

Ohio EPA Permit No.: 1PI00003*DD
Application No.: OH0112828
Issue Date: September 12, 2011
Effective Date: October 1, 2011
Expiration Date: September 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"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Dayton

(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 Dayton municipal separate storm sewer system (MS4), to waters of the State in accordance with the approved Storm Water Management Program, monitoring requirements, and other conditions specified in Parts I, II, III, IV, V and VI of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Administrative 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 Dayton served by the Permittee's Municipal Separate Storm Sewer System (MS4).
- B. **AUTHORIZED DISCHARGES.** This permit authorizes the following discharges from the point sources on the Permittee's MS4 to waters of the State.
1. All existing or new storm water point source discharges.
 2. Process wastewater, non-process wastewater, or storm water associated with industrial activity from all point source discharges covered by a separate NPDES permit.
 3. Non-storm water discharges identified in Part III. D.2., unless identified as significant sources of pollutants to waters of the State.
- 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.
 2. Storm water discharges associated with industrial activity, as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi), that are not in compliance with a separate in force NPDES permit.
 3. Storm water discharges associated with construction activity, as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15) that are not in compliance with a separate in force NPDES permit.
 4. Storm water discharges currently covered under another permit.
 5. Discharges that would cause or contribute to in-stream exceedances of water quality standards. Ohio EPA may require additional actions or an application for an individual permit or alternative general permit if an MS4 is determined to cause an in-stream exceedance of water quality standards.
 6. 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 your NPDES permit application. 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.

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

PART II. STORM WATER MANAGEMENT PROGRAM

The Permittee shall continue to implement a storm water management program (SWMP) and revise its SWMP in accordance with the requirements set forth in this permit. 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 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 3745-39-04.
5. Receive and collect information
 - a. The Permittee shall 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 shall also have the authority to review designs and proposals for construction activity to determine whether adequate storm water controls measures will be installed, implemented, and maintained.

6. Perform inspections

- a. The Permittee shall 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, upon presentation of credentials of identification, enter upon the premises of the storm water discharger at reasonable hours, for the purpose of inspection, sampling, observation, measurement, testing, records examination, or evaluate the performance of any storm water discharger's duties.

7. Respond to violations

- a. The Permittee shall have the ability to promptly require that violators cease and desist illicit discharges or discharges of storm water in violation of any ordinance or standard and/or cleanup and abate such discharges, including the ability to:
 - (1) Effectively require the discharger to abate and clean up their discharge, spill, or pollutant release within 48 hours of notification;
 - (2) Require abatement, within 30 days of notification, for uncontrolled sources of pollutant that could pose an environmental threat, require abatement within 30 days of notification;
 - (3) Perform the cleanup and abatement work and bill the responsible party, if necessary; and
 - (4) Order the cessation of activities until such problems are adequately addressed for situations where pollutant-causing activities are not abated.

B. STORM WATER MANAGEMENT PROGRAM REVIEW AND MODIFICATION

1. **Program Review:** If requested by the Ohio EPA, the Permittee shall 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 shall 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 current SWMP;
 - 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. Modifications adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Director.

b. 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 deemed approved 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 cost prohibitive);

(2) Expectations on the 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.

c. 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 deemed approved until the Permittee receives written approval from the Director.

d. 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 be submitted at any time to the Central Office of Ohio EPA (Division of Surface Water, Storm Water Section, P.O. Box 1049, Columbus, Ohio, 43216-1049) with a copy to the Southwest District Office (401 East Fifth Street, Dayton, Ohio, 45402).

3. **Program Updates:**

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

- (1) Address impacts 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; or
- (3) Include such other 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 in 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 1 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. Compliance status of with any schedules established under this permit.
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 include the following:
 - 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. The report shall include a summary of the specific annual reporting requirements identified in Part III.B.11, Part III.C.5, Part III.D.9, Part III.E.9, Part III.F.9, Part III.G.14 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 V.K and Part V.L 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 the discharge monitoring reports shall be retained as required under Part IV.B in the Annual Report. Requests for SWMP modification, requests for changes in monitoring locations, and all other reports required herein, shall be submitted to the following address with a copy to the Ohio EPA, Southwest District Office (401 East Fifth Street, Dayton Ohio, 45402):

Ohio Environmental Protection Agency
Division of Surface Water
Storm Water Section
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 enforce an SWMP designed to reduce the discharge of pollutants to the maximum extent practicable, 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; and shall be modified to include provisions Ohio EPA determines appropriate after its annual review of the program for control of such pollutants. 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.H.
 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. A Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions agencies and departments will occur. The Table of Organization shall include 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 shall document its storm water education and outreach program. Your description shall address the overall public education program, the individual BMPs, measurable goals, and persons responsible for the program. The description shall include the following information at a minimum:
 - a. How the program will inform individuals and households on how to become involved in the storm water program (i.e., activities such as local stream restoration activities).
 - b. How the Permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.
 - c. How the Permittee will 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. Alternatively, the Permittee may direct its educational efforts to all of its citizens.
4. The Permittee shall identify the target themes or messages 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. 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 shall distribute the educational materials, using any of the selected methods it deems appropriate, to reach at least 20% of city residents each year.
 - b. The Annual Report shall describe how the Permittee will evaluate the success of the public education program including how goals were selected for each BMP.
 9. The Permittee shall assess changes in public awareness and behavior resulting from implementation of the program using mechanisms such as surveys, direct evaluations, interviews, or other mechanisms the Permittee determines appropriate.
 10. The Permittee shall assess the Public education component annually and adjust its educational materials and the delivery of such materials to adjust any shortcomings found as a result of this assessment.
 11. The Annual Report shall describe how the Permittee will evaluate the success of the public education program including how goals were selected for each BMP and an estimate of how many people were reached over the permit term.
- C. **PUBLIC INVOLVEMENT/PARTICIPATION:** To the extent applicable, the Permittee shall comply with local public notice requirements when implementing a public involvement/participation program:
1. The Permittee shall continue to implement a storm water public involvement/participation program. The program shall include the following at a minimum:
 - a. Opportunities for the involvement of the public in the development and implementation of the program.
 - b. A list of target audiences for the public involvement program, and continue to develop appropriate methods to reach these audiences. The Permittee shall provide an opportunity to involve all potentially affected stakeholder groups known to the Permittee, which shall include at a minimum: commercial and industrial businesses, trade associations, environmental groups, homeowners' associations, and educational organizations.
 2. The Permittee shall continue to create opportunities for citizens to participate in the implementation of storm water controls (e.g., stream cleanups, stenciling). Consider the following types of public involvement activities:
 - a. Citizen representatives on a storm water management panel comprised of all affected parties, including residents, business owners and

environmental groups. The group must consist of a balanced representation of all parties in the MS4 area and/or affected watershed.

- (1). To the extent that a storm water management panel is implemented, the Permittee shall invite the panel to participate in the development and 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 cleanup activities
 - e. Storm drain stenciling or placement of catch basin markers
 - 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 Permittee's Annual Report shall include an evaluation of the success of the public involvement/participation measure, a description of the BMPs and an estimate of how many residents participated for each practice.
- 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 promptly 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 surface waters of the State:

- 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. Noncommercial vehicle/equipment washing
 - p. Flows from riparian habitats and wetlands
 - q. Dechlorinated swimming pool discharges
 - r. Street wash water
 - s. Discharges or flows from firefighting activities and emergency response 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 water quality BMPs which have been installed to satisfy Ohio EPA's NPDES Construction Storm Water general permit and/or your local 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 and track operation & maintenance over time.
 - b. The Permittee's storm sewer map shall maintain the locations of all home sewage treatment systems (HSTSs) 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 HSTSs. The addresses for all on-site HSTSs 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 shall be available on-site 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 which consists of, at a minimum, the following:
 - (a) Complete or have completed an initial dry-weather screening of all your storm water outfalls by the end of the permit term. Specific analyses will be needed to identify the characteristics of local inappropriate entries and uncontaminated water sources.
 - (b) Include the following visual parameters during dry-weather screening: floatables, color, turbidity, oil sheen, temperature, deposits, stains, odor, vegetation damage, excessive vegetation, damage to sewer and outfall structure, characteristics of discharge to receiving stream, and flow estimate. The Permittee shall 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's 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 sanitary wastewater is discovered during routine sampling, the Permittee shall:
 - (a) Investigate the adjacent sanitary sewer whenever the infiltration of sanitary sewage to the MS4 is suspected.
 - (b) Identify the source of the seepage and the condition of the pipes of the sanitary sewer.
 - (c) Develop expeditious schedules to remove infiltration from sanitary sewers into the separate storm sewer system whenever 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 municipal employees, who as part of their job responsibilities come into contact with or observe an illicit discharge or connection to the storm sewer system and improper disposal activities. Contact information, including the procedure for reporting an illicit discharge must be included in the Permittee's fleet vehicles that are used by field staff. Training program documents must be available for review by the permitting authority.
- b. The Permittee shall train all staff identified in Part III.D.5.a on the identification of an illicit discharge connection, and on the proper procedures for reporting and responding to an illicit discharge, connection or disposal within 6 months after permit authorization. The Permittee shall document and maintain records of the training provided and the staff trained.

6. Illicit Discharge Elimination Plan:

- (1) 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.
- (2) 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.

- (3) The Permittee shall take steps to prohibit seepage from sanitary sewers from entering into the MS4.
- (4) The Permittee shall inform public employees, businesses, and the general public of the 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 the storm sewer system mapping updates, and (7) the number of personnel trained and the training procedures provided to them.

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). Once updated include a copy of the ordinance in the Annual Report.
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.
 - e. Minimize disturbance on steep slopes.
 - f. Stabilization of exposed soils completed in the appropriate time frame.
3. Requirements for construction operators to design, install, and maintain effective pollution prevention methods to minimize the discharge of pollutants. At a minimum, such measures shall be designed, installed, maintained, and implemented to:

- a. Control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary wastewater at the construction site that may cause adverse impacts to water quality.
 - b. Minimize the exposure of building materials, building products, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to the elements.
4. Include review of all construction storm water pollution prevention plans (SWP3s) for construction activities that result in a land disturbance of greater than or equal to one acre. The program shall include the following, at a minimum:
- a. Ensure NPDES Construction Storm Water coverage for applicable construction activities.
 - b. Maintain an inventory of applicable construction activities. The inventory shall contain the following information, at a minimum: applicant name, mailing address, and phone number; project name and location; land disturbance; and approval date. This information shall be made available to Ohio EPA upon request.
 - c. Ensure SWP3s meet minimum NPDES Construction Storm Water General Permit requirements before approval.
 - d. Use qualified individuals, which are knowledgeable in the technical review of construction practices, to perform SWP3 reviews.
 - e. Document review of SWP3s 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 shall 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 non-compliance.
- 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.
 - b. The Permittee shall track instances of non-compliance either in hard copy or electronically. This documentation shall include, at a minimum, the following:

- (1) Name of owner or operator of facility or site in violation
 - (2) Location of infraction
 - (3) 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 sources and the management practices (both structural and non-structural) normally used to control such sources.
- a. The Permittee shall adequately inspect all phases of construction.
 - (1) Prior to land disturbance. The Permittee shall perform an inspection to ensure all necessary erosion and sediment controls are in place.
 - (2) During active construction. The Permittee shall conduct inspections at appropriate frequencies, but no less than once per month, to ensure compliance with construction requirements.
 - (3) Following active construction. The Permittee shall ensure, at the conclusion of the project, all graded areas have reached final stabilization, all temporary control measures are removed, and that the Permittee has submitted a Notice of Termination (NOT) to the Ohio EPA.
7. The Permittee shall provide an annual training to MS4 staff which performs SWP3 reviews and construction site inspections.
8. The Annual Report shall describe the procedures for program evaluation and assessment of the Construction Program. The report shall document the following: (1) number of applicable sites in your jurisdiction, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) the number and frequency of site inspections, (4) the number of violation letters issued, (5) the number of enforcement actions

taken and resolved, 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 SWP3 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 shall allow the Permittee access to conduct inspections of the storm water structural control measures and account for transfer of responsibility in leases and/or deeds.
 - c. The agreement shall allow the Permittee to perform any 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 within thirty (30) days of notification by the Permittee.

5. The Permittee shall require that property owners or operators provide verification of maintenance for the approved storm water structural control measures. Verification shall 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 homeowner'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 shall be made searchable by property location (either on paper or electronically) and include, at a minimum, the following information: Each entry to the inventory shall include the following: applicant name, mailing address, and phone number; project name and location; land disturbance; and approval date. In addition, the inventory entry must include the following for each project:
 - a. Applicant name, mailing address, and phone number.
 - b. Project name and location.
 - c. Land disturbance associated with project.
 - d. Project approval date.
 - e. A description of each post-construction control measure (type, number, design or performance specifications).
 - f. Latitude and longitude coordinates of each control measure.
 - g. Short description of maintenance requirements.
 - h. Inspection information (date, findings, follow-up activities, prioritization of

follow-up activities).

7. The Permittee shall conduct inspections of each applicable site. The purpose of the inspections are to ensure control measures are installed correctly, operating as intended, and are being maintained pursuant to applicable maintenance agreements.
 - a. The Permittee shall conduct a post-construction inspection to verify that requirements have been satisfied. This shall include 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 Permittee shall document its inspection findings in an inspection report. Each inspection report shall 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 structural 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.
8. 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 post-construction site plans reviewed, (3) the number of inspections performed to ensure as built per requirements, (4) the number of long-term operation and maintenance (O&M) plans developed and agreements in place, and (5) the number of enforcement actions taken and resolved.

- 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 (b)(14). The list shall either show the NPDES facility permit number or indicate the date the No Exposure Certification form was submitted. The Permittee, shall 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 stormwater controls
 - Public parking lots
 - Public golf courses
2. The Permittee shall develop a storm water pollution prevention plan (SWPPP) for all municipal facilities subject to this program. This plan shall be written and implemented within one year of the effective date of this permit.
 - a. A copy of the SWPPP shall be maintained and be available for review by the permitting authority. The SWPPP shall be kept on-site for each of the municipally owned or operated facilities subject to the plan.
3. The Permittee shall keep all municipally owned or operated facilities neat and orderly, minimizing pollutant sources through good housekeeping procedures and proper storage of materials.
 - a. The Permittee shall institute procedures for pollution prevention (P2) to minimize storm water pollution discharge from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas

operated by the City. The Permittee shall perform effective street sweeping practices, leaf collection and anti-litter programs to reduce the discharge of pollutants.

- b. Materials exposed to storm water shall be covered where feasible (without creating additional impervious surfaces, if possible).
 - 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. If a permanent structure is required, but does not exist, one shall be built within 24 months and seasonal tarping shall be used as an interim control measure.
 - e. The Permittee shall continue to implement standard operating procedures for vehicle fueling and receiving bulk fuel deliveries at municipally owned facilities with the goal of reducing the likelihood of spills and providing spill controls in the event a spill occurs.
 - (1) The Permittee shall have spill kits 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 the effective date 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 water reclamation/recycling system, capturing and hauling the wastewater for proper disposal, connecting to a sanitary sewer, or ceasing the activity.
4. 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, previous reports, and high value waters to help in assigning the appropriate priority level.
 5. Catch basin labeling. The Permittee shall ensure that each catch basin includes a legible storm water awareness message (e.g., label, stencil, or precast message such as "drains to the creek"). Catch basins with illegible or missing labels shall be recorded and re-labeled within 30 days of

inspection.

6. The Permittee shall visually monitor drainage structures for problem areas such as those with recurring illegal dumping. Removal of trash or debris from open channels and other drainage structures shall occur annually.
7. The Permittee shall develop a procedure to dewater and dispose of materials extracted from catch basins and street sweepings. The procedure shall ensure that water removed during the catch basin cleaning process and the waste material will not re-enter the MS4.
8. The Permittee shall 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. The prioritization of the street sweeping program is as follows:
 - a. High priority streets are those that have a high traffic zones, commercial and industrial districts, shopping malls, large schools, high density residential dwellings, sport venues and plazas.
 - b. Moderate priority streets are those that have medium traffic zones, warehouse districts, light and small scale commercial and industrial zones, and parking lots.
 - c. Low priority streets are those residential streets and light traffic zones.
9. When replacing existing sweeping equipment, the Permittee should select and operate high performance sweepers that are efficient in removing pollutants.
 - a. The Permittee shall 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.
10. The Permittee shall evaluate the materials used and activities performed on public 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 and irrigation.
 - a. The Permittee shall implement the following practices to minimize landscaping pollutant generating activities:
 - (1) Ensuring that municipal employees are certified, trained, or operate under the supervision of personnel certified or trained in the use of applying herbicides and pesticides.

11. The Permittee shall develop an annual employee training program for employees involved in implementing pollution prevention/good housekeeping practices for this control measure. All new employees shall receive training within one year of their hire date. This training shall include a general storm water education component and training materials may be used from the Ohio EPA or other organizations to meet this requirement.
12. The Permittee shall inspect detention ponds for sediment, mow, and remove accumulated litter and debris as necessary. The Permittee shall regularly remove litter and debris from the open ditches and trash racks located on the upstream end of culverts.
13. The Permittee shall identify on a map where the municipally owned and/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 regularly.
14. The Permittee's Annual Report shall document the following: (1) summary of the employee training programs(s) and the number of employees attending, (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, and (5) A description of the procedures used to dewater and dispose of materials extracted from storm water controls.

H. INDUSTRIAL AND RELATED FACILITIES PROGRAM:

1. The Permittee shall maintain an inventory of all industrial facilities the Permittee suspects are potentially contributing a substantial pollutant loading to the City's MS4.
2. The Permittee's inspection program shall encompass the following requirements:
 - a. Prioritize facilities into high, medium and low categories on the basis of the potential for water quality impacts using criteria such as pollutant sources on site, pollutants of concern, proximity to surface waters, and violation history of the facility. The different priority categories will be assigned different inspection frequencies, with the highest priority facilities receiving more frequent inspections. During an industrial inspection, if the Permittee discovers that the industrial facility is violating the NPDES storm water permit requirements, the Permittee shall notify the Ohio EPA.
3. For industrial facility inspections, the Permittee shall confirm that, if applicable, the industrial facility has coverage under an NPDES permit for storm water discharges, a storm water pollution prevention plan (SWP3), and that the industrial facility has installed and is maintaining the major BMPs identified within

the storm water pollution prevention plan (SWP3). At a minimum, these control measures shall:

- a. Minimize exposure of manufacturing and material storage areas (including: loading and unloading, storage disposal, cleaning, and maintenance operations) to the elements by locating these materials and activities inside or protecting them with storm resistant coverings.
 - b. Keep all exposed areas clean. Keeping materials orderly and labeled and storing materials in appropriate containers.
 - c. Include regular inspections and maintenance of all industrial equipment to avoid situations that may result in leaks.
 - d. Implement Spill Prevention and Response Procedures. Facilities shall minimize the potential for leaks, spills, and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur.
 - e. Implement Erosion and Sediment Controls. Facilities shall stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize on-site erosion, sedimentation and the discharge of pollutants.
 - f. Divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges.
 - g. Eliminate non-storm water discharges not authorized by an applicable NPDES permit.
 - h. Ensure that waste, garbage, floatable, and debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.
 - i. Control dust generation and vehicle tracking of industrial materials. industrial/commercial facilities shall minimize generation of dust and off-site tracking of raw, final, or waste materials.
4. If the inspection reveals a violation of any city code or regulation pertaining to storm water quality management and pollution prevention activities, the Permittee shall initiate formal enforcement activities as appropriate per City code. Non-emergency violations shall be listed in the Annual Report.
- a. The Permittee shall evaluate a facility's compliance with its requirements to design, install and implement storm water control measures.
 - b. Conduct a visual observation for evidence of unauthorized discharges, illicit

connections, and potential discharge of pollutants via storm water.

- c. The Permittee shall verify whether the facility is required to be authorized under an Ohio EPA NPDES Storm Water permit or eligible for a No Exposure Certification, and whether the facility has obtained such coverage.
5. The Permittee shall document the following for each inspection:
 - a. Inspection date, time, name(s) of inspector, and signature(s).
 - b. Weather information and a description of any discharges occurring during the time of inspection.
 - c. Any control measures needing repair.
 - d. Any failed control measures that need replacement.
 - e. Any non-compliance issues observed.
 - f. Any additional control measures needed to comply with permit requirements.
6. 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.
7. Staff Training
 - a. The Permittee must ensure that all staff whose jobs are implementing the industrial storm water program is trained to conduct facility inspections. The

training must cover what is required under this permit in terms of storm water control measures, the requirements of other applicable industrial storm water general permits or other related local requirements. The Permittee must document and maintain records of the training provided and the staff trained.

8. 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 representative monitoring program for discharges from the Municipal Separate Storm Sewer System (MS4) in accordance with the following requirements:
 1. **Representative Seasonal Monitoring:** The Permittee shall monitor representative outfalls seasonally to characterize the quality of storm water discharges from the MS4 and estimate seasonal pollutant loads for each major outfall identified under 40 CFR 122.26 d(2)(ii) and 40 CFR 122.26 d(1)(iii)B(1). The data from national databases may be substituted to meet this requirement.
 2. **Wet Weather Monitoring Program:** The Permittee shall continue to implement a wet weather monitoring program which shall consider one or more of the following objectives:
 - a. Characterize the discharges from the MS4.
 - b. Identify sources of pollutants.
 - c. Assess effectiveness of best management practices.
 - d. Identify, investigate, and address areas that may be contributing excessive levels of pollutants
 - e. Identify water quality improvements or degradation.
 3. **In-stream Biological Monitoring Option-in lieu of Wet Weather Monitoring Program.**
 - a. The Permittee shall obtain all necessary aquatic wildlife collection permits from appropriate state and/or federal agencies (e.g., state fish and game commission).
 - b. The Permittee shall develop an in-stream biological monitoring study plan including sediment assessments where necessary in cooperation with Ohio EPA and this plan shall be reviewed and approved by Ohio EPA prior to its

implementation.

- c. The Permittee shall follow the procedures and protocols specified in the latest version of Ohio EPA, Division of Surface Waters documents titled "Reporting and Testing Guidance for Bio-monitoring Required by the Ohio Environmental Protection Agency" and "Field Monitoring Guidelines for Chemical and Biological Assessments" for the in-stream biological monitoring and sediment assessment study plan required under Part IV.3.b. The following goals will be considered in the development of in-stream biological and sediment assessment monitoring plan:
 1. Identify impact of MS4 discharges on water bodies.
 2. Assess effectiveness of Best Management Practices.
 3. Identify water quality improvements or degradation.
 4. Identify sources of pollutants.
 4. **Alternate Monitoring Locations:** Monitoring locations may be substituted for just cause during the term of the permit. Request 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 will provide a written response with approval or denial of requested monitoring station relocations. The Ohio EPA may request alternate monitoring locations at any time during the term of the permit.
- B. **STORM EVENT DATA:** For Parts IV.A.1 and IV.A.2, quantitative 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 sampled discharge.
1. **Sample Type, Collection, and Analysis:** The following requirements apply only to samples collected for Parts IV.A.1 and IV.A.2.
 - 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. Grab samples shall be taken during the first two hours of discharge if sampling for pH, temperature, cyanide, oil & grease, E.coli, total phenols, residual chlorine (unless otherwise specified in this permit), and, at the Permittee's option, volatile organics. For all other parameters, data shall be reported for flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.

- c. All such samples shall be collected to reflect the discharge resulting from a wide range of storm event producing adequate sampling volume for analysis with the time lag between the sampled storm event and the immediately prior storm event being reported. Flow weighted composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquot taken in each hour of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.
 - d. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136 unless approved otherwise by this permit. Where an approved Part 136 method does not exist, any suitable method may be used, but the Permittee shall describe the analysis methods and document the reference.
2. **Sampling Waiver.** When a discharger is unable to collect samples required by Part IV.A.1 and IV.A.2 due to adverse climatic conditions, the discharger 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. 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;
 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; and
 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 notify by telephone (1-800-282-9378) within 24 hours of knowing or having reason to believe that the discharges from the Permittee's municipal separate storm sewer system may adversely impact the receiving stream and/or may be a threat to public health due to:
 - a. An NPDES permitted discharge,
 - b. An illicit discharge
 - c. Discharge not in compliance with part II.A.2
 - d. Any other discharge beyond reasonable control of the Permittee.

2. For the telephone reports required by Part VI.A.1, the following information must 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 municipal separate storm sewer system and the location of the municipal outfall from which discharge enters waters of the state;
 - d. The stream(s) affected by the discharge;
 - e. The circumstances which created the discharge (if known);
 - f. The names and telephone numbers of the persons who have knowledge of these circumstances;
 - g. What remedial steps are being taken; and
 - g. The names and telephone numbers of the persons 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 date for achieving an event, as specified in the schedule of compliance, the Permittee shall submit a written report and include it in the Annual Report. The report shall include the following:

- a. The compliance event which has been or will be violated;
 - b. The cause of the violation;
 - c. The remedial action being taken;
 - d. The probable date by which compliance will occur; and
 - e. The probability of complying with subsequent and final events as scheduled.
5. The Permittee shall report all instances not reported under paragraphs 1, 2, or 3 of Part VI.A with the annual report required in Part II.D. 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.

B. **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 appropriate Ohio EPA 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 appropriate Ohio EPA 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

appropriate Ohio EPA 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. 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 Ohio EPA. At any time 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.
- C. **DUTY TO COMPLY.** The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- D. **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.
- E. **DUTY TO REAPPLY.** If the Permittee wishes to continue an activity regulated by this permit after the permit expiration date, the Permittee must 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.
- F. **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.

- G. **DUTY TO MITIGATE**. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit.
- H. **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 Act and Ohio Revised Code Sections 6111.09 and 6111.99.
- I. **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.
- J. **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.
- K. **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, the authorization is made in writing by a person described above and submitted to the Director.
 - a. 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 company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 - b. 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 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- L. **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."

- M. **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.
- N. **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 waters of the state.
- O. **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.
- P. **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.
- Q. **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.
- R. **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 Act. No condition of this permit shall release the Permittee from any responsibility or requirements under other environmental statutes or regulations.
- S. **OPERATION AND MAINTENANCE.** The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Operation and maintenance also includes adequate laboratory controls and quality

assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

T. **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 system operation and maintenance records, all the reports required by this permit, and records of all data used to complete the application for this permit; latest version of storm water management program, 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.

U. **MONITORING METHODS**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

V. **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 Clean Water Act.
 - c. violation of any terms or conditions of the permit.
 - d. all modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.
 - e. Changes in any conditions that require 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 municipal separate storm sewer system.
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.

W. **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 must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- X. **AVAILABILITY OF REPORTS**. Except for data determined by the Ohio EPA to have been titled 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 Clean Water Act and Section 6111.05 Ohio Revised Code 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 Ohio Revised Code Section 6111.99.
- Y. **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 VI. 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 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. L. 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 regional flood control structure constructed in the MS4 system. Regional flood control structures are those structures that are designed for mitigating the effect of flooding from watersheds involving at least one other jurisdiction and includes detention /retention basins, channels, levees, etc. etc.).

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit. (other than the NPDES permit for discharges from the municipal separate storm sewer system). Illicit discharge include improper disposal. Improper disposal is defined as the placement of motor vehicle fluids, household hazardous wastes, grass clipping, 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.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"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.

"Major outfall" means a municipal separate storm sewer 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 municipal separate storm sewers 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).

"MEP" is an abbreviation for "Maximum Extent Practicable," the discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p). MEP may be achieved in phases by using management practices, control techniques and 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.

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

"Outfall" means a point source where a municipal separate storm sewer system discharges to water of the states and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the state.

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

"Structural Controls", Structures and conveyances used to collect, convey or store storm water or to remove pollutants from storm water (e.g., infiltration device, constructed wetland, bio-filter, extended detention basin, vegetated swales, water quality inlet, catch basin, etc.).

"Toxic materials", means any material which can cause death, disease, behavioral abnormalities, cancer, genetic mutations, 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 municipal separate storm sewer.

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

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

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

"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; or
- b. a time-weighted sample, which is a mixture of equal volume aliquots collected at a constant interval of time.
- c. 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.