual or alternative NPDES permit. See Part VIX.M of this permit for more information.

PART III. PROCEDURES FOR RENOTIFYING IF OHIO EPA RENEWS OR REVISES THE GENERAL PERMIT

When Ohio EPA either renews or revises this general permit, marinas that have coverage under the previous version of the permit will receive notification of the renewal or revision along with instructions for obtaining coverage under the new or revised permit.

Within 90 days of receiving Ohio EPA's notification, a marina shall submit information about its intent to keep coverage under the renewal or revised permit. If this information is not received within 90 days, the marina's activities are no longer covered under the general permit.

PART IV. STORM WATER POLLUTION PREVENTION PLAN

A. Developing a Storm Water Pollution Prevention Plan (SWPPP)

1. A marina wanting coverage under this general permit shall prepare a site-specific storm water pollution prevention plan (SWPPP) "the plan" and implement best management practices to reduce and/or eliminate pollutants in storm water discharges. The marina is not required to use a professional engineer to prepare the plan. The marina is not required to submit the plan to Ohio EPA, but shall keep the plan on-site and have it available for review if requested by Ohio EPA, U.S. EPA or the local municipality (if there are discharges to a municipal separate storm sewer system (MS4)).

2. The SWPPP shall be implemented **within 12 months** after coverage under this general permit is granted by Ohio EPA.

B. Contents of the SWPPP: The SWPPP shall include, at a minimum, the items listed in Table 1:

Table 1. Contents of Marina Storm Water Pollution Prevention Plan

Required Items	Description
1. Pollution Prevention Team Member(s)	Identify who is responsible for developing, implementing and making changes to the SWPPP.
2. Site Description	• Size of property (in acres) • Estimate of the percent imperviousness of the site: $\frac{(\text{Area of Roofs + Area of Paved and Other Impervious Surfaces})}{\text{Total Area of Facility}} \times 100$ • Estimate of average annual precipitation for the area and note which months are usually the wettest. You can get this from almanacs or from the closest airport, etc.
3. Site Map Either produce or obtain a good base map and add the required information. A hand drawn map is acceptable. If you prefer a more precise map, look at other sources such as your local planning and/or zoning offices.	• Outline of drainage area for each storm water outfall. • Structural measures to reduce pollutants in storm water runoff, e.g., filter cloth barrier, vegetated buffer. • Location and name(s) of all surface waters of the state that receive discharges from the site. • Locations of all storm water conveyances including ditches, pipes and swales; • Locations and name(s) of owner/operator of municipal separate storm sewer systems (if your storm water discharges to them); • Locations of all non-storm water discharges; • Locations where major spills or leaks have occurred (if applicable). • Locations where any of the following activities are exposed to precipitation: fueling; engine maintenance and repair; vessel maintenance and repair; boat washing; painting, sanding and/or blasting; welding and/or metal fabrication; loading/unloading areas; locations for storage of wastes; liquid storage areas (e.g., paint, solvents); and material storage areas (e.g., blasting media). • Locations of salt storage piles.

Table 1. Contents of Marina Storm Water Pollution Prevention Plan	
Required Items	**Description**
4. Spill Prevention and Response Procedures	• Identify where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s). • Include all significant spills (for definition, see Part XI of this permit) and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance 3 years prior to the date the plan is prepared or amended. • Describe procedures for preventing and cleaning up spills. • Describe equipment available to employees to respond to spills. • Describe which emergency authorities would be contacted in the event of a spill. [Note: You are required to report releases/spills of hazardous substances or oil to the National Response Center (NRC) at 1-800-424-8802 if the spill/release exceed reportable quantities. For more information on release reporting requirements, see the following Ohio EPA Web sites: http://www.epa.state.oh.us/dapc/serc/Release_Reporting.pdf http://www.epa.state.oh.us/dapc/serc/LEPC_List.pdf
5. Elimination of Unauthorized Discharges	The plan shall include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-storm water and that all unauthorized discharges have been eliminated. This certification shall be signed in accordance with Part VIX.G of this permit and include: • date and locations of any testing and/or evaluation, • a description of the evaluation criteria or testing method used, • a list of the outfalls or onsite drainage points that were directly observed during the test, • a description of the results of any test and/or evaluation for the presence of non storm water discharges, i.e. identification of unauthorized discharge(s) origin and composition, • the action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was rerouted to a sanitary sewer, or an NPDES permit application was submitted for a cooling water discharge. If you are unable to provide the certification required for the non-storm water discharge test and elimination the plan shall include: • why certification was not possible, • the procedures followed in any test attempted, • results of such test or other relevant observations, and • any potential sources of non-storm water discharges that have not been eliminated.

Table 1. Contents of Marina Storm Water Pollution Prevention Plan		
Required Items		**Description**
6. Summary of Potential Pollutant Sources, List of Associated Pollutants & BMPs		Describe each area of the facility where industrial materials or activities are exposed to storm water. At a minimum, the plan shall specifically address areas and activities identified in 6a through 6f. For each identified activity, a list of the associated pollutant(s) or pollutant constituent(s) (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents). The pollutant list shall include all significant materials (for definition, see Part XI of this permit) handled, treated, stored, or disposed that have been exposed to storm water in the 3 years prior to the date the plan is prepared or amended. This list shall include any hazardous substances or oil at the facility.
6a.	**Boat Washing**	If boat washing is used to remove marine growth from vessels, the plan shall identify where the activity occurs and identify where the discharge will be released (i.e., the receiving waterbody, storm sewer system, sanitary sewer system). Wash water shall not be discharged to surface waters of the state or a storm sewer system if detergents or other chemical cleaning agents are used. The discharge of wash water from the cleaning of engines or other oily parts is also prohibited.
6b.	**Blasting, Sanding and Painting**	Describe and implement best management practices to keep spent abrasives, paint chips, and overspray out of receiving waters or the storm sewer systems.
6c.	**Material Handling and Storage**	Describe and implement best management practices for material handling operations and storage areas to help prevent storm water contamination. These areas include fueling, maintenance, paint and solvent mixing areas, etc. Any salt storage piles shall be enclosed or covered to prevent exposure to precipitation.
6d.	**Engine Maintenance and Repair**	Describe and implement best management practices for maintenance and repair areas to help prevent storm water contamination.
6e.	**Drydock Activities**	Describe and implement best management practices for drydock areas to help prevent storm water contamination.
6f.	**General Yard Area**	Describe and implement best management practices for yard maintenance and cleanup to help prevent storm water contamination. Include a schedule for regular pickup and disposal of waste materials.
7. Boat Maintenance Activities Performed by a Boat Owner or Other Third Party		The permittee shall take steps to help ensure that boat maintenance activities conducted by a boat owner or other third party adhere to best management practices in the SWPPP.

Table 1. Contents of Marina Storm Water Pollution Prevention Plan	
Required Items	**Description**
8. Erosion, Sedimentation Controls and Management of Runoff	Identify any areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The plan shall include the structural, vegetative and/or stabilization BMPs to prevent or control on-site erosion and sedimentation. Describe any storm water runoff management practices, i.e., permanent structural BMPs for the facility. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in the facility's discharges. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.
9. Preventive Maintenance	Describe and implement a preventive maintenance program to help keep contaminants from entering storm water. Include all documented maintenance and repairs. Dates of regular maintenance should be documented. For repairs, the date of deficiency discovery and the date on which the equipment or BMP was restored to full function should also be documented in the plan.
10. Routine Facility Inspections	The plan shall include a monthly facility inspection plan to assess how well BMPs are operating. Include the following areas: boat washing area, blasting, sanding and painting areas, material handling and storage areas, engine maintenance and repair areas, drydock areas, general yard area. If it is determined that BMPs are not operating effectively, conduct repair or maintenance activities before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be completed as soon as possible, but no longer than 10 days from the date of inspection or discovery. Maintain inspection records and incorporate into the plan.
11. Employee Training	Inform employees of the components and goals of the SWPPP. As applicable, training shall address: used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewater, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, used battery management. Include a schedule for training and training records shall be incorporated into the plan.
12. Monitoring Requirements	If any data is available, the plan shall include a summary of existing storm water discharge sampling data previously taken at the facility. Monitoring requirements shall be performed in accordance with Part V of this permit and records shall be incorporated into the plan.

Table 1. Contents of Marina Storm Water Pollution Prevention Plan		
Required Items		**Description**
12.a	**Visual Monitoring**	Applicable to all permittees covered under this permit (See Part V.A of this permit).
12.b	**Analytical Monitoring**	Only applicable to permittees with **200** or more boat slips (total boat capacity including wet and dry) (See Part V.B of this permit).
13. Comprehensive Site Compliance Evaluation		An annual comprehensive site compliance evaluation shall be performed in accordance with Part IV.D of this permit and shall be documented and records shall be incorporated into the plan.
14. Record-keeping and Internal Reporting Procedures		A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan and maintained in accordance with Part VI of this permit.
15. Signature(s)		The plan shall be signed in accordance with Part VIX.G of this permit.

C. SWPPP Plan Review and Amendments

1. The Director may notify the marina at any time that the plan does not meet one or more of the requirements of this permit. Within 30 days of such notification from the Director, the marina shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

2. The marina shall amend the plan under the following conditions:

   (a) Whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the potential for the discharge of pollutants to the surface waters of the state;
   (b) Whenever an inspection by a local, State or Federal official determines that modifications to the plan are necessary;
   (c) Whenever a spill, leak or other release occurs at the facility; or any time there is an unauthorized discharge from the facility.
   (d) If the plan proves to be ineffective in eliminating or significantly minimizing pollutants.

If the plan must be modified because of one of the conditions in Part IV.C.2 above, the modification shall be done within 14 calendar days after discovery. New or modified BMPs shall be implemented before the next storm event, if possible, but no later than 60 days after discovery. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the plan.

If the plan modification is based on a release or unauthorized discharge, include a description and date of the release; the circumstances leading to the release and actions taken in response to the release; and measures to prevent the recurrence of such releases.

Any amendments to the plan may be reviewed by Ohio EPA in the same manner as Part IV.C.1 above.

D. Comprehensive Site Compliance Evaluation

A marina covered under this permit shall conduct an evaluation at least once a year to assess the industrial activities at the marina contributing to storm water discharges. These sources shall be evaluated for evidence of, or the potential for, pollutants entering the drainage system.

1. The evaluation shall be conducted by personnel possessing the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. At least one member of the facility's Pollution Prevention Team shall participate in evaluations.

2. The evaluation shall include all the areas where industrial materials or activities are exposed to storm water, along with areas where spills and leaks have occurred in the past 3 years. Inspectors shall examine the following:

   (a) industrial materials, residue or trash that may have or could come into contact with stormwater;
   (b) leaks or spills from industrial equipment, drums, tanks and other containers;
   (c) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
   (d) tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;
   (e) evidence of, or the potential for, pollutants entering the drainage system; and
   (f) evidence of pollutants discharging to surface waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring.

3 Inspectors shall consider the results of the past year's visual and analytical monitoring (if applicable) when planning and conducting inspections. BMPs shall be observed during a storm water runoff event, to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations shall be inspected.

4. When compliance evaluation schedules overlap with routine facility inspections required under Table 1.10 of Part IV.B of this permit, the annual compliance evaluation may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

5. The marina shall keep records of the compliance evaluation, including:

   (a) date and scope of the inspection,
   (b) names of inspectors,
   (c) observations made during the evaluation, including such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed.
   (d) Any incidents of noncompliance observed.
   (e) If there is no noncompliance, a certification stating the permittee is in compliance with its SWPPP and this permit.

This report shall be kept at the marina at least 3 years from the date permit coverage expires or is terminated. Compliance evaluation reports and compliance certifications shall be signed in accordance with Part VIX.G of this permit.

PART V. MONITORING REQUIREMENTS

A. Quarterly Visual Monitoring of Discharges. The following requirements and procedures for quarterly visual monitoring are applicable to all permittees covered under this permit. Quarterly visual examination shall be initiated within fifteen months of the date that the Director approves the entity for coverage under this general permit. Quarters correspond to the 3-month intervals beginning in January, April, July and October. One visual examination event should be scheduled to capture the first snowmelt discharge.

1. Quarterly visual examination of a storm water discharge associated with industrial activity from each outfall shall be performed and documented, except as provided for in Part V.A.4 and Part V.B.3 of this permit. The visual examination shall be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, a permittee is excused from the visual monitoring requirement for that quarter. If excused, monitoring records shall include documentation that no runoff occurred. The documentation shall be signed and certified in accordance with Part VIX.G of this permit.

2. Visual examinations shall be made on samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from the facility. All samples shall be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72-hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if the facility is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of storm water pollution.

3. The examination shall be conducted in a well-lit area. Where possible, the same individual should carry out the collection and examination of discharges for the entire permit term.

4. Inactive and Unstaffed Site Waiver. The permittee may exercise a waiver of the quarterly visual monitoring requirements if the site is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. If this waiver is exercised, the permittee shall maintain a certification with the plan stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water. The permittee shall sign and certify the waiver in accordance with Part VIX.G of this permit.

5. The permittee shall maintain visual examination reports onsite with the plan. The report shall include the examination date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

B. **Analytical Monitoring.** A permittee with **200** or more boat slips (total boat capacity including wet and dry) shall monitor for all parameters specified in the following table. Analytical monitoring shall be initiated within fifteen months of the date that the Director approves the entity for coverage under this general permit and annually thereafter, weather conditions permitting.

1. Analytical Monitoring Table

Parameter	Reporting Units
Total Recoverable Aluminum	mg/L
Total Recoverable Iron	mg/L
Total Recoverable Lead	mg/L
Total Recoverable Zinc	mg/L
Total Suspended Solids (TSS)	mg/L

2. When and How to Sample. Take a minimum of one grab sample from the discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation (defined as “measurable” event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local events during the sampling period. Take the grab sample during the first 30 minutes of the discharge. If it is not practicable to take the sampling during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable.

3. Adverse Weather Conditions Waiver. When a permittee is unable to collect samples due to adverse climatic conditions, the permittee shall prepare, in lieu of sampling data, a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

4. Representative Outfalls. If the permittee has two or more outfalls that are believed to discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas and storm water management practices occurring within the drainage areas of the outfalls, the permittee may conduct quarterly visual and benchmark monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s). For this to be permissible, the permittee shall describe in the plan the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent).

C. **Alternative Certification of "Not Present or No Exposure."** A permittee is not subject to the monitoring requirements of this part for a given outfall or pollutant provided the permittee certifies that: for a given outfall or certifies on a pollutant-by-pollutant basis that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity, any of which are located in areas of the facility within the drainage area of the outfall, are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. The certification shall be signed in accordance with Part VIX.G of this permit and retained in the plan. If the permittee cannot certify for an entire period, the permittee shall note the date exposure was eliminated and perform any monitoring required up until that date.

D. **Monitoring and Records**

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

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for at least 6 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3. Records Contents. Records of monitoring information shall include:

   (a) The date, exact place, and time of sampling or measurements;
   (b) The initials or name(s) of the individual(s) who performed the sampling or measurements;
   (c) The date(s) analyses were performed;
   (d) The time(s) analyses were initiated;
   (e) The initials or name(s) of the individual(s) who performed the analyses;
   (f) References and written procedures, when available, for the analytical techniques or methods used; and
   (g) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136.

PART VI. RECORD KEEPING AND REPORTING REQUIREMENTS

A. The permittee shall retain the SWPPP developed in accordance with Part IV of this permit for the life of the permit. The permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least six years from the date of the measurement, report, or application. This period may be extended by request of the Director at any time.

B. Permittees which discharge storm water associated with industrial activity from marinas through a municipal separate storm sewer system (MS4) with an NPDES permit shall provide records,

including the NOI and SWPPP, if requested by the operator of the MS4 through which they discharge.

C. Permittees shall submit all monitoring data upon request of the Director. In addition, permittees with at least one storm water discharge associated with industrial activity from marinas through a municipal separate storm sewer system (MS4) with an NPDES permit shall submit monitoring data to the operator of the MS4 at the same time they are submitted to the Ohio EPA.

D. Signed copies of individual permit applications and all other reports required herein, shall be submitted to the Director of the Ohio EPA at the addresses given in Part VII of this permit.

PART VII. TRANSFERRING PERMIT COVERAGE AND NOTICE OF TERMINATION

A. Transfer of Ownership and Permit Coverage

1. If there will be a change of ownership for the marina and the new owner wishes to have this general permit transferred, a "General Permit Cover Transfer Application Form" shall be submitted to Ohio EPA within 60 days of the ownership change. The form is available at www.epa.state.oh.us/dsw/storm/stormform.html, or by contacting Ohio EPA's Division of Surface Water.
   a. The form shall have the original signatures of the previous <u>and</u> new owners or those responsible for the permit.

   b. The form is sent to the following address:

   Ohio Environmental Protection Agency
   Division of Surface Water
   General Permit Program
   P.O. Box 1049
   Columbus, Ohio 43216-1049

   c. After Ohio EPA has reviewed the transfer application, an approval letter will be sent to the new owner and a copy of the letter to the previous owner.

B. **Notice of Termination (NOT).** Where all storm water discharges associated with industrial activity from marinas that are authorized by this permit are eliminated, the operator of the facility shall submit an NOT form provided by Ohio EPA that is signed in accordance with Part VIX.G of this permit.

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof), to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
General Permit Program
P.O. Box 1049
Columbus, Ohio 43216-1049

PART VIII. "NO EXPOSURE" EXEMPTION

If the marina filed a certification of "No Exposure," the facility is not required to obtain this general storm water permit. If the marina files the "No Exposure" certification after already receiving coverage under this permit, the facility is automatically removed from permit coverage and a Notice of Termination (NOT) as described in Part VII.B of this permit to terminate permit coverage is not required.

PART VIX. STANDARD PERMIT CONDITIONS

A. **Duty to Comply and Penalties for Non-Compliance.** The permittee shall comply with all conditions of this permit and take all reasonable steps to minimize or prevent any discharge in violation of this permit which will adversely affect human health or the environment.

Failure to comply with the permit is a violation of the Ohio Revised Code Chapter 6111 and Ohio Administrative Code rule 3745-38 and is grounds for enforcement action or permit coverage termination, revocation and reissuance, or modification; or for denial of coverage under a renewal of this general permit. Failure to comply with the permit may also result in penalties, issued under the authority of Ohio Revised Code Section 6111.

B. **Continuation of the Expired General Permit**. An expired general permit continues in force and effect until a new general permit is issued.

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 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, within a reasonable time, any information which the Director may request to determine compliance with this permit. The permittee shall also furnish copies of records required to be kept by this permit, if requested by the Director.

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 or in any other report to the Director, he or she shall promptly submit such omitted facts and correct information.

G. **Signatory Requirements.**

1. All Notices of Intent, Notices of Termination, storm water pollution prevention plans, reports, certifications or information either submitted to the Director (and/or the operator of a municipal separate storm sewer system (MS4) with an NPDES permit), or that this permit requires be maintained by the permittee, shall be signed by:

   (a) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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: (i) The chief executive officer of the agency, or (ii) 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 in Part VIX.G.1 of this permit (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 in Part VIX.G.1 of this permit;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, 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), and,

(c) The written authorization is submitted to the Director.

3. Changes to authorization. If an authorization under Part VIX.G.2 above 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 Part VIX.G.2 shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. 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."*

H. **Penalties for Falsification of Monitoring Systems.** Ohio Revised Code 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.

I. **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 Act.

J. **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.

K. **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.

L. **Transfers.** This permit is not transferable to any person except as described in Part VII of this permit. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part VIX.M of this permit.

M. **Coverage under an Individual NPDES Permit or an Alternative General Permit.**

1. The Director may require anyone with coverage under this general permit to apply for an individual NPDES permit, if the permittee has been notified in writing that an individual permit is required. This notice shall include the reasons for this decision, an application form and a date to file the application. If requested by the applicant, the Director may grant additional time to submit the application. However, if the applicant fails to submit the individual NPDES permit application as required, coverage under this general permit automatically expires at the end of the day specified for application submittal.

2. A marina may apply directly for an individual permit. The marina must submit an individual application (Form 1 and Form 2F) with reasons supporting the request to the Director.

3. When an individual NPDES permit is issued to a marina under conditions 1 or 2 above, the marina, coverage under this general permit terminates on the effective date of the new individual or alternative permit.

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 marina shall properly operate and maintain the facility to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

P. **Inspection and Entry.** The permittee shall allow the Director or an authorized representative of Ohio 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).

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

R. **Upset.** The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part XI, Definitions, of this permit.

PART X. REOPENER CLAUSE

A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part VIX.M 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 Ohio Administrative Code 3745-38-06.

PART XI. DEFINITIONS

"Act" means the 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" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Director" means the director of Ohio EPA or an authorized representative.

"Grab sample" means a discrete sample which is taken from a wastestream on a one-time basis with no regard to flow or time; instantaneous sample that is analyzed separately.

"Marina" means a facility (under SIC code 4493) that rents boat slips and stores boats and generally performs other services, including cleaning and incidental boat repair.

"MS4" means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is:

(a) Owned or operated by the federal government, state, municipality, township, county, district or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the act (33 U.S.C. section 1288, effective February 4, 1987) that discharges into surface waters of the state;
(b) Designed or used for collecting or conveying solely storm water;
(c) Not a combined sewer; and
(d) Not a part of a publically owned treatment works.

"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".

"No Exposure" means all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

"NPDES permit coverage" means a permit issued by the state of Ohio under the national pollutant discharge elimination system for a discharge from a point source to surface waters of the state.

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

"NOT" means notice of termination (see Part VII 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 other 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.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or

Section 102 of CERCLA (see 40 CFR 302.4). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

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

"SWPPP"or "SWP3" or "Plan" means storm water pollution prevention plan to be completed as a condition of this permit (see Part IV of this permit).

"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 preventive maintenance, or careless or improper operation.

"Surface waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.