

Ohio EPA Permit No.: 3PI00002*CD

Application No.: OH0112101

Issue Date: June 13, 2011

Effective Date: July 1, 2011

Expiration Date: June 30, 2016

Ohio Environmental Protection Agency
Authorization to Discharge 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., hereinafter referred to as the "Act" or "CWA"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Akron

(Hereinafter referred to as "The City" or "Permittee") is authorized by the Ohio Environmental Protection Agency, (hereinafter referred to as "Ohio EPA") to discharge from all portions of the City of Akron municipal separate storm sewer system ("MS4"), to surface waters of the State in accordance with the approved Storm Water Management Program ("SWMP"), monitoring requirements, and other conditions specified in Parts I, II, III, IV, V and VI and of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge will expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the Permittee will submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.



Scott J. Nally
Director

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. **PERMIT AREA.** This permit covers all areas within the corporate boundary of the City of Akron served by the Permittee's municipal separate storm sewer system (MS4).
- B. **AUTHORIZED DISCHARGES.** This permit authorizes all existing or new storm water point source discharges to surface waters of the State from the Permittee's MS4.
- C. **LIMITATIONS ON COVERAGE.** This permit does not authorize:
1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit, or
 - b. Determined by Ohio EPA not to be a substantial contributor of pollutants to surface waters of the State.
 - c. Storm water discharges associated with industrial activity as defined in 40 CFR 122.26(b)(i)-(ix) and (xi) that are not in compliance with separate in force NPDES permit.
 - d. Storm water discharges associated with construction activity as defined or 40 CFR 122.26(b)(14)(x) or 40 CFR(b)(15) that are not in compliance with a separate in force NPDES permit.
 - e. Storm water discharges currently covered under another permit.
 - f. Discharges that would cause or contribute to in-stream exceedances of water quality standards. Ohio EPA may require additional actions or an application for and individual permit or alternative general permit if an MS4 is determined to cause an in-stream exceedance of water quality standards.
 - g. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by U.S. EPA (this information can be obtained from Ohio EPA) unless your discharge is consistent with that TMDL. This eligibility condition applies at the time you submit an NOI of coverage. For discharges that cannot comply with TMDL requirements under this permit, you will be instructed by Ohio EPA to apply for an individual or other applicable general NPDES permit.

- h. Discharges that do not comply with Ohio EPA anti-degradation policy for water quality standards.

PART II. STORM WATER MANAGEMENT PROGRAM

The Permittee is required to continue to implement a storm water management program (SWMP). In accordance with the schedule and requirements set forth in this permit, the Permittee is required to revise its SWMP, and implement the revised SWMP. The SWMP defined in Part III of this permit will be considered as an ongoing effort to reduce the pollutant discharges from the MS4 to the maximum extent practicable (MEP) and to reduce the impacts on the receiving water quality from the MS4 discharges. The Permittee may implement SWMP elements and/or the requirements of this permit in cooperative efforts through participation with other public agencies or private entities.

A. LEGAL AUTHORITY

The Permittee will maintain and, if necessary, revise legal authority to control discharges to and from those portions of the MS4 the Permittee owns or operates. Establishment and exercise of this legal authority may be implemented singly or through a combination of statute, ordinance, permit, contract, or an order to:

1. Prohibit illicit discharges to the MS4.
2. Prohibit spills and the dumping or disposal of materials other than storm water into the MS4.
3. Require compliance with conditions in ordinances, permits, contracts or orders.
4. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with the MS4 permit and implement the storm water management plan in accordance with Ohio Administrative Code (OAC) 3745-39-04.
5. Authority to receive and collect information
 - a. The Permittee must have the authority to request from operators of construction sites, and industrial and commercial facilities information such as storm water plans, operating procedures which can impact compliance with storm water standards, inspection reports, and monitoring results and other information deemed necessary to assess compliance with this permit. The Permittee must also have the authority to review designs and proposals for construction activity to determine whether adequate storm water controls measures will be installed, implement, and maintained.

6. Authority to Inspect

- a. The Permittee must have the authority to inspect the facilities of any storm water discharger to determine compliance with the requirements of the Permittee's codified ordinances. The ordinance must, to the extent permitted by law, allow the Permittee to, without prior notice, upon presentation of credentials of identification, enter upon the premises of the storm water discharger at all hours, for the purpose of inspection, sampling, observation, measurement, testing, records examination, or in the performance of any storm water discharger's duties.

7. Response to Violations

- a. The Permittee must continue to implement a program to detect and eliminate illicit discharges in the Permittee's MS4 system.

B. **STORM WATER MANAGEMENT PROGRAM REVIEW AND MODIFICATION**

1. **Program Review:** If requested by the Ohio EPA, the Permittee will participate in an Ohio EPA annual review of the current SWMP in conjunction with the Permittee's Annual Report required under Part II.C. This annual review will include the following:
 - a. A review of the status of program implementation and compliance or noncompliance with all schedules in this permit;
 - b. An assessment of the effectiveness of the SWMP as submitted by the Permittee;
 - c. A review of monitoring data to evaluate the effectiveness of BMPs and determine the source of pollutants in storm water runoff; and
 - d. To help predict the impact of storm water runoff on receiving waters.
2. **Program Modification:** The Permittee may modify the SWMP during the life of the permit in accordance with the following procedures:
 - a. The approved SWMP shall not be modified by the Permittee without the prior approval of the Director, unless in accordance with items b, c or d below.
 - b. Modifications adding (but not subtracting or replacing) BMPs to the SWMP in Part III of this permit may be made by the Permittee at any time upon written notification to the Director, 30 days prior to

implementation of the modification. All modifications shall be noted in the Annual Report.

- c. Modifications replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. The modification shall not be implemented until the Permittee receives written approval from the Director. Such requests shall include the following:

- (1) An analysis of why the BMP is ineffective or infeasible (including prohibitive cost);
- (2) Expectations on the estimated effectiveness of the replacement BMP.
- (3) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

- d. Modifications subtracting without replacing BMPs in the SWMP cannot be made by the Permittee unless:

- (1) It can be demonstrated that there is no feasible alternative to the BMP.
- (2) It can be demonstrated through analysis that the BMP is ineffective or infeasible; and
- (3) It can be demonstrated through analysis that the SWMP will continue to achieve reduction of pollutants from the MS4 discharges to the MEP.

Modifications subtracting without replacing a BMP shall not be implemented until the Permittee receives written approval from the Ohio EPA.

- e. Modification requests and/or notifications shall be made in writing, (signed in accordance with Part VI.L and Part VI.M), include the above-mentioned information, and submitted at any time to the Central Office of Ohio EPA (Division of Surface Water, Storm Water and Enforcement Section, P.O. Box 1049, Columbus, Ohio, 43216-1049) with a copy to the Northeast District Office (2110 E. Aurora Road, Twinsburg, Ohio, 44087).

3. **Program Updates:**

- a. Ohio EPA may require changes to the SWMP as needed to:

- (1) Address impact on receiving surface water quality caused or contributed to, by discharges from the MS4;
- (2) Include more stringent requirements necessary to comply with new Federal Statutory or regulatory requirements;
- (3) Include such conditions deemed necessary by Ohio EPA to comply with the goals and requirements of ORC 6111 and the Clean Water Act.
- (4) Changes requested by Ohio EPA will be made in writing, set forth the time schedule for the Permittee to develop the changes and offer the opportunity to propose alternative changes to meet the objective of the requested modifications. Any unilateral modification by Ohio EPA of the SWMP will be made in accordance with OAC 3745-47.

(Comment: A unilateral modification by Ohio EPA does not include a document from Ohio EPA requesting a change or notifying the Permittee that the SWMP is deficient and must be changed to correct the deficiency.)

- b. Transfer of Ownership, Operational Authority, or Responsibility for SWMP implementation: The Permittee shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but no later than one year from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- (1) Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the Permittee must have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the Annual Report.

- C. **Annual Report:** The Permittee shall prepare an annual system wide report to be submitted by March 1st of each year. Except for the first report submitted under this permit, the reporting year is the prior twelve-month calendar year. The first report submitted under this permit shall include all months of the prior calendar year(s) that were not included in the previous Annual Report. The report shall include the following separate sections, with an overview for the entire MS4:

1. A narrative summary of the overall program describing the evaluation process, major findings of the evaluation, areas of accomplishments, areas needing improvement and future direction of the program.
2. The status of complying with any schedules established under this permit shall be included in this section.
3. An assessment of the appropriateness of identified BMPs, and the measurable goals for each of the SWMP elements identified in Part III.B through Part III.H. A description of the evaluation process shall be listed in the Annual Report.
4. The results of information collected and analyzed during the reporting period, including monitoring data, shall consist of:
 - a. Characterize the discharges from the MS4. The Permittee shall identify water quality improvements or degradation and describe the potential contributing causes and sources.
 - b. Describe any action already taken or planned in response to this information. The Permittee shall include an explanation of what (if any) program changes the Permittee intends to implement.
5. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(v) and (d)(2)(vi).
6. A summary describing the status, number and nature of enforcement actions (Notices of Violation, Administrative Actions), number and type (construction and industrial) of inspections.
7. A summary of implementation of the SWMP. The report shall include a summary of the specific annual reporting requirements identified in Part III.B.10, Part III.C.5, Part III.D.9, Part III.E.8, Part III.F.9, Part III.G.13 and Part III.H.6.
8. A summary of the storm water activities the Permittee plans to undertake during the next reporting cycle (including an implementation schedule).
9. A most recent Table of Organization for program development and implementation, including a primary point of contact, which identifies how implementation across multiple positions, agencies and departments will occur.

D. CERTIFICATION AND SIGNATURE OF REPORTS

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part VI.L and Part VI.M of the permit.

E. REPORTING: WHERE AND WHEN TO SUBMIT

1. Monitoring results obtained during the reporting period shall be submitted along with the Annual Report required by Part II.C.
2. Signed copies of discharge monitoring reports required under Part IV.B, the Annual Report required by Part IV.B, requests for SWMP modification, requests for changes in monitoring locations, and all other reports required herein, shall be submitted to the following with a copy to the Ohio EPA Northeast District Office (2110 East Aurora Road, Twinsburg, OH 44087):

Ohio Environmental Protection Agency
Division of Surface Water
Storm Water Unit
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

PART III. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS AND SCHEDULE OF COMPLIANCE

A. SWMP REQUIREMENTS:

The Permittee shall revise, implement and enforce an SWMP designed to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of Ohio Revised Code (ORC) 6111 and the Clean Water Act. The SWMP shall include management practices; control techniques, system design, and engineering methods. It shall be modified to include appropriate provisions as Ohio EPA determines after its annual review of the program for control of such pollutants in accordance with Part II.B.3.a. The SWMP shall include the following information:

1. The BMPs that are already or will be implemented for each of the storm water programs identified in Part III.B through Part III.I.
2. The measurable goals for each BMP identified, as well as the months and years in which the Permittee will undertake the required actions, including interim milestones and the frequency of the action.
3. The SWMP shall include a Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions

agencies and departments will occur. The person or persons, including position title or titles, responsible for implementing or coordinating the BMPs for the SWMP.

B. PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS: The Permittee shall continue to implement a program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff.

1. The Permittee must document its storm water education and outreach program. Its rationale statement must address both the overall public education program, the individual BMPs, measurable goals and persons responsible for the program. The rationale statement must include the following information at a minimum:
 - a. The program shall inform individuals and households on how to become involved in the storm water program (i.e., activities such as local stream and beach restoration activities).
 - b. How the Permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.
 - c. The Permittee shall distribute information listing various household hazardous and toxic materials, with information and guidelines for their proper use and disposal and annually publicize this information.
2. The Permittee shall publicize Ohio EPA and/or other information and/or databases relating to the proper management and disposal of used oil and toxic materials, as it relates to minimizing their impacts into the City's MS4 and publicize a list of the recyclers of household hazardous wastes, used motor oils and tire disposal facilities.
3. The Permittee shall identify the target audiences for its education program and who are likely to have significant storm water impacts and explain why they were selected. In the alternative, the Permittee may direct its educational efforts to all of its citizens.
4. The Permittee shall identify the target pollutant sources that its public education program is designed to address from the suggested list below:

Residential Community	Industrial Community
Residential car washing and auto control maintenance	Auto repair and maintenance control measures
Home and garden care activities (pesticides, herbicides, and fertilizers)	Lawful disposal of vacuum truck and sweeping equipment waste
Disposal of household hazardous waste (paints, cleaning products)	Importance of good housekeeping (e.g. sweeping surfaces instead of hosing)
Methods of keeping water onsite (rain barrels, rain gardens, porous pavers, permeable concrete, etc.)	Methods of keeping water onsite (rain barrels, rain gardens, porous pavers)
Importance of native vegetation for soil erosion	Snow removal activities
Public reporting of water quality issues	Illicit discharge detection and elimination observations
Pet and animal waste	Water quality impacts associated with land development
Used oil and Toxics	Water quality impacts associated with road resurfacing and repaving

5. During the term of the permit. The education program shall create an appropriate message(s) based on at least three targeted residential issues and three targeted/industrial/commercial issues from the suggested list above or (three issues deemed more appropriate for the MS4).
6. The Permittee shall annually (seasonally) publicize information relating to the proper use of lawn chemicals, including pesticides and herbicides to minimize pollutant discharges to storm sewers and streams. This information shall be targeted to City residents.
7. The Permittee may develop and implement this program in conjunction with other agencies, environmental groups or interested parties.
8. In developing, publicizing and/or distributing appropriate educational information, the Permittee may rely upon direct mailings, inserts in existing mailings (e.g., utility billings), web page postings, signage at select locations, radio advertisement, and/or similar forms of communication.
 - a. During the term of the permit, the Permittee must distribute the educational materials, using any of the selected methods it deems appropriate, to reach at least 20% of the target audience each year.

- (1) To the extent that a storm water management panel is implemented. The Permittee must invite the panel to participate in the development and comment on the implementation of all parts of the SWMP.
 - b. Public hearings;
 - c. Working with citizen volunteers willing to educate others about the program;
 - d. Volunteer monitoring or stream clean-up activities;
 - e. Storm drain stenciling; and
 - f. Ensure the public can easily find information about the Permittee's SWMP
 3. The Permittee shall provide a minimum of five public involvement opportunities by the end of this permit term.
 4. The Permittee shall continue to publicize a hotline or have a mechanism in place to be used for reporting illicit connections, improper disposal of waste and water quality impacts due to MS4 pollutant discharges.
 5. The Annual Report shall evaluate the success of the public involvement/participation program. The Annual Report shall identify each public involvement/participation activity conducted, including a brief description of activity and include an estimate of how many people participated.
- D. **ILLICIT DISCHARGE PROGRAM:** The Permittee shall maintain and enforce its program to detect and eliminate illicit discharges into its MS4. For illicit discharges to the Permittee's MS4 via an adjacent or interconnected MS4, outside the Permittee's jurisdiction, the Permittee is only required to inform the neighboring MS4 and notify the Ohio EPA in the next Annual Report.
 1. The Permittee shall prohibit non-storm water discharges to the MS4, except those identified in Part III.D.2 or authorized by a separate NPDES permit.
 2. Unless identified by either the Permittee or the Director as significant sources of pollutants to surface waters of the State, the following non-storm water discharges are authorized to discharge into the MS4. As necessary, the Permittee may incorporate appropriate control measures in the SWMP to ensure these discharges are not significant sources of pollutants to the MS4:
 - a. Waterline flushing

- b. Landscape irrigation
 - c. Diverted stream flows
 - d. Rising ground waters
 - e. Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
 - f. Uncontaminated pumped ground water
 - g. Discharges from potable water sources
 - h. Foundation drains
 - i. Air conditioning condensate
 - j. Irrigation water
 - k. Springs
 - l. Water from crawl space pumps
 - m. Footing drains
 - n. Lawn watering
 - o. Individual residential car washing
 - p. Flows from riparian habitats and wetlands
 - q. Dechlorinated swimming pool discharges
 - r. Street wash water
 - s. Discharges or flows from fire fighting activities
3. The Permittee shall maintain a storm sewer map showing the location of all outfalls from the MS4 and the names and location of all surface waters of the State that receive discharges from those outfalls. Within 5 years of the effective date of this permit, the Permittee's comprehensive storm sewer system map shall also include the Permittee's MS4 system (owned and/or operated by the Permittee), including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs and private post-construction BMPs which have been installed to satisfy Ohio EPA's NPDES Construction Storm Water general permit and/or the Permittee's post-construction water quality BMP requirements. The following information shall be submitted:
- a. The outfalls should be located using a geographic positioning system (GPS) and photographs should be taken to provide baseline information.
 - b. The Permittee's storm sewer map shall maintain the locations of all home sewage treatment systems (HSTs) that discharge (including failing on-lot, and off-lot discharging systems) into its MS4. It shall include details on the type and size of conduits/ditches in its MS4 that receive discharges from the HSTs. The addresses for all on-site HSTs that are identified on the map shall be included in the Annual Report.

- c. The Annual Report shall describe the sources of information used to fully develop the map, how outfall locations are verified, and how the map is regularly updated.
 - d. A copy of the storm sewer map must be available onsite for review by the permitting authority.
4. The Permittee shall continue to implement a program to detect, investigate and eliminate non-storm water discharges, including illegal dumping into its system. The program shall include the following:
- a. Illicit Discharge Detection Plan
 - (1) The plan shall provide procedures for locating priority areas with the higher likelihood of illicit connections.
 - (2) The plan shall develop written procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source.
 - (3) The plan shall develop written procedures to detect and address illegal spills and dumping. The plan shall include dry weather field screening for non-storm water discharges at the outfalls per Part V.
 - (a) Field screening shall consist of visual observations and analysis. Specific analyses will be needed to identify the characteristics of local inappropriate entries and uncontaminated water sources.
 - (b) Field screening shall consist of the following: floatables, color, turbidity, oil sheen, temperature, deposits, stains, odor, vegetation damage, excessive vegetation, damage to sewer and outfall structure, characteristics of discharge or receiving stream, and flow estimate. The Permittee will include the field screening evaluation sheet as part of the Annual Report submittal.
 - (c) If a sample is obtained for laboratory analysis, the sample shall be analyzed for the following constituents: pH, surfactants, fluoride, hardness, ammonia, phosphorous, and total residual chlorine. If the industrial activities in an outfall watershed are known, then the Permittee shall analyze the sample for specific chemicals to identify which industrial activity

may be responsible for the dry weather flow. However, sampling may be waived if the source of the dry weather flow can be documented.

- (4) When the Permittee discovers sanitary waste water during its routine sampling.
 - (a) The Permittee shall investigate the adjacent sanitary sewer whenever the infiltration of sanitary sewage to the MS4 is suspected.
 - (b) The Permittee shall identify the source of the seepage and the condition of the pipes of the sanitary sewer.
 - (c) The Permittee shall develop expeditious schedules to remove infiltration from sanitary sewers into the separate storm sewer system, whenever a problem is detected.

- (5) At a minimum, for household sewage treatment systems (HSTSs), the Permittee's plan shall address or include provisions for:
 - (a) Working with the appropriate County officials, other public officials, local waste water authorities, any other appropriate entity and local board(s) of health to proactively identify residences with existing individual discharging HSTSs that can be legally, feasibly and economically connected to central sewers;
 - (b) Working with local board(s) of health to develop a proactive operation and maintenance program or implement/enhance an existing operation and maintenance program which determines if existing discharging HSTSs are operating as designed and intended and, for those not meeting this criteria, requires elimination, upgrade or replacement of the systems as appropriate. For HSTS discharges that cannot be eliminated through connection to central sewers or installation of soil absorption systems, the property owner must be notified of the requirement to pursue coverage under an appropriate Ohio EPA general NPDES permit;
 - (c) Actively investigating the source(s) of contamination in outfalls identified during dry weather screening process. When the contamination source has been

identified as discharging HSTS that is not operating as designed and intended, work with the local board(s) of health to determine proper course of action in resolving the non-functioning HSTS with connection to central sewers being preferred alternative, followed by replacing system with a soil absorption system that does not discharge and only allowing a replacement discharging HSTS when no other option is available; and

- (d) Working with local waste water authorities, planning agencies or other appropriate agencies involved to evaluate the planned or possible future installation of sewers for areas which contain high densities of discharging HSTSs.

5. Illicit discharge training program:

- a. The Permittee shall continue to implement a training program for maintenance field employees, who as part of their job responsibilities may come into contact with or observe an illicit discharge or connection to the storm sewer system and improper disposal activities.
- b. The Permittee shall train staff identified in the section (a) above on the identification of an illicit discharge connection, and on the proper procedures for reporting and responding to the illicit discharge. The Permittee shall document and maintain records of training provided, the staff trained, and summarize within the Annual Report.

6. Illicit Discharge Elimination Plan:

- a. The Permittee shall require the elimination of illicit connections as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties.
- b. The plan shall have written procedures for eliminating the source of the illicit discharge. The Permittee shall take appropriate enforcement procedures and/or actions under its illicit discharge program (ordinance or other regulatory mechanism) upon the discovery of an illicit discharge.
- c. The Permittee shall take steps to prohibit seepage from sanitary sewers from entering into the MS4.
- d. The Permittee shall inform public employees, business and the general public of hazards associated with illegal discharge and improper disposal of waste in accordance with Part III.C.2.

7. Tracking Plan:

- a. The Permittee shall develop a method or mechanism for tracking, inspecting and controlling sanitary sewage from illicit connections or infiltration from sanitary sewers into the MS4 based on the following information:
 - (1) Observations of sewage in storm water outfalls, storm water conveyance systems, rivers, streams and other water bodies by sewer maintenance crews.
- b. The Permittee shall also develop a tracking mechanism for other sources of illicit discharges. Include the following information: date of initial complaint and observation, source and type of discharge, notice of violation (NOV) date and verification of elimination.

- 8. The program shall include procedures for program evaluation and assessment. The Permittee shall evaluate and describe the success of this program, including how measurable goals for each BMP were selected.
- 9. The Annual Report shall document the following: (1) number of outfalls dry weather screened, (2) number of dry weather flows identified, (3) number of illicit discharges identified, (4) number of illicit discharges eliminated, (5) provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated, (6) summary of any storm sewer system mapping updates, and (7) the number of City staff trained on illicit discharge procedures.

E. **CONSTRUCTION PROGRAM:** The Permittee shall continue to implement and enforce a program to reduce pollutants in any storm water runoff from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre shall be included if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program shall at a minimum include the following:

- 1. An ordinance or other regulatory mechanism to require construction site operators to implement appropriate erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. The ordinance or regulatory mechanism shall include erosion and sediment control implementation criteria and design standards. The Permittee shall revise the Permittee's ordinance or other regulatory mechanism within 2 years of the effective date of this permit to be, at a minimum, equivalent with the technical requirements set forth in the most current Ohio EPA NPDES Construction Storm Water general permit (OHC000003).

2. Requirements for construction site operators to implement appropriate sediment and erosion controls. The Ohio EPA recommends the adoption of Standards contained within the latest version of the "Rainwater and Land Development Manual".
 - a. Minimize the amount of soil exposed during construction activity.
 - b. Control storm water velocity and volume within the site to minimize soil erosion.
 - c. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff and soil characteristics.
 - d. Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration. The Permittee should adopt the riparian set-back ordinance enacted for Summit County.
 - e. Minimize disturbance on steep slopes.
 - f. Stabilization of exposed soils completed in the appropriate time frame.
3. Requirements for construction operators to control wastes such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
4. The Permittee shall review all construction storm water pollution prevention plans. The inventory of constructions sites must be maintained and updated as new projects are permitted and completed.
 - a. The inventory shall contain all relevant contact information for each project, (name, address, phone #, etc), project size, approval date. This information must be available to the Ohio EPA upon request.
 - b. The Permittee shall not approve any storm water pollution prevention plan that does not meet minimum NPDES Construction Storm Water General Permit (OHC000003) requirements.
 - c. The Permittee shall use qualified individuals, knowledgeable in the technical review of construction practices.

- d. The Permittee shall document its review of each plan using a checklist or similar process.
5. The Permittee shall identify the sanctions it will use to ensure construction storm water control requirements. The Permittee will describe the procedures for when the various sanctions will be used. Possible sanctions include verbal warnings, notice of violations (NOVs), non-monetary penalties (stop work orders) fines, bonding requirements, or permit denials for the noncompliance.
 - a. The Permittee should employ any combination of the enforcement actions above and shall escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.
 - (1) The Permittee shall use the enforcement escalation plan for all instances noted in the Summit SWCD letters or inspection reports.
 - b. The Permittee shall track instances of non-compliance either in hard copy or electronically. The documentation must include, at a minimum, the following:
 - (1) Name of owner or Operator of facility or site of violation
 - (2) Location of infraction
 - (3) The type of violation
 - (4) Required schedule for returning to compliance
 - (5) Enforcement remedies used
 - (6) Any referrals to different departments or agencies
 - (7) Date violation was resolved.
6. The Permittee shall continue to implement priorities and frequencies for construction site inspections. The Permittee shall furnish each inspector with a checklist of common construction site pollution source's and the management practices (both structural and nonstructural) normally used to control such sources. To ensure compliance, applicable sites shall be initially inspected. The frequency of follow-up inspections shall be on a monthly basis unless you document your procedures for prioritizing inspections such as location to a waterway, amount of disturbed area, compliance of site, etc. At the conclusion of the project, the City shall ensure all graded areas have reached final stabilization and that all temporary

control measures are removed and notify the owner/operator of the project of their obligation to submit a Notice of Termination (NOT) to the Ohio EPA.

7. The Permittee shall ensure that staff responsible for conducting storm water pollution prevention plan reviews and construction site storm water inspections are trained on an annual basis. Training should be focused on erosion and sediment control BMPs and requirements.
 8. The Annual Report shall describe the procedures for program evaluation and assessment of the Construction Program. The report shall document the following: (1) the number of applicable sites in your jurisdiction, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) number and frequency of site inspections, (4) the number of violation letters issued, (5) number of enforcement actions taken, and (6) number of complaints received and number followed up on.
- F. **POST-CONSTRUCTION/REDEVELOPMENT PROGRAM**: The Permittee shall continue to implement and enforce a program to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. The program shall ensure that controls are in place that will prevent or minimize water quality impacts.
1. The Permittee shall develop and implement strategies which include a combination of structural and/or nonstructural BMPs appropriate for the City. Nonstructural BMPs can include, but are not limited to the policies and ordinances that provide requirements and standards to direct smart growth to identified areas, protect sensitive areas such as wetland and riparian areas, maintain or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces and minimize disturbance of soils and vegetation.
 2. The Permittee shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. Within two years of the effective date of this permit, the Permittee shall revise the City ordinance or other regulatory mechanism to, at a minimum, be equivalent with the technical requirements set forth in the current Ohio EPA NPDES General Construction Storm Water general permit (OHC000003).
 3. The Permittee shall conduct site plan reviews that specifically address how projects satisfy, at a minimum, the requirements of the Ohio EPA NPDES Construction Storm Water general permit (OHC000003).
 4. The Permittee shall ensure the long-term operation and maintenance of BMPs. The Permittee shall ensure that structural post-construction BMPs are properly installed and maintained in perpetuity.

- a. The Permittee shall require the owner or operator of any new development or redeveloped site to implement and submit a maintenance agreement addressing requirements for any structural measures installed.
 - b. The agreement or easement must allow the Permittee access to conduct inspections of the storm water structural control measures and also account for transfer of responsibility in leases and/or deeds.
 - c. The agreement must also allow the Permittee, to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup cost from the property owner/operator when the owner/operator has not performed the necessary maintenance.
5. The Permittee must require that property owners or operators provide verification of maintenance for the approved storm water structural control measures. Verification must include one or more of the following as applicable:
 - a. The owner or operator's signed statement accepting responsibility for maintenance with a provision for transferring maintenance responsibility if the property is legally transferred to another party; and or
 - b. Written conditions in the sales or lease agreement that the recipient to assume responsibility for maintenance; and or
 - c. Written conditions in project requirements, covenants and restrictions for residential properties assigning maintenance responsibility to a homeowners's association, or group for maintenance of structural and treatment control storm water management practices.
6. Inventory of post-construction storm water control measures. The Permittee shall continue to maintain an inventory of all post construction control measures installed and implemented at sites. The inventory must be made searchable by property location (either on paper or electronically).
7. Tracking inventory. Each entry to the inventory must include basic information on each project, such as project name, owners name and contact information, location, start end date. In addition, inventory entry must include the following for each project:

- a. A description of each control measure (type, number, design or performance specifications).
 - b. Latitude and longitudinal coordinates of each control measure.
 - c. Short description of maintenance requirements.
 - d. Inspection information (date, findings, follow-up activities, prioritization of follow-up activities).
8. The Permittee shall conduct inspections of each project site. To ensure that all control measures are operating correctly and are being maintained as required consistent with its applicable maintenance agreement.
- a. The Permittee shall require a post-construction inspection to be performed by a qualified professional in order to verify that performance standards have been met. The Permittee shall include in its SWMP a procedure for being notified by construction operators of their completion of active construction so that the post-construction inspection may be conducted.
 - b. The inspection findings must be documented by the qualified professional in an inspection report. Each inspection report must include:
 - (1) Inspection date
 - (2) Name and signature of inspector
 - (3) Project location (street address, latitude/longitude, etc)
 - (4) Current ownership information (name, address, phone number fax or e-mail).
 - (5) A description of the condition of the control measure including the quality of: vegetation and soils; inlet and outlet channels, embankment, slopes, structural control measures, etc).
 - (6) Photographic documentation of the site should be available for review by the Permitting Authority.
9. The Annual Report shall describe the procedures for program evaluation and assessment of the Post-Construction Program. The report shall document the following: (1) the number of applicable sites in the City jurisdiction requiring post-construction controls, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) the number of

inspections performed to ensure as built per requirements, and (4) number of long-term operation and maintenance (O&M) plans developed and agreements in place.

G. POLLUTION PREVENTION/GOOD HOUSEKEEPING PROGRAM: The Permittee shall continue to implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. In particular, the SWMP shall include training on park and open space maintenance, fleet and building maintenance, new construction and land disturbance, and storm sewer maintenance. The SWMP shall include at a minimum the following:

1. The Permittee shall list the municipal operations that are impacted by the operation and maintenance program. The Permittee shall include a list of industrial facilities it owns or operates that are subject to 40 CFR 122.26 (Ohio EPA's Industrial Storm Water general permit or individual NPDES permits for discharges of storm water associated with industrial activity). The list must include the Ohio EPA permit number and Facility ID number and/or a No Exposure Certification number. For the City's facilities that conduct activities described in 40 CFR 122.26(b)(14) but are not required to obtain Industrial Storm Water permit coverage (vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots and waste transfer stations), either maintain No Exposure or a Storm Water Pollution Prevention Plan (SWP3) shall be developed and implemented in accordance with the SWP3 requirements of Ohio EPA's Industrial Storm Water general permit (OHR000004) within two years of the effective date of this permit. The Permittee, must continue to update and maintain an inventory of municipally-owned or operated facilities not limited to the following:

- Composting facilities and leaf collection yards
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling facilities
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Public buildings, including schools, libraries, police stations, fire stations
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance sites
- Vehicle storage and maintenance yards
- Municipal owned and/ or maintained structural storm water controls
- Public parking lots
- Public golf courses

2. The Permittee must keep all municipally owned or operated facilities subject to this permit neat and orderly, minimizing pollutant sources through good housekeeping procedures and proper storage of materials.
 - a. The Permittee shall institute procedures to minimize storm water pollution discharge from streets, roads, highways, municipal facilities and snow disposal areas operated by the Permittee. The Permittee shall perform effective street sweeping practices, leaf collection and anti-litter programs to reduce the discharge of pollutants.
 - b. Materials that could result in a pollutant discharge when exposed to storm water shall be covered where feasible.
 - c. The Permittee shall educate all personnel performing deicing operations for the City on the proper maintenance of spreading equipment, proper spreading practices and optimum applications rates to minimize impacts to water quality.
 - d. The Permittee shall store deicing materials (salt, sand, cinders etc.) under cover or with use of other control measures (e.g., dikes) at all of its storage facilities.
 - e. The Permittee shall continue to implement standard operating procedures for vehicle fueling and receiving bulk fuel deliveries at municipally owned facility with the goal of reducing the likelihood of spills and providing spill controls in the event a spill does occur.
 - (1) The Permittee shall have spill kits, which are readily available, highly visible and accessible to all municipal employees who are trained in its use. The kits should be in place within 6 months of issuance of this permit.
 - f. The discharge of equipment wash water to the MS4 or to receiving waters is strictly prohibited. The Permittee may meet this requirement by installing a vehicle wash reclaim system, capturing and hauling the waste water for proper disposal, connecting to a sanitary sewer, or ceasing the activity.
3. The Permittee shall continue to perform its existing maintenance activities for catch basins and inlets.
 - a. The Permittee should use information compiled from citizen complaints and previous reports to help in assessing the frequency of cleaning its catch basins and inlets.

4. Catch basin labeling. The permittee must ensure that each new catch basin includes a legible storm water awareness message (e.g., label stencil, precast message such as “drains to the creek”). Catch basins with illegible or missing labels must be recorded and relabeled within 30 days of inspection.
5. The Permittee must visually monitor drainage structures for problem areas, such as those with recurrent illegal dumping, for inspection at least 3 times per year. Removal of trash or debris from open channels and other drainage structures must occur annually.
6. The Permittee must develop a procedure to dewater and dispose of materials extracted from catch basins and street sweepings. The procedure must ensure that water removed during the catch basin cleaning process and waste material will not reenter the MS4.
7. The Permittee must continue to evaluate and rate the sweeping frequency, timing and efficiency of its street sweeping programs. The street sweeping frequency is based on land use, trash and storm water pollutant levels generated.
8. When replacing existing sweeping equipment, the Permittee should select and operate high performance sweepers that are efficient in removing pollutants.
 - a. The Permittee must develop a procedure to dewater and dispose of street sweeper waste material properly to ensure that the water and material will not re-enter the MS4.
9. The Permittee must evaluate the materials used and activities performed on municipally owned spaces such as parks, schools, golf courses, easements, public right of ways, and other open spaces for pollution prevention opportunities. Maintenance activities for the landscape portions of these can include mowing, fertilization, pesticide application, irrigation.
 - a. The Permittee shall implement the following practices to minimize landscaping pollutant generating activities:
 - (1) Ensuring that municipal employees are certified or trained or operate under the supervision of personnel certified or trained in the use of applying application of (herbicides, pesticides, etc).
10. The Permittee shall develop an annual employee training program for employees involved in implementing pollution prevention and good housekeeping practices for this control measure. All new employees must receive training within the first year of their hire date. This training must

include a general storm water education component. The Permittee may use training materials available from the Ohio EPA or other organizations to meet this requirement.

11. The Permittee shall inspect City owned detention ponds for sediment and mow and remove accumulated litter and debris as necessary. The Permittee shall remove litter and debris from the open ditches and trash racks located on the upstream end of culverts, as necessary.
12. The Permittee shall identify on a map where the municipally owned or operated industrial facilities are located. The map shall identify the outfalls corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map shall be maintained and updated as necessary.
13. The Permittee's Annual Report shall document the following: (1) summary of the employee training program(s) and the number of employees that attended, (2) the number of street miles swept and the amount of material collected, (3) types of street sweepers used (4) list of municipal facilities that are permitted (5) a description of the procedure used to dewater and dispose of materials extracted from storm water controls.

H. **INDUSTRIAL AND RELATED FACILITIES PROGRAM:**

1. The Permittee shall develop, implement, and enforce a program to address storm water runoff from industrial activities. The Permittee shall prepare an electronic inventory of industries subject to 40 CFR 122.26(b) and any other facilities the Permittee determines are potentially contributing a substantial pollutant loading to the Permittee's MS4 and update this list annually.
2. The Permittee shall establish inspection priorities and frequencies for the permit term based on potential for water quality impacts. Consideration shall be given to water quality issues, illicit discharge reports, dry weather screening, facility type, past inspection or enforcement results, and potential on-site pollutant sources. The different priority categories should be assigned different inspection frequencies, with the highest priority facilities receiving more frequent inspections. Inspections should be coordinated with the IDDE (illicit discharge detection and elimination) program and may be coordinated with the pretreatment inspection program.
3. For facilities subject to NPDES industrial storm water requirements, the Permittee shall conduct industrial facility inspections that, at a minimum, consist of the following criteria:
 - a. Determine whether facility has coverage under an NPDES permit for storm water discharges or a No Exposure Certification.

- b. Determine whether a Storm Water Pollution Prevention Plan (SWP3) has been developed.
 - c. Determine whether facility has developed a site map as required by the NPDES storm water permit.
 - d. Determine whether major best management practices (BMPs) identified within SWP3 have been installed and maintained.
 - e. If required, determine whether facility has performed analytical monitoring and maintained records.
 - f. Use an inspection form for each industrial inspection that documents these criteria and includes the following:
 - (1) Inspection date, time, names of inspector(s) and signature(s).
 - (2) Weather information and description of any discharges occurring at the site at the time of inspection.
 - (3) Any needed control measures or existing control measures needing repair.
 - (4) Any non-compliance issues observed.
4. If the Permittee determines that an industry's pollution prevention activities to reduce the storm water pollution discharge to the MS4 is inadequate and violates the condition of Ohio EPA's NPDES storm water permits, the Permittee will notify Ohio EPA.
5. The Permittee shall monitor suspect industries within a particular watershed and if evidence of unpermitted discharges of storm water pollution is present, the Permittee shall conduct sampling of the suspect industry or require the industry to perform such sampling.
- a. When sampling is done, the following parameters will be considered at a minimum:
 - (1) Any pollutant listed in the effluent limitations guidelines for the subcategory of the industry.
 - (2) Any pollutant that is controlled in an NPDES permit for the process discharge from the industrial site.
 - (3) Oil and grease, COD, pH, BOD₅, TSS, total phosphorous, total kjeldahl nitrogen, nitrate plus nitrite, nitrogen and ammonia
 - (4) Any pollutant known or suspected to be in the discharge from the industrial site.

6. The Permittee shall provide training for personnel responsible for implementing the industrial storm water program. At a minimum, training shall cover storm water regulations, pollution prevention plans and site evaluation procedures. The Permittee shall document and maintain records of the training provided and the staff trained.
7. The Permittee's Annual Report shall document the following: (1) number of industries that discharge to the City's MS4 that meet the definition of 40 CFR 122.26 (b)(14)(i) through (ix) and (xi) inspected, (2) the names of those industries that cannot provide proof of NPDES permit coverage or a No Exposure Certification response letter from the Ohio EPA, (3) number of SWP3s reviewed, and (4) number of staff trained on the industrial storm water program procedures.

PART IV. MONITORING AND REPORTING REQUIREMENTS

- A. The Permittee shall implement a wet-weather monitoring program for the Municipal Separate Storm Sewer System in accordance with the following requirements:
 1. **Wet Weather Monitoring Program:** The Permittee shall implement a wet weather monitoring program in accordance with the approved schedule in Part V and shall submit the results in accordance with Part II.C.4.
 2. **Seasonal Evaluation:** The Permittee shall evaluate the monitoring data from Table 3 of Part V to characterize the seasonal quality of storm water discharges.
 3. **Alternate Monitoring Locations:** Monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. The Director shall approve the relocation in writing prior to commencement of monitoring activities. The Ohio EPA may request alternate monitoring locations at any time during the term of the permit.
- B. **STORM EVENT DATA:** Representative monitoring data shall be collected for each parameter sampled. The Permittee shall maintain records of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
 1. **Sample Type, Collection, and Analysis:** The following requirements apply only to samples collected for wet weather monitoring.

- a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, a minimum of one grab sample may be taken.
 - b. All samples shall be collected to reflect the discharge resulting from a wide range of storm events producing adequate sampling volume for analysis. The time lag between the storm event and the last previously measurable storm event shall be reported and the appropriateness of the time lag shall be justified.
 - c. Grab samples and samples for flow-weighted composites shall be taken during the entire event or during the first three hours, whichever occurs first. Each sample shall be separated by a minimum period of fifteen minutes, or a maximum period of forty-five minutes, with a minimum of three samples per event. Grab samples shall be analyzed for pH, temperature, oil and grease and E-coli. Flow-weighted composite samples shall be used for all other parameters listed in Table 3. Flow-weighted composite samples may be taken with a continuous sampler or by combining discrete samples in proportion to the flow.
 - d. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved C.F.R. Part 136 method does not exist, a suitable method may be used, but the Permittee must describe the analysis methods and document the reference.
2. **Sampling Waiver.** When the Permittee is unable to collect samples for Representative Seasonal Monitoring due to adverse climatic conditions, the Permittee shall submit 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 include 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 (local drought, extended frozen conditions, etc.).

PART V. SPECIFIC MONITORING PLAN (LOCATIONS, PARAMETERS, FREQUENCIES, ETC.)

Table 1. Industrial Monitoring

Year	Description	Parameters	Frequency
1 through 5	Inspect Significant Industrial Users (SIU)	Wet/Dry Sample	Once/Year

Table 2. Dry Weather Screening Program

Year	Description	Parameters	Frequency
1 through 5	Annual Dry Weather Field Screening	Test Kits/Visual	20%/Year

- (1) Sampling parameters: Visual -odor, color, turbidity, floatables, and estimated flow, oil sheen, deposits and stains, vegetation damage (excessive vegetation or lack of vegetation) damage to sewer and outfall structures, and temperature. Chemical analysis (grab samples) pH, total residual chlorine, surfactants, fluoride, hardness, ammonia, potassium and total phenols.

Table 3. Wet Weather Monitoring Program (Outfall and Stream)

Year	Location	Description	Parameters	Frequency
1 through 5	<u>In stream</u> Station 804 Station 806	Baseline	(2)	1/Month
	<u>Outfalls</u> 30, 65, 102	Wet	(1)	3/Year

- (1) TSS, CBOD, Oil and grease, pH, temperature, NH₃, DO, E-coli, Cadmium, Chromium, Copper, Lead, Nickel, Zinc, Total Phosphorus.
- (2) DO, TSS, NH₃, CBOD, flow (baseline estimate only).

Table 4. Storm Water Monitoring Location

Outfall Nos.	Receiving Stream	Drainage Area (Acres)	Land Use Type	% of Area
30	Ditch to South Ditch	29.41	Commercial	65.0
			Public Fac. & Utilities	10.6
			Parks, Rec., & Open	24.4
65	Adams Ditch	227.54	Commercial	33.9
			Res. Low Density	35.0
			Res. Med. Density	2.6
			Retail Business	6.8
			Parks, Rec. & Open	20.3
102	Springfield Lake Outlet	71.38	Res. Low Density	68.9
			Res. High Density	25.1
			Retail Business	6.0

Table 4. Continued

In Stream Stations		
804	Little Cuyahoga River – Upstream of Combined Sewer 3PF00000046	
806	In Stream Ohio Canal at Cedar Street	

PART VI. STANDARD PERMIT CONDITIONS

- A. **RECORDS RETENTION.** The Permittee shall retain the following records for the municipal separate storm sewer system for a period of at least three years, or for the term of this permit, whichever is longer:
1. All sampling and analytical records (including internal sampling data not reported);
 2. All original recordings for any continuous monitoring instrumentation;
 3. All instrumentation, calibration and maintenance records;
 4. All system operation and maintenance records;
 5. All reports required by this permit; and

6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application.
7. These periods will be extended during the course of any unresolved litigation, or when requested by the U.S. EPA Administrator or the Ohio EPA. The three-year period for retention of records shall start from the date of sample, measurement, report, or application.

B. NOTIFICATION REQUIREMENTS

1. The Permittee shall call the Ohio EPA Emergency Spill Number (1-800-282-9378) within 24 hours of knowing or having reason to believe that the discharges from the Permittee's MS4 will threaten the receiving stream or public health. This number should be used in an emergency situation in which the discharge is beyond the control of the Permittee.
2. For the telephone reports required by Part VI.B.1, the following information shall be included.
 - a. The times at which the discharge occurred (if known), and was discovered;
 - b. The approximate volume and the characteristics of the discharge (if known);
 - c. The location of the discharge into the MS4, and the location of the municipal outfall;
 - d. The receiving stream(s) effected by the discharge;
 - e. The circumstances which created the discharge (if known);
 - f. The name(s) and telephone number(s) of the responsible party, if known;
 - g. What remedial steps are being taken; and
 - h. The name(s) and telephone number(s) of the person(s) responsible for such remedial steps.
3. These telephone reports shall be confirmed in writing within five days of the knowledge of the discharge. The report shall include the following:
 - a. The type of discharge;
 - b. The extent of the discharge;
 - c. The cause of the discharge;
 - d. The period of the discharge including exact dates and times;
 - e. If uncorrected, the anticipated time the discharge is expected to continue; and
 - f. Steps being taken to reduce, eliminate, and/or prevent recurrence of the discharge.
4. Compliance Schedule Events:
If the Permittee is unable to meet any schedule of this permit, the Permittee shall submit a written report to the Central Office of Ohio EPA in Columbus with a Copy to the Northeast District Office of the Ohio EPA within 14 days of becoming aware of such a situation. The report shall include the following:
 - a. The compliance event which will not be met;

- b. The cause of the failure to meet the condition;
 - c. The remedial action being taken; and
 - d. The probable date by which the condition will be met.
5. The Permittee shall include all significant, but non-emergency events not reported under paragraphs 1, 2, or 3 of Part VI.A. with the Annual Report required in Part II.C. The reports shall contain the information listed in paragraphs 2 and 3 of Part VI.A.
 6. Where the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

C. **TRANSFER OF OWNERSHIP OR CONTROL.** This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

1. The Permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the Ohio EPA Northeast District Office. The copy of that letter will serve as the Permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA Northeast District Office sixty days prior to the proposed date of transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new Permittee (including acknowledgment that the existing Permittee is liable for violations up to that date, and that the new Permittee is liable for violations from that date on) shall be submitted to the Ohio EPA Northeast District Office within sixty days after receipt by the District Office of the copy of the letter from the Permittee to the succeeding owner;
3. If the Director, does not exercise his right within thirty days after receipt of the written agreement to notify the current Permittee and the new Permittee of his or her intent to modify or revoke the permit and to require that a new application be filed; and
4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the OEPA. At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

D. **DUTY TO COMPLY.** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. ORC Section 6111.07 prohibits any person from knowingly submitting false information or records or failing to submit information or records pertaining to discharges required as a condition of a permit.
2. ORC Section 6111.99 establishes that whoever violates the provisions of ORC Section 6111.07 Division (C), shall be fined not more than \$ 25,000 per violation.
3. ORC 6111.99 provides that any person who violates Sections 6111.042., 6111.04., 6111.05., or Division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

F. **DUTY TO REAPPLY.** If the Permittee wishes to continue an activity regulated by this permit after the permit expiration date, the Permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.

G. **NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.** 40CFR 122.41(c) states that it shall not be a defense for the 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.

H. **DUTY TO MITIGATE.** The Permittee shall take all reasonable steps to reduce or prevent any discharge from the MS4 that is in violation of this permit.

I. **AUTHORIZED DISCHARGES.** All discharges authorized herein shall be consistent with the terms and conditions of this permit. Any discharge violation may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the CWA and ORC Sections 6111.09 and 6111.99.

J. **DUTY TO PROVIDE INFORMATION.** The Permittee shall furnish to the Director, within a time specified by the Director, 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.

K. **OTHER INFORMATION.** When the Permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Director, he or she shall promptly submit such facts or information.

L. **SIGNATORY REQUIREMENTS.** All applications, reports or information submitted to the Director shall be signed and certified by:

1. For a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
2. 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 specifies 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 Permittee. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

M. **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."

N. **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 or Section 106 of CERCLA.

O. **SOLID DISPOSAL.** Collected screening, slurry, sludge, and other solids shall be disposed of in such a legal manner as to prevent entry of those wastes into surface waters of the State.

P. **CONSTRUCTION AFFECTING NAVIGABLE WATERS.** This permit does not authorize or approve the construction of any on-shore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

- Q. **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.
- R. **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.
- S. **STATE/ENVIRONMENTAL LAWS.** 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 established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the CWA. No condition of this permit shall release the Permittee from any responsibility or requirements under other environmental statutes or regulations.
- T. **MAINTENANCE.** The Permittee shall maintain all parts of the MS4 which are installed or used by the Permittee to achieve compliance with the conditions of this permit and with the requirements of the Permittee's SWMP.
- U. **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 sampling and analytical records, all instrumentation, calibration and maintenance records and all original recordings for continuous monitoring instrumentation, all the reports required by this permit, and records of all data used to complete the application for this permit; latest version of the SWMP, for a period of at least 3 years after coverage under this permit terminates. This period may be extended by request of the Director at any time.
 3. 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.

- V. **MONITORING METHODS.** Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. This applies to monitoring only where data will be reported or as required by the permit.
- W. **PERMIT MODIFICATION OR REVOCATION**
1. After notice and opportunity for hearing, the permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term, for cause including, but not limited to the following:
 - a. Changes in State or Federal statutes or regulations or standards;
 - b. Other modifications deemed necessary by the Director to meet the requirements of the CWA.
 - c. Violation of any terms or conditions of the permit
 - d. All modification to the permit will be made in accordance with OAC Chapter 3745-47.
 - e. Changes in any conditions that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - f. Obtaining this permit by misrepresentation or failure to disclose all relevant facts.
 - g. Impacts on receiving water quality caused, or contributed to, by discharges from the MS4.
 2. Pursuant to rule 3745-33-06, Ohio Administrative Code, the Permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The request by the Permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the Ohio EPA at least ninety days before the date on which it is desired that the modification becomes effective.
- X. **INSPECTION AND ENTRY.** The Permittee shall allow the Director or an authorized representative 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 shall be kept under the conditions of this permit;
 2. Have access to and copy at reasonable times, any records that shall be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- Y. **AVAILABILITY OF REPORTS.** Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at Ohio EPA. Both the

CWA and ORC Section 6111.05 state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in ORC Section 6111.99.

- Z. **APPLICABLE FEDERAL RULES.** All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

PART VII. DEFINITIONS

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.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Publ. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 (et. seq.)

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

Discharge for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

Flood control project means any flood control structure (including detention/retention basins, channels, levees, etc.) constructed in the MS4, designed for mitigating the effect of flooding from the Permittee's watershed.

Illicit connection means any man-made conveyance connecting an illicit discharge directly to the MS4.

Illicit discharge means any discharge (spills or otherwise) to the MS4 that is not composed entirely of storm water except discharges pursuant to a NPDES permit. (other than the NPDES permit for discharges from the MS4). Illicit discharge include improper disposal. Improper disposal is defined as the placement, by humans, of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, animal wastes, sewage (as defined in ORC 6111.01 (B)), industrial waste (as defined in ORC 6111.01 (C)) or any other waste (as defined in 6111.01 (D)) into a MS4. Sources identified and in compliance with Part III.C.2 of the permit are not considered illicit discharges.

Large or 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 or Sale means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedule under the plan.

Major outfall means a MS4 outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for MS4s that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

Measurable Goal means BMP design objectives or goals that quantify the progress of program implementation and the performance of BMPs. They are markers or milestones the Permittee and the Permitting Authority will use to track the progress and effectiveness of BMPs and the SWMP over time.

MEP is an abbreviation for "Maximum Extent Practicable," the permit requirement for MS4s established by CWA 402(p). MEP may be achieved in phases by using management practices, control techniques and/or system design and engineering methods which are designed to reduce storm water pollutant discharges from the MS4 and are technically and economically feasible.

MS4 is an acronym for "municipal separate storm sewer system" and is used to refer to either a Large or Medium Municipal Separate Storm Sewer System. See definition for municipal separate storm sewer.

Municipal Separate Storm Sewer 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):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to Surface waters of the States;

- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2; and (v) which is not waters of the state.

This includes structural controls, which are structures and conveyances used to remove pollutants from storm water (e.g. infiltration device, constructed wetland, biofilters, extended detention basin, vegetated swales, water quality inlet, catch basin, etc.)

New Flood Control Project means any new flood control structure constructed in the MS4 system.

Outfall means a point source where a MS4 discharges to water of the States and does not include open conveyances connecting two MS4s, or pipes, tunnels or other conveyances which connect segments of the same stream or other Surface waters of the United States and are used to convey Surface waters of the State.

Permittee refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Surface waters of the State.

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.

Priority Industrial Source means any municipal landfills; treatment, storage, and disposal facilities for municipal wastes; hazardous waste treatment, storage, disposal, and recovery facilities and industrial facilities that are subject to EPCRA Title III, Section 313; and any other industrial discharge the Permittee determines are contributing a substantial pollutant loading to the MS4.

Significant Industrial User is any other industrial user that: discharges an average of 25,000 g.p.d. or more of process wastewater to the treatment works (including sanitary, non-contact cooling and boiler blowdown wastewater) contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment works;

Structural Controls means treatment methods to remove pollutants from storm water (e.g., infiltration devices, constructed wetlands, biofilters, extended detention basins, vegetated swales, water quality inlets, catch basins, etc.).

Toxic materials means any material which can cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological or reproductive malfunction or physical deformities in any organism or its offspring, or which can become poisonous after concentration in the food chain or in combination with other substances.

Storm sewer, unless otherwise indicated, refers to a MS4.

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

Storm Water Associated with Industrial Activity As defined in 40CFR 122.26(b)(14).

SWMP is an acronym for "Storm Water Management Program."

Storm Water Management Program is the means by which the Permittee will implement the goal of reducing storm water pollution from the MS4 to the maximum extent practicable. This includes management practices, control techniques, and/or system design and engineering methods.

Types of Samples

1. Grab samples are individual samples collected instantaneously.
2. Composite Sample: a composite sample shall mean:
 - a. a flow-weighted composite sample, which is a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge at the time the sample is collected;
 - b. a time-weighted sample, which is a mixture of equal volume aliquots collected at a constant interval of time; or
 - c. a mixture of equal volume aliquots collected at equal increments of flow volume.

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, 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 or underground waters.

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