

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit for Discharges of Wastewater from
Petroleum-Related Corrective Actions

I. Background

The federal Water Pollution Control Act [also referred to as the Clean Water Act (CWA)], which was enacted in 1972, provides that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with a NPDES permit.

The purpose of issuing NPDES permits to petroleum-related corrective actions is to ensure that any wastewater discharges from these systems are in compliance with all applicable state and federal water pollution control laws.

Entities which initiate a corrective action involving ground water or surface water that has come in contact with gasoline or petroleum-related products, have the need to discharge treated wastewater characterized as “petroleum-related corrective action” wastewater from the operation of their facilities. The primary concern regarding the discharge of wastewater from a petroleum-related corrective action is ensuring that effluent concentrations of pollutants such as oil and grease, lead, toluene, and benzene do not result in violations of Ohio’s water quality standards. These water quality standards are enforceable under federal regulations 40 CFR 122.28 and state regulations from the Ohio Administrative Code (OAC) 3745-1.

Ohio EPA has elected to renew the existing statewide general permit authorizing the discharge of wastewater from petroleum-related corrective actions to waters of the State. Dischargers which meet the eligibility requirements may apply for coverage this NPDES general permit, instead of seeking coverage under an individual NPDES permit. The primary condition determining eligibility is ensuring that the discharge consists of only wastewater from a petroleum-related corrective action. Eligibility is discussed in more detail in the next section of this document.

II. Procedures for Participation

The permit covers discharges from petroleum-related corrective actions to waters of the State. The permit does not cover any discharges that the Director of the Ohio EPA has determined to be contributing to a violation of water quality standards as determined in Ohio Administrative Code, Chapter 3745-1.

In addition, this general permit does not cover any discharges to publicly-owned treatment works (POTW). Ohio EPA considered and rejected the alternative of central treatment of this water at a publicly-owned treatment works (POTW). These public treatment systems are designed to treat moderately concentrated amounts of biodegradable pollutants; the wastewater from petroleum-related corrective actions contains very little biodegradable material. Also, POTW operators do not routinely take this type of wastewater because it takes up plant capacity better used for sewage and other biodegradable wastewaters.

If discharging to a POTW with an approved pretreatment program which follows federal regulations and has been approved by Ohio EPA, the permittee shall obtain authorization from the POTW prior to discharge. If discharging to a POTW without an approved pretreatment program, the permittee shall submit an Indirect Discharge Permit Application to Ohio EPA preferably six months prior to the estimated date of initial discharge. The website below contains a list called "NPDES Permits of Approved Programs" and a page for "Forms for Indirect Discharge".

<http://www.epa.ohio.gov/dsw/pretreatment/index.aspx>

Facilities covered under this general permit are required to sample and analyze the treated wastewater according to the procedures described in 40 CFR 136. The wastewater sampling results must be sent to Ohio EPA on a monthly basis through the agency's Discharge Monitoring Report (DMR). Sampling requirements and frequencies are listed in Part III and Part IV.L. of this general permit.

In addition, the permittee is required to report noncompliance that is the result of any violation of a daily maximum discharge limit. Ohio EPA is to be notified of the violation within twenty-four hours of discovery. More specific instructions and details are located in Part IV.S. of this general permit.

The general permit is proposed for a duration of five years.

III. Economics and Certain Water Quality Based Limits

This Fact Sheet is prepared in order to document the technical basis and risk management decisions (OAC 3745-33-07) that are considered in the determination of water quality based NPDES Permit effluent limitations. The technical basis for the Fact Sheet may consist of evaluations of promulgated effluent guidelines, existing effluent quality, instream biological, chemical and physical conditions, and the relative risk of alternative effluent limitations. This Fact Sheet details the discretionary decision-making process empowered to the Director by the Clean Water Act (CWA) and Ohio Water Pollution Control Law (Ohio Revised Code [ORC] 6111). Decisions to award variances to Water Quality Standards (WQS) or promulgated effluent guidelines for economic or technological reasons will also be justified in the Fact Sheet where necessary.

This draft permit may contain proposed water-quality-based effluent limits (WQBELs) for parameters that **are not** priority pollutants. (See the following link for a list of the priority pollutants: http://epa.ohio.gov/portals/35/pretreatment/Pretreatment_Program_Priority_Pollutant_Detection_Limits.pdf.)

In accordance with ORC 6111.03(J)(3), the Director established these WQBELs after considering, to the extent consistent with the Federal Water Pollution Control Act, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter. This determination was made based on data and information available at the time the permit was drafted, which included the contents of the timely submitted NPDES permit renewal application, along with any and all pertinent information available to the Director.

This public notice allows the permittee to provide to the Director for consideration during this public comment period additional site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness for achieving compliance with the proposed final effluent limitations for these parameters. The permittee shall deliver or mail this information to:

**Ohio Environmental Protection Agency
Attention: Division of Surface Water
Permits Processing Unit
P.O. Box 1049
Columbus, Ohio 43216-1049**

Should the applicant need additional time to review, obtain or develop site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness of achieving compliance with these limitations, written notification for any additional time shall be sent to the above address no later than 30 days after the Public Notice Date on Page 1.

Should the applicant determine that compliance with the proposed WQBELs for parameters other than the priority pollutants is technically and/or economically unattainable, the permittee may submit an application for a variance to the applicable WQS used to develop the proposed effluent limitation in accordance with the terms and conditions set forth in OAC 3745-33-07(D). The permittee shall submit this application to the above address no later than 30 days after the Public Notice Date.

Alternately, the applicant may propose the development of site-specific WQS pursuant to OAC 3745-1-35. The permittee shall submit written notification regarding their intent to develop site specific WQS for parameters that are not priority pollutants to the above address no later than 30 days after the Public Notice Date.

IV. Description of the Application Process

Notice of Intent (NOI) – Each facility seeking coverage under this general permit must submit a NOI form. Individuals with an existing discharge who intend to obtain coverage for wastewater discharges under this general permit shall submit an NOI form within 45 days of the effective date of this permit. Individuals seeking initial coverage under this general permit shall submit an NOI form 45 days prior to commencing discharge, unless permission for a later date has been granted by Ohio EPA.

An applicant will not be covered under the general permit until they receive written notification from the Director of Ohio EPA that a discharge is authorized under the general permit. Dischargers who fail to obtain coverage under the general permit and are not otherwise covered by a NPDES permit are in violation of Ohio Revised Code (ORC) 6111.

Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit.

NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and nature of discharge. The NOI application form and instructions for completing the form are available on the following internet website by clicking on "Applying for Coverage":

<http://www.epa.ohio.gov/dsw/permits/gpfact.aspx>

Completed NOI application shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service in the link below.

<https://ebiz.epa.ohio.gov/login.html>

For facilities that discharge wastewater associated with petroleum-related corrective actions through a municipal separate storm sewer system (MS4) shall also submit a signed copy of the NOI to the operator of the MS4. More details are included in Part II.D of this general permit.

Application Fee – All applicants must submit the \$200 fee for NOI processing. Payment can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found in the link below.

<http://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf>

V. Eligibility Determining Factors

Petroleum-related corrective actions includes, but is not limited to, the discharge of one or more of the following:

- ground and/or surface water from remediation systems;
- surface and/or ground water accumulating as a result of excavation activity;
- surface water and ground water contaminated by spills; or
- ground water resulting from pumping and/or monitoring aquifer(s).

In order to be classified as a petroleum-related corrective action, all of the discharges listed above must result from any activity involving above-ground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, or heating oil, or the transportation of these materials.

The following types of discharges are not eligible for coverage under this general permit:

- wastewater discharges associated with a petroleum-related corrective action that are subject to an individual NPDES permit with a final effluent limitation and/or parameter not addressed by this general permit (see Part I.C.4. for waiver details);
- storm water mixed with wastewater from a petroleum-related corrective action;

- new sources of wastewater associated with a petroleum-related corrective action discharged to any Outstanding National Resource Water, Superior High Quality Water, or Category 3 wetland; and
- wastewater discharges associated with a petroleum-related corrective action that the Director has determined to have the reasonable potential to cause or contribute to an exceedance of Ohio Water Quality Standards.

Discharges not eligible for coverage under this permit may still obtain an individual NPDES permit by submitting individual permit applications (Form 1, Form 2D or 2E, and an Antidegradation Addendum).

VI. Antidegradation

Because this permit authorizes new discharges to waters classified as General High Quality Waters, certain provisions of Ohio's Antidegradation Rule apply [OAC Rule 3745-1-05]. These discharges add potentially low levels of pollutants from that may be greater than background levels in the receiving surface water. This general permit is going to public notice as a degradation under the public notice provisions of the Antidegradation Rule [OAC Rule 3745-1-05(C)(3)].

Discharge of this type of wastewater to a POTW is an alternative to discharging to waters of the state. However, this method of discharge is not eligible under this general permit (see the third paragraph of Part II of this fact sheet).

VII. Effluent Limitations and Monitoring Requirements

Effluent limitations and monitoring requirements apply to all permittees and are described in Part III of this general permit. Facility limitations and requirements are based on the hardness concentrations of the receiving watershed¹ (Attachment A). Watersheds with low to medium hardness (median is below 255 mg/L) apply to Outfall 001. Watersheds with medium to high hardness (median is above 255 mg/L) apply to Outfall 002. Each table in Part III of the general permit includes a footnote listing all its applicable watersheds. The monitoring schedule and requirements are necessary in tracking individual dischargers' compliance with the water quality standards.

Limits for benzene, toluene, ethylbenzene, and xylene (BTEX) are based on Best Available Demonstrated Control Technology (BADCT) defined in OAC 3745-1-05(A)(3)(f). They are also not able to change because of anti-backsliding rules (OAC 3745-33-05(F)). Limits for pH are based on WQS

¹ Ohio Environmental Protection Agency. *Analysis of Unimpacted Stream Data for the State of Ohio*. By Paula S. Brown. 1998.

where all direct dischargers are required to meet this range. Limits for lead are hardness-dependent and are based on the state-wide criteria (OAC 3745-1-07). For Outfalls 001 and 002, the lead limits are based on a hardness of 100 mg/L and 250 mg/L, respectively.

DMR results submitted during the OHU000005 general permit cycle suggests that oil & grease and polycyclic aromatic hydrocarbons (PAH) remain at low levels at the effluent. Therefore, Ohio EPA does not see reasonable potential for these parameters to exceed WQS and limits are still not necessary.

Monthly monitoring for chemical oxygen demand (COD) and total suspended solids (TSS) are required under the permit. Limits do not apply to these parameters because there are no state-wide water quality criteria. Due to a lack of data, reasonable potential could not be determined for these parameters.

Facilities under this permit are required to use analytical methods which have appropriate (i.e. low enough) method detection levels (MDL) for analyzing lead and BTEX. Details can be found in Parts V.E. and V.F. of this general permit.

Approval from Ohio EPA is required prior to using treatment additives in the wastewater treatment process. See Part IV.F. for instructions for obtaining approval.

VIII. Changes from Previous Permit

Maximum Daily Limits for Lead

As required by 40 CFR 122.45(d), maximum daily lead limits shall be included in this permit. The maximum daily lead limit for each outfall shall be based on the Outside Mixing Zone Maximum. See Part VII of this Fact Sheet for more details on limit determination.

Monitoring for COD and TSS

Monthly monitoring without limits for COD and TSS are required. Monitoring of these parameters is necessary because sedimentation and organic enrichment are among the highest causes of aquatic life impairment in Ohio's surface waters.² DMR data collected for these parameters will aid in analyzing pollutant contributions from petroleum-related corrective actions.

Electronic Reporting

Ohio EPA will no longer accept hard copies of the following forms from

² Ohio Environmental Protection Agency. *2014 Ohio Integrated Water Quality Monitoring and Assessment Report*. Section A. 2014.

permittees: NOI forms, Notice of Termination (NOT) forms, and DMR forms. Instead, permittees are to submit these forms electronically through the Ohio EPA eBusiness Center at the website below.

<https://ebiz.epa.ohio.gov>

Except for spills or discharge which may endanger human health or the environment, Ohio EPA will no longer accept noncompliance reports by telephone (refer to Part V.S. of the general permit). Instead, permittees are to submit noncompliance report forms via email to Ohio EPA. The contact information, notification timeframe, and other details can be found in Part V.S. of this general permit. The 24-Hour Emergency Hotline should still be contacted to report any spill or discharge which may endanger human health or the environment.

If permittees are unable to access these forms through the agency eBusiness Center due to a demonstrated hardship, these forms may be submitted on paper forms provided by Ohio EPA. The required information shall be typed on the forms. Permittees should contact Ohio EPA, Division of Surface Water at (614) 644-2001 if they wish to receive hard copies of forms.

Permittees now have the option of paying the NOI processing fee through Ohio EPA's eBusiness Center ePay service.

These changes are in compliance with the US EPA's NPDES Electronic Reporting Rule which became effective on December 21, 2015.

Quantification Levels and Method Detection Limits

Part IV.E.1. shall require a lower quantification level (QL) for lead and a QL for xylene. In addition, detection limits (DL) shall be applicable under Part IV.E of the permit.

Based on best technical judgment, a QL of 21 ug/L is not appropriate for a lead limit of 21 ug/L. Therefore, for permittees applicable to the 21 ug/L lead limit, the QL shall change to 10 ug/L. Please note that any permittees applicable to the lead limit of 6.4 ug/L shall maintain a QL of 5.0 ug/L. The QL and DL for xylene is being added to maintain consistency with the analytical methods for benzene, toluene, and ethylbenzene. DLs are now a requirement under the general permit to ensure that laboratory analyses are able to demonstrate compliance with the limits.

Transfer

Ohio EPA is to receive notification of a transfer at least 30 days prior to the proposed date of the transfer of ownership (refer to Part V.E. of the general permit). This change was made to be more accurate to OAC 3745-38-02(K)(2).

IX. Notice of Termination

Permittees are to request permit coverage termination once the wastewater discharges are eliminated. Failure to submit a NOT form constitutes a violation of the permit and is a violation of ORC 6111.

To terminate coverage under this permit, the permittee must submit a NOT form through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service located in the link below.

<https://ebiz.epa.ohio.gov/login.html>

X. Pollution Prevention

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of the pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

*Businesses can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and the **Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual**, please contact the Ohio EPA, Office of Pollution Prevention at (614) 644-3949.*

Attachment A

ANALYSIS OF UNIMPACTED STREAM DATA FOR THE STATE OF OHIO
 STATISTICAL SUMMARY OF ALL DATA THROUGH FEBRUARY 1988

----- PARAMETER=TOTAL HARDNESS CACO3 MG/L -----													
BASIN	NO. OF OBS.	NO. OF STATIONS	PCT. OF ZEROES	PCT. < DETECTION	MIN	5TH PCTILE	25TH PCTILE	50TH PCTILE	75TH PCTILE	95TH PCTILE	MAX	MEAN	COEF. OF VARIATION
STATEWIDE	4226	811	0.0	0.0	3	80	167	260	342	520	1800	275.43	0.61
CONNEAUT CREEK	140	10	0.0	0.0	32	56	84	103	139	168	354	111.80	0.38
ASHTABULA RIVER	198	8	0.0	0.0	38	51	78	96	122	193	341	106.70	0.48
GRAND+CHAGRIN	89	18	0.0	0.0	44	60	89	119	191	301	545	150.13	0.60
CUYAHOGA RIVER	160	38	0.0	0.0	104	123	162	229	286	356	424	228.98	0.32
ROCKY+BLACK	553	26	0.0	0.0	62	139	205	253	295	362	580	252.59	0.29
VERMILION+HURON	30	13	0.0	0.0	144	164	232	284	355	420	434	290.13	0.27
SANDUSKY RIVER	118	29	0.0	0.0	127	178	279	346	418	482	847	352.24	0.31
PORTAGE RIVER	33	14	0.0	0.0	162	198	210	349	382	499	840	331.94	0.46
MAUMEE RIVER	379	72	0.0	0.0	3	185	261	320	374	474	944	325.83	0.32
MAHONING RIVER	186	32	0.0	0.0	66	80	142	182	250	342	448	197.66	0.40
L. BEAVER CREEK	54	23	0.0	0.0	132	140	243	280	411	527	889	328.30	0.42
CENTRAL TRIBS	280	68	0.0	0.0	59	87	134	174	250	524	956	220.82	0.64
MUSKINGUM RIVER	716	169	0.0	0.0	12	83	170	248	370	1020	1800	334.31	0.83
HOCKING RIVER	109	18	0.0	0.0	50	130	254	297	415	1260	1510	395.49	0.72
SOUTHEAST TRIBS	93	36	0.0	0.0	49	59	86	130	170	229	499	137.75	0.50
SCIOTO RIVER	387	83	0.0	0.0	37	79	220	298	364	482	826	288.09	0.42
SOUTHWEST TRIBS	39	10	0.0	0.0	130	132	150	180	190	224	327	179.26	0.20
LITTLE MIAMI	235	45	0.0	0.0	6	145	233	308	347	409	467	291.92	0.28
GREAT MIAMI	415	92	0.0	0.0	53	230	316	360	402	523	658	360.38	0.24
WABASH RIVER	12	7	0.0	0.0