

**OHIO EPA
DRAFT PERMIT
SUBJECT TO REVISION**

**Issuance Date:
Effective Date:
Expiration Date:**

OHIO ENVIRONMENTAL PROTECTION AGENCY

**GENERAL PERMIT AUTHORIZATION FOR STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION ACTIVITY FROM OIL AND GAS LINEAR TRANSMISSION LINE
AND GATHERING LINE INSTALLATION**

In compliance with the Ohio Water Pollution Control Act [Ohio Revised Code (“ORC”) Chapter 6111], dischargers of storm water from sites where construction activity is being conducted, as defined in Part I.B of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA," to discharge from the outfalls at the sites and to the receiving surface waters of the state identified in their Notice of Intent (“NOI”) application form on file with Ohio EPA in accordance with the conditions specified in Parts I through VII of this permit.

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

This permit is conditioned upon payment of applicable fees, submittal of a complete NOI application form and written approval of coverage from the director of Ohio EPA.

**Craig W. Butler
Director**

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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit covers the entire State of Ohio.

B. Eligibility.

1. Construction activities covered. Except for storm water discharges identified under Part I.B.2, this permit may cover all new and existing discharges composed entirely of storm water discharges associated with construction activity from oil and gas linear transmission line and gathering line installation that enter surface waters of the state or a storm drain leading to surface waters of the state.

For the purposes of this permit, construction activities include any clearing, grading, excavating, grubbing and/or filling activities that disturb the threshold acreage described in the next paragraph. Discharges from trench dewatering are also covered by this permit as long as the dewatering activity is carried out in accordance with the practices outlined in Part III.G.2.f.iv of this permit.

Construction activities disturbing five or more acres of total land, or will disturb less than five acres of land but are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land will be eligible for coverage under this permit. The threshold acreage includes the entire area disturbed in the larger common plan of development or sale.

2. Limitations on coverage. The following storm water discharges associated with construction activity are not covered by this permit:
 - a. Storm water discharges that originate from the site after construction activities have been completed and the site has achieved final stabilization;
 - b. Storm water discharges associated with construction activity that the director has shown to be or may reasonably expect to be contributing to a violation of a water quality standard;
 - c. Storm water discharges authorized by an individual NPDES permit or another NPDES general permit; or
 - d. Storm water discharges that originate from the site has resulted in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21, 40 CFR 302.6 or 40 CFR 110.6.
3. Prohibition on non-storm water discharges. All discharges covered by this permit must be composed entirely of storm water. Dewatering activities shall be done in compliance with Part III.G.2.f.iv of this permit. Discharges of material other than storm water shall comply with an individual NPDES permit or an NPDES general permit issued for the discharge.

4. Spills and unintended releases (Releases in excess of Reportable Quantities). This permit does not relieve the permittee of the reporting requirements of Title 40 of the Code of Federal Regulations (“CFR”) Part 117 and 40 CFR Part 302. In the event of a spill or other unintended release, the discharge of hazardous substances in the storm water discharge(s) from a construction site must be minimized in accordance with the applicable storm water pollution prevention plan for the construction activity and in no case, during any 24-hour period, may the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.

40 CFR Part 117 sets forth a determination of the reportable quantity for each substance designated as hazardous in 40 CFR Part 116. The regulation applies to quantities of designated substances equal to or greater than the reportable quantities, when discharged to surface waters of the state. 40 CFR Part 302 designates under section 102(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, those substances in the statutes referred to in section 101(14), identifies reportable quantities for these substances and sets forth the notification requirements for releases of these substances. This regulation also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act (CWA).

C. Requiring an individual NPDES permit or an NPDES general permit.

1. The director may require an alternative permit. The director may require any operator eligible for this permit to apply for and obtain either an individual NPDES permit or coverage under an NPDES general permit if criteria in 3745-39-04(C)(1)(c) is exceeded. Any interested person may petition the director to take action under this paragraph.

The director will send written notification that an alternative NPDES permit is required. This notice shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the operator to file the application. If an operator fails to submit an application in a timely manner as required by the director under this paragraph, then coverage, if in effect, under this permit is automatically terminated at the end of the day specified for application submittal.

2. Operators may request an individual permit. Any owner or operator eligible for this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request to the director. If the reasons adequately support the request, the director shall grant it by issuing an individual permit.
3. When an individual permit is issued to an owner or operator otherwise subject to this permit or the owner or operator is approved for coverage under an alternative general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be.

D. Authorization

1. Obtaining authorization to discharge. Operators that discharge storm water associated with construction activity must submit an NOI application form in accordance with the

requirements of Part I.E of this permit to obtain authorization to discharge under this general permit. In response to the NOI submission, the director will notify the applicant in writing that he/she has or has not been granted general permit coverage to discharge storm water associated with construction activity under the terms and conditions of this permit.

2. No release from other requirements. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Other permit requirements commonly associated with construction activities include, but are not limited to, section 401 water quality certifications, isolated wetland permits and disturbance of land which was used to operate a solid or hazardous waste facility (i.e., coverage under this general permit does not satisfy the requirements of OAC Rule 3745-27-13 or ORC Section 3734.02(H)). The issuance of this permit is subject to resolution of an antidegradation review. This permit does not relieve the permittee of other responsibilities associated with construction activities such as contacting the Ohio Department of Natural Resources, Division of Water, to ensure proper well installation and abandonment of wells.

E. Notice of Intent Requirements

1. Deadlines for notification.
 - a. Initial coverage: Operators who intend to obtain initial coverage for a storm water discharge associated with construction activity under this general permit must submit a complete and accurate NOI application form and appropriate fee at least 21 days prior to the commencement of construction activity. Existing projects which have started construction prior construction activity prior to the effective date of this permit shall apply for coverage within 90 days after this permit becomes effective. If more than one operator, as defined in Part VII of this general permit, will be engaged at a site, each operator shall seek coverage under this general permit. Coverage under this permit is not effective until an approval letter granting coverage from the director of Ohio EPA is received by the applicant. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.
2. Failure to notify. Operators who fail to notify the director of their intent to be covered and who discharge pollutants to surface waters of the state without this permit are in violation of ORC Chapter 6111. In such instances, Ohio EPA may bring an enforcement action for any discharges of storm water associated with construction activity.
3. Where to submit an NOI. Operators seeking coverage under this permit shall submit a complete and accurate NOI application using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. Please see the following link for guidance:

<http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOI form through the agency eBusiness Center due to a demonstrated hardship, the NOI may be submitted on paper NOI form provided by Ohio EPA. NOI information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOI form.

4. Additional notification. NOIs and SWP3s are considered public documents and shall be made available to the public in accordance with Part III.C.2. The permittee shall make NOIs and SWP3s available upon request of the director of Ohio EPA.
5. Re-notification. Permittees having coverage under this general permit shall have continuing coverage under this general permit's renewal with the submittal of a timely renewal application. Within 90 days from the effective date of this permit's renewal general permit, existing permittees shall submit the completed renewal application expressing their intent for continued coverage.

PART II. HORIZONTAL DIRECTIONAL DRILLING (HDD) CONTINGENCY PLAN

A Horizontal Directional Drilling (HDD) Contingency Plan (Plan) must be developed and incorporated in the SWP3. The HDD Plan must be implemented as a condition of this permit in the event HDD is anticipated for the construction and installation of all transmission and gathering lines. A copy of the HDD Plan must be on-site and available for review at each location where drilling will occur. The Plan, at a minimum, must include the following sections with stated basic elements:

- Introduction
- Planned HDD Crossings
- Site Specific Information
- Monitoring Procedures
- Notification Procedures
- Corrective Actions
- Best Management Practices (BMP's)
- Alternate Contingency Plan
- Drilling Fluid Additives and Lost Circulation Materials (LCM's)
- Disposal Considerations for Drilling Fluids and Drill Cuttings

A. Introduction.

The introduction must provide a narrative stating the Plan provides procedures and steps to effectively address an inadvertent release of a non-toxic clay and water slurry used in HDD. The introduction must state that the Plan will be implemented and maintained on each site where HDD operations are intended. This section must state that all key personnel associated with HDD operations, including inspection and monitoring, will be trained with respect to all content of the Plan. Lastly, the introduction must clarify if any polymers or other additives will be incorporated in the HDD Slurry used in directional drilling and must be evaluated in accordance with the Drilling Fluid Additives and LCM section of the Plan.

B. Planned HDD Crossing.

This section of the Plan must include a narrative addressing the method of construction utilized to avoid features such waters of the state, manmade structures and other protected areas. The Plan must include a narrative of the drilling process including the establishment of drill pit entry and exit locations, pilot hole installation, reaming operations, pipe installation, hydrostatic testing and final reclamation.

This section must detail the content and intended use of the associated drilling fluids. All drilling fluids must be limited to a non-toxic clay and water. The Plan must include how and where the makeup water is obtained. Any drilling fluid additives must be used in accordance with the drilling fluid additive/LCM section of this appendix.

An inadvertent return (IR) shall be defined in this section and must include all unintended fluid returns which reach the surface. Understanding, fluid loss may result from formational fluid loss or hydraulic fracturing, the IR definition must also include losses of fluids to underground formations defined by a loss of fluids and/or annular pressure which exceed 50 percent over a 24-hour period or a 25 percent loss or greater of fluids and/or annular pressure sustained over a 48-hour period. The IR definition must also include a daily max not to exceed 50,000 gallons of drilling fluids loss.

Protocols for monitoring drilling pressures, circulation and loss of fluids to underlying formations shall be included in the Plan. Continual annular pressure monitoring must be inclusive.

This section must include a narrative of conditions which could lead to a loss of drilling fluid pressure, loss of fluids and/or loss of circulation and associated corrective actions. In addition, corrective action triggers (i.e. "swap the bore hole," "trip," "LCM's," etc.) must be clearly defined in this section. At a minimum, corrective action must be initiated and completed until such time appropriate circulation/pressures are restored and until such time the IR as defined in this section is eliminated.

C. Site Specific Information.

The Plan must address site specific evaluation and conditions including:

1. **Geology and Hydrogeology**: An evaluation of geology and hydrogeology must be conducted to evaluate conditions favorable to an IR. At a minimum, a bore hole shall be evaluated through all formations where drilling operations will occur. The Plan must include site specific appendix for each HDD site. The Appendix should identify the environmentally sensitive areas that may be impacted by an IR. The Plan should identify any specific equipment or supplies needed to address and IR within that sensitive area that are not already identified in the Plan.
2. **Evaluation of Alternate Conditions**: In addition to loss of circulation, the Plan will need to include other site-specific factors that may indicate that conditions are favorable for an IR.
3. **SOP's**: The Plan must include detailed discussion regarding the potential to encounter abnormal conditions such as: a bore hole through formation where there is no circulation of HDD slurry or a large void is detected during the bore. The Plan should include detail

when these abnormal conditions are encountered, what the company's operational response plan would be. Please further detail all SOPs that are followed when there is no return or minimal down-hole pressure.

4. **Relief Well:** The use of a relief well must be evaluated for all sites involving an environmentally sensitive area and must be inclusive in the site-specific section of the Plan.
5. **Resource Evaluation:** The site-specific section must identify the location of all surface water bodies within the potential area of impact from an IR. The Plan is to include each location as an inspection point in the Inspection log. A detailed list of containment measures and BMP's specific to each resource must be identified in this section. The permittee must document the location of nearest public water supply.
6. **Containment Measures:** Due to the unpredictability of an IR, in relation to location and volume, the Plan must list the equipment and supplies that will be staged at each HDD location that will adequately provide primary and secondary containment regardless of conditions. The Plan will need to identify the specific location where the material will be staged. The primary and secondary containment systems will need to be designed to ensure the IR is contained and controlled over the expected course of the IR. Secondary controls are required as a redundancy and the containment volume must support 110 percent of the primary volume. The Plan must address controls which can be expeditiously implemented in the event of an unexpected IR. This would include, but not limited to, pumps, storage tanks, aqua-dams, steel sheet piles, sand bags and straw bales. Containment planning must address an IR in wetland areas, open water, and within streams.
7. **Recovery Equipment Redundancies:** The Plan must specify that IR response equipment and supplies are solely dedicated for containment and recovery actions related to an IR event. Equipment and supply levels must be maintained and replenished in the case of multiple IR events at the same HDD location.
8. **Adjacent Property Owners:** This section must include a list of adjacent properties owners. The permittee must attempt to acquire access prior to drilling operations in the event of an IR outside the right of way.

D. Monitoring Procedures.

HDD activities must be continually monitored and documented by the construction inspector, contractor, environmental inspector, third party inspector, or any combination of the four.

The drill path must be evaluated prior to commencement of drilling operations to assess any condition that impedes the ability to conduct visual observations. Modifications to inspect these areas must be documented in the site-specific section of this Plan.

Documentation logs must be filled out after every shift and, at a minimum, must include the following:

- Authorized representative conducting the inspection
- Time and date of the inspection

- Evaluation of drilling pressures (documenting losses per hour)
- Quantification of drilling fluids loss and return flows per hour (provide total at end of shift)
- Documentation of visual observations along the drill path (conducted every 4 hours)
- Documentation of visual observations of wetlands and streams on or near the drill path (conducted every 2 hours)
- Consistent recording of drill status including drill conditions, pressures, returns and progress during the course of the shift
- Evaluation of on-site recovery equipment in the event of an IR
- Documentation the HDD Plan is on-site
- Continuous, 24-hour monitoring of pumps utilized on-site

E. Notification Procedures.

Permittee shall notify, within 30 minutes of discovery, all inadvertent returns to Ohio EPA via a telephone call to Ohio EPA's Spill line at 1-800-282-9378.

Permittee shall provide details regarding the location and quantity of the release. Identify if the release has resulted in a discharge to waters of the state or poses a threat to public health or safety.

Immediately upon discovery of an IR, the permittee shall initiate corrective action pursuant to the Corrective Action Section of the Plan.

Permittee shall contact the property owner, within 30 minutes of discovery, affected by the IR and shall coordinate with them on the corrective actions necessary to contain and remediate the release.

F. Corrective Actions.

Upon discovery of a loss of circulation or sign of a drilling fluid pressure drop, the drilling operator will begin to reduce down-hole pressure and conduct a visual inspection of the drill path and sensitive areas for evidence of an IR. If an IR is detected as defined by the Planned HDD Crossing Section, the permittee shall initiate the following:

If public health and safety are threatened by an inadvertent release, drilling operations will be immediately shut down until the threat is eliminated.

Upon discovery of an IR within waters of the state or other sensitive area, a temporary suspension of drilling operations will take place until measures are in place to manage, control, and contain the release acceptable to Ohio EPA.

If an IR occurs as defined by Section B, a temporary suspension of drilling operations will take place until measures are in place to manage, control, and contain the release acceptable to Ohio EPA.

The Permittee or drilling contractor must evaluate an IR to the surface and provide containment structures to effectively contain the release. When making this determination, the permittee or drilling contractor must consider if placement of containment structures will cause additional

adverse environmental impact. Secondary containment, supporting 110 percent of the primary volume will also be designed and installed as practicable.

If the amount of the release is large enough to allow collection, the drilling fluids released into containment structures, the fluids must be returned directly to the drilling operations or an approved Ohio EPA disposal location.

If a wetland or waterbody release occurs, shall determine the potential movement of released of drilling fluids and consider remediation/mitigation options accordingly.

All releases to waters of the state shall be documented in the monitoring/inspection logs and include relative information, including but not limited to; Date and Time of Release, drilling conditions leading up to the release, location coordinates in decimal degrees, photographs, estimate of quantities, location of public and private water supplies, corrective actions taken and an evaluation of effective containment and remediation equipment on-site.

Upon completion of the drilling operations, consulting with applicable regulatory agencies and develop a site-specific plan to determine any final clean-up requirements for the IR.

Depending upon the type and duration of an IR, if necessary impacts to benthic and/or aquatic communities will be remediated to restore the function of the community. Additionally, site-specific plans will be developed to offset or mitigate any long-term impacts to the aquatic environment via mitigation or some other form of mitigation to replace the loss of function or value.

For any impacts to public or private water supplies, permittee will provide temporary or permanent, short or long-term replacement of the water supply until the water supply is restored to its pre-IR condition.

In the event of an IR in a stream, several contingency procedures are possible, depending on the width and flow of the stream at the time of the IR. The potential use of preferred contingency measures must be listed in the site-specific section of this Plan. All contingency plans must be approved by Ohio EPA and may include the following for purposes of appropriate planning:

- turbidity curtain
- straw bales (backed with impermeable layer)
- sand bags
- aqua barriers
- dam and pump section
- flumed section
- stand pipe or alternate in stream containment
- relief well

G. Best Management Practices (BMPs).

1. The permittee and drilling contractor shall implement the following BMP's:

- Effective perimeter controls, including the installation of silt fence and other erosion control devices (ECDs) surrounding the perimeter of the entry and exit "drill pads"

- Installation of slope breakers in areas where ground disturbance leading to or from the HDD location may cause sedimentation downslope.
 - Installation of silt fence and other ECDs at wetland or waterbody edges near the HDD location to further protect the resources.
 - Utilization of sediment ponds or traps when design parameters of perimeter controls are exceeded.
 - Proper trench dewatering techniques for trenches leading to or from the HDD location, using a filter bag and silt fence/straw bale structure and sediment ponds or traps as dewatering structures to comply with applicable water quality standards. There will be no turbid discharges to waters of the state resulting from dewatering operations.
 - Use of secondary containment for pumps or equipment within 50 feet of a wetland or waterbody.
 - Relevant sections of Ohio EPA's Rain Water and Land Development Manual
 - Timely reclamation and stabilization of the areas following construction, with temporary ECDs maintained and monitored until final stabilization is achieved, at which time any necessary permanent ECDs would be installed.
2. Permittee/Contractor will have on-site, prior to drilling, an appropriate supply of materials and equipment to contain an IR at both sides of the HDD. This would include, but not be limited to:
- straw bales
 - silt fence
 - sand bags
 - Hand tools
 - pumps and hoses
 - vacuum truck(s)
 - backhoe
 - bulldozer
 - equipment mats
 - aqua barriers
 - sheet piling
3. In the event of an IR, an appropriate number of pumps will be staged to volumetrically control the current release, as well as any further anticipated releases. Additional equipment and supplies will be brought in to supplement and provide for redundancy of critical systems in case of mechanical failure or an increase in the severity of a situation. In addition, pumps or other active relief systems will be continuously monitored while in use.
4. Permittee/Contractor will provide training to ensure that personnel associated with the HDD are knowledgeable concerning this Plan and other applicable construction plans approved for the project. All training will occur on site and the training events and attendees will be documented. In addition, records of occurrences and attendees of job safety analysis meetings will be documented.
5. Permittee will collect the non-toxic clay and water slurry returns at the drill entry location systematically for analysis.

6. Permittee will monitor annular flow and injection pressure on a continuous basis to identify any significant, rapid variances, which may be a sign of reduction or loss of circulation.

H. Alternative Contingency Plan.

If the corrective actions described above do not correct the problem, the permittee will abandon the drill hole and consider alternate measures. An HDD attempt will be considered failed if any of the following occur:

- circulation is insufficient to maintain the integrity of the borehole
- circulation losses present an imminent risk to human health or the environment
- the borehole location cannot be maintained within the required limits as defined by an IR in Section 2.

In the event of borehole failure, the borehole will be properly abandoned and a decision will be made regarding whether to re-attempt the HDD crossing, or use another crossing method, as described below:

- grout will be pumped into the hole to completely seal and fill the upper 30 feet of hole entirely with grout;
- compacted soil will be placed in the top 5 feet of the hole; and
- the location will be graded to the original contour.

The above abandonment procedures will be discussed with Ohio EPA and all appropriate permitting and regulatory agencies prior to implementation.

Alternative Crossing Locations and Methods.

If the HDD cannot be completed at the proposed location, the HDD will be re-attempted at an alternate location. Before a determination is made on an alternate crossing location, an effort will be made to identify and assess the reason for the drill failure. This may be critical for the selection of the alternate crossing.

Considerations of alternative locations include, but are not limited to, the following:

- horizontal relocation of the drill hole
- changing of the drill profile (depth of hole)
- changing drill procedures (slurry viscosity/pressure/flow velocity, bit rotation/velocity, etc.)
- additional soil borings and geo tech evaluation.

If the entry and exit points need to be relocated, consideration will be given to:

- Stream bank type, flow width, depth, velocity and flow volume
- Surrounding topography
- Condition of riparian areas
- Condition and extent of wetlands, if any, on each side of the alternate crossing
- Aquatic biota
- Downstream water uses

- Entry and exit angles for the HDD path
- Permitting Considerations

These and other factors will be considered and discussed with Ohio EPA and all appropriate regulatory agencies to secure the appropriate approvals.

Alternate crossing methods, if determined to be necessary, may include:

- open cut
- auger boring
- pipe jacking
- microtunneling

I. Drilling Fluid Additives and Lost Circulation Materials (LCM's).

Drilling fluid additives and LCM's must be comprised and consistent with materials used in the drinking water distribution industry. Acceptable materials would include products only containing nontoxic clays, cements, ash and other non-toxic substances as deemed by the corresponding MSDS sheets. Any use of drilling fluid or LCM's containing any petroleum-based products is strictly prohibited.

J. Disposal Considerations for Drilling Fluids and Drill Cuttings.

All drilling fluids must be analyzed to ensure appropriate disposal. Representative Sampling must be done in accordance with sampling method SW-846 8260B for volatile organic compounds and SW-846 8270C for semi-volatile organic compounds. Sampling results must clearly demonstrate the drilling fluids are comprised entirely of a non-toxic clay and water for alternate disposal options other than an approved sanitary landfill.

In the event the permittee/contractor elects to use any additives or LCM's, all spent drilling fluids must be disposed at an approved sanitary landfill.

If no additives or LCM's are used and the analytical results indicate there is no presence of petroleum constituents, the permittee may consider alternative disposal to an approved sanitary landfill pursuant to the following conditions:

- For an on-location burial option, the site must be fully contained within the right-of-way of the utility or transmission line being installed.
- The spent drilling fluids and drill cuttings should be buried in either an excavated pit or mixed with overburden removed from the utility right-of-way during utility line construction/installation purposes at a ratio of one to one.
- The material must be buried in a manner to prevent ponding or transport of storm water through the material (for example, crested in the middle and a slope to edge of disposal area).
- The burial location is not to be located in sensitive hydrogeological areas (for example, shallow ground water, shallow sand and gravel lenses or fractured bedrock, etc.).
- The burial location must be located at least 100 feet from any permanent surface water.

- The burial location must be located a minimum of 100 feet from any potable water supply well and 300 feet from any large supply public water supply well.
- All off-site disposal must be approved by Ohio EPA.

PART III. STORM WATER POLLUTION PREVENTION PLAN (SWP3)

A. Storm Water Pollution Prevention Plans.

A SWP3 shall be developed for each project covered by this permit. For a multi-phase construction project, a separate NOI shall be submitted when a separate SWP3 will be prepared for subsequent phases. SWP3s shall be prepared in accordance with sound engineering and/or conservation practices by a professional experienced in the design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. The SWP3 shall be a comprehensive, stand-alone document, which is not complete unless it contains the information required by Part III.G of this permit.

B. Timing

A SWP3 shall be completed prior to the timely submittal of an NOI and updated in accordance with Part III.D. Upon request and good cause shown, the director may waive the requirement to have a SWP3 completed at the time of NOI submission. If a waiver has been granted, the SWP3 shall be completed prior to the initiation of construction activities. The SWP3 shall be implemented upon initiation of construction activities.

C. SWP3 Signature and Review.

1. Plan Signature and Retention On-Site. The SWP3 shall include the certification in Part V.H, be signed in accordance with Part V.G., and be retained on site during working hours.
2. Plan Availability
 - a. On-site: The plan shall be made available immediately upon request of the director or his authorized representative during working hours. A copy of the NOI and letter granting permit coverage under this general permit also shall be made available at the site. It is acceptable for these documents to be maintained by the lead contractor at the site.
 - b. By written request: The permittee must provide the most recent copy of the SWP3 within 10 days upon written request by the director or the director's authorized representative.
 - c. To the public: All NOIs, general permit approval for coverage letters, and SWP3s are considered reports that shall be available to the public in accordance with the Ohio Public Records law. The permittee shall make documents available to the public upon request or provide a copy at public expense, at cost, in a timely manner. However, the permittee may claim to Ohio EPA any portion of an SWP3 as confidential in accordance with Ohio law.

3. Plan Revision. The director or authorized representative may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this part. Within 10 days after such notification from the director or authorized representative (or as otherwise provided in the notification), the permittee shall make the required changes to the SWP3 and, if requested, shall submit to Ohio EPA the revised SWP3 or a written certification that the requested changes have been made.

D. Amendments

The permittee shall amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity. Amendments to the SWP3 may be reviewed by Ohio EPA in the same manner as Part III.C.

E. Duty to inform contractors and subcontractors

The permittee shall inform all contractors and subcontractors not otherwise defined as “operators” in Part VII of this general permit who will be involved in the implementation of the SWP3 of the terms and conditions of this general permit. The permittee shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 as proof acknowledging that they reviewed and understand the conditions and responsibilities of the SWP3. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site.

F. Total Maximum Daily Load (TMDL) allocations

If a TMDL is approved for any waterbody into which the permittee’s site discharges and requires specific BMPs for construction sites, the director may require the permittee to revise his/her SWP3.

G. SWP3 Requirements

Operations that discharge storm water from construction activities are subject to the following requirements and the SWP3 shall include the following items:

1. Site description. Each SWP3 shall provide:
 - a. Total area of the right-of-way (ROW) and the area of the ROW that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas);
 - b. A description of prior land uses at the site;
 - c. An implementation schedule which describes the sequence of major construction operations (i.e., designation of vegetative preservation areas, grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;

- d. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the ROW which will be disturbed, or which will receive discharges from disturbed areas of the project;
- e. A cover page or title identifying the name and location of the project, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete; and
- f. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.
- g. Site map showing:
 - i. Limits of earth-disturbing activity of the project including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3;
 - ii. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;
 - iii. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the ROW, including the boundaries of wetlands or stream channels in the ROW and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA;
 - iv. Existing and planned locations of buildings, roads, parking facilities and utilities;
 - v. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of the project;
 - vi. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area. Ohio EPA recommends the use of data sheets (see ODNR's Rainwater and Land Development manual for examples) to provide data for all sediment traps, sediment basins and storm water management treatment practices noting important inputs to design and resulting parameters such as their contributing drainage area, disturbed area, water quality volume, sedimentation volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions;

- vii. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
 - viii. The location of designated construction entrances where the vehicles will access the construction site; and
 - ix. The location of any in-stream activities including stream crossings.
2. Controls. The SWP3 shall contain a description of the controls appropriate for each construction operation covered by this permit and the operator(s) shall implement such controls. The SWP3 shall clearly describe for each major construction activity identified in Part III.G.1.c: (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify the subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. Ohio EPA recommends that the primary site operator review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review has occurred.

Ohio EPA recommends that the erosion, sediment, and storm water management practices used to satisfy the conditions of this permit should meet the standards and specifications in the most current edition of Ohio's Rainwater and Land Development (see definitions) manual or other standards acceptable to Ohio EPA. The controls shall include the following minimum components:

- a. Non-Structural Preservation Methods. The SWP3 shall make use of practices which preserve the existing natural condition as much as practicable. Such practices may include: preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time and designation of tree preservation areas or other protective clearing or grubbing practices. For all construction activities immediately adjacent to surface waters of the state, the permittee shall maintain an adequate buffer between the disturbed area and the surface water, as measured from the ordinary high water mark of the surface water.
- b. Erosion Control Practices. The SWP3 shall make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved in accordance with Part III.G.3. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 shall provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, use of construction entrances and the use of alternative ground cover.

- i. **Stabilization.** Stabilization of disturbed areas shall, at a minimum, be initiated in accordance with the time frames specified in the following tables.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the state and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the state and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 14 days
For all construction activities, any disturbed areas that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state	<p>Within seven days of the most recent disturbance within the area</p> <p>For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).</p>
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. Permanent and temporary stabilization are defined in Part VII.

- ii. **Permanent stabilization of conveyance channels.** Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most current edition of the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.
- c. **Runoff Control Practices.** The SWP3 shall incorporate measures which control the flow of runoff from disturbed areas to prevent erosion from occurring. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge locations and along the

length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- d. Sediment Control Practices. The plan shall include a description of structural practices that shall store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, earth diversion dikes or channels which direct runoff to a sediment settling pond and storm drain inlet protection. All sediment control practices must be capable of ponding runoff to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

The SWP3 shall contain detail drawings for all structural practices.

- i. **Timing.** Sediment control structures shall be functional throughout the course of earth disturbing activity. When utilized, sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is re-stabilized. As construction progresses and the topography is altered, appropriate controls shall be constructed, or existing controls altered to address the changing drainage patterns.
- ii. **Sediment settling ponds.** A sediment settling pond is required for any one of the following conditions:
- Concentrated storm water runoff (e.g., storm sewer or ditch); or
 - Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers.

If feasible, sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device. The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model.

The accumulated sediment shall be removed from the sediment storage

zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity shall be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone shall be less than or equal to five feet. The configuration between inlets and the outlet of the basin shall provide at least two units of length for each one unit of width (> 2:1 length:width ratio); however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee shall consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

In lieu of installing a sediment settling pond, the permittee may implement the following stabilization requirements as an alternative:

- For areas where the design capacity of silt fence or other sediment barriers are exceeded or for areas of concentrated flow, the permittee shall provide temporary or permanent stabilization within 14 days of initial disturbance.

iii. **Silt Fence and Diversions.** Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. This permit does not preclude the use of other sediment barriers designed to control sheet flow runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in the following table:

Silt Fence Maximum Drainage Area Based on Slope

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for a particular drainage area (in percent)
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

Placing silt fence in a parallel series does not extend the size of the drainage area. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

iv. **Inlet Protection.** Other erosion and sediment control practices shall minimize sediment laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.

- v. **Surface Waters of the State Protection.** If construction activities disturb areas adjacent to surface waters of the state, structural practices shall be designed and implemented on site to protect all adjacent surface waters of the state from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) shall be used in a surface water of the state. For all construction activities immediately adjacent to surface waters of the state, the permittee shall maintain an adequate buffer between the disturbed area and the surface water, as measured from the ordinary high water mark of the surface water. Where impacts within this buffer area are unavoidable, due to the nature of the construction (e.g., stream crossings for roads or utilities), the project shall be designed such that the number of stream crossings and the width of the disturbance within the buffer area are minimized.
- vi. **Modifying Controls.** If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site conditions.
- e. Surface Water Protection. If the project site contains any streams, rivers, lakes, wetlands or other surface waters, certain construction activities at the site may be regulated under the CWA and/or state isolated wetland permit requirements. Sections 404 and 401 of the Act regulate the discharge of dredged or fill material into surface waters and the impacts of such activities on water quality, respectively. Construction activities in surface waters which may be subject to CWA regulation and/or state isolated wetland permit requirements include, but are not limited to: grading, backfilling or culverting streams, filling wetlands, road and utility line construction, bridge installation and installation of flow control structures. If the project contains streams, rivers, lakes or wetlands or possible wetlands, the permittee shall contact the appropriate U.S. Army Corps of Engineers District Office. (CAUTION: Any area of seasonally wet hydric soil is a potential wetland - please consult the Soil Survey and list of hydric soils for your County, available at your county's Soil and Water Conservation District. If you have any questions about Section 401 water quality certification, please contact the Ohio Environmental Protection Agency, Section 401 Coordinator.)
- U.S. Army Corps of Engineers (Section 404 regulation):
- Huntington, WV District (304) 399-5210 (Muskingum River, Hocking River, Scioto River, Little Miami River, and Great Miami River Basins)
 - Buffalo, NY District (716) 879-4330 (Lake Erie Basin)
 - Pittsburgh, PA District (412) 395-7155 (Mahoning River Basin)
 - Louisville, KY District (502) 315-6686 (Ohio River)
- Ohio EPA 401/404 and non-jurisdictional stream/wetland coordinator can be contacted at (614) 644-2001 (all of Ohio)
- f. Other controls.
- i. **Non-Sediment Pollutant Controls.** No solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff. The permittee must implement all necessary BMPs to prevent the discharge of non-sediment pollutants to the drainage system

of the site or surface waters of the state. Under no circumstance shall drilling fluids, wastewater from the washout of concrete trucks, and other construction materials be discharged directly into a drainage channel, storm sewer or surface waters of the state. Also, no pollutants from vehicle fuel, oils, or other vehicle fluids can be discharged to surface waters of the state. No exposure of storm water to waste materials is recommended. The SWP3 must include methods to minimize the exposure of, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides to precipitation, storm water runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. You may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses conditions of this permit condition and a copy of such plan is maintained on site.

- ii. **Off-site traffic.** Off-site vehicle tracking of sediments and dust generation shall be minimized. The SWP3 shall include methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
- iii. **Compliance with other requirements.** The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations, including provisions prohibiting waste disposal by open burning and shall provide for the proper disposal of contaminated soils to the extent these are located within the permitted area.
- iv. **Trench and ground water control.** There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground water contains sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- v. **Contaminated Sediment.** Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (is not considered a Hazardous Waste, meeting VAP standards, etc.) may still result in storm water discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this permit. Appropriate BMPs include, but are not limited to:
 - The use of berms, trenches, and pits to collect contaminated runoff and prevent discharges;

- Pumping runoff into a sanitary sewer (with prior approval of the sanitary sewer operator) or into a container for transport to an appropriate treatment/disposal facility; and
- Covering areas of contamination with tarps or other methods that prevent storm water from coming into contact with the material.

Operators should consult with Ohio EPA Division of Surface Water prior to seeking permit coverage.

- g. Maintenance. All temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all upslope areas they control are permanently stabilized. The SWP3 shall be designed to minimize maintenance requirements. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices.
- h. Inspections. The permittee shall assign “qualified inspection personnel” to conduct inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.c of this permit or whether additional control measures are required. At a minimum, procedures in a SWP3 shall provide that all controls on the site are inspected:
- i. After any storm event greater than one-half inch of rain per 24-hour period by the end of the next calendar day, excluding weekends and holidays unless work is scheduled; and
 - ii. Once every seven calendar days.
 - iii. The inspection frequency may be reduced to at least once every month for dormant sites if:
 - a. The entire site is temporarily stabilized, or
 - b. Runoff is unlikely due to weather conditions for extended periods of time (e.g., site is covered with snow, ice, or the ground is frozen).

The beginning and ending dates of any reduced inspection frequency shall be documented in the SWP3.

Once a definable area has been finally stabilized, the area may be marked on the SWP3 and no further inspection requirements shall apply to that portion of the site.

Following each inspection, a checklist shall be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report shall include:

- i. the inspection date;

- ii. names, titles, and qualifications of personnel making the inspection;
- iii. weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- iv. weather information and a description of any discharges occurring at the time of the inspection;
- v. location(s) of discharges of sediment or other pollutants from the site;
- vi. location(s) of BMPs that need to be maintained;
- vii. location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- viii. location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- ix. corrective action required including any changes to the SWP3 necessary and implementation dates.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

The permittee shall maintain for three years following the submittal of a notice of termination form, a record summarizing the results of the inspection, names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3 and a certification as to whether the facility is in compliance with the SWP3 and the permit and identify any incidents of non-compliance. The record and certification shall be signed in accordance with Part V.G. of this permit.

- i. **When practices require repair or maintenance.** If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within 3 days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection.
- ii. **When practices fail to provide their intended function.** If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required,

the SWP3 shall be amended and the new control practice shall be installed within 10 days of the inspection.

- iii. **When practices depicted on the SWP3 are not installed.** If the inspection reveals that a control practice has not been implemented in accordance with the schedule contained in Part III.G.1.c of this permit, the control practice shall be implemented within 10 days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.

3. **Exceptions.** If specific site conditions prohibit the implementation of any of the erosion and sediment control practices contained in this permit or site-specific conditions are such that implementation of any erosion and sediment control practices contained in this permit will result in no environmental benefit, then the permittee shall provide justification for rejecting each practice based on site conditions. Exceptions from implementing the erosion and sediment control standards contained in this permit will be approved or denied on a case-by-case basis.

The permittee may request approval from Ohio EPA to use alternative methods to satisfy conditions in this permit if the permittee can demonstrate that the alternative methods are sufficient to protect the overall integrity of receiving streams and the watershed. Alternative methods will be approved or denied on a case-by-case basis.

PART IV. NOTICE OF TERMINATION REQUIREMENTS

A. Failure to notify.

The terms and conditions of this permit shall remain in effect until a signed Notice of Termination (NOT) form is submitted. Failure to submit an NOT constitutes a violation of this permit and may affect the ability of the permittee to obtain general permit coverage in the future.

B. When to submit an NOT.

1. Permittees wishing to terminate coverage under this permit shall submit an NOT form in accordance with Part V.G. of this permit. Compliance with this permit is required until an NOT form is submitted and issued.
2. All permittees shall submit an NOT form within 45 days of completing all permit requirements. Enforcement actions may be taken if a permittee submits an NOT form without meeting one or more of the following conditions:
3. Final stabilization (see definition in Part VII) has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use);
4. Another operator(s) has assumed control over all areas of the site that have not been finally stabilized; or
5. An exception has been granted under Part III.G.3.

C. How to submit an NOT.

Permittees shall submit a complete and accurate NOT application using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOT form through the agency eBusiness Center due to a demonstrated hardship, the NOT may be submitted on paper NOT form provided by Ohio EPA. NOT information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOT form.

PART V. STANDARD PERMIT CONDITIONS.

A. Duty to comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORC Chapter 6111 and is grounds for enforcement action.

Ohio law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

B. Continuation of an expired general permit.

An expired general permit continues in force and effect until a new general permit is issued.

C. Need to halt or reduce activity not a defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to provide information.

The permittee shall furnish to the director, within 10 days of written request, any information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or 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.

F. Other information.

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI, SWP3, NOT or in any other report to the director, he or she shall promptly submit such facts or information.

G. Signatory requirements.

All NOIs, NOTs, SWP3s, reports, certifications or information either submitted to the director or that this permit requires to be maintained by the permittee, shall be signed.

1. These items shall be signed as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.
2. All reports required by the permits and other information requested by the director shall be signed by a person described in Part V.G.1 of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part V.G.1 of this permit and submitted to the director;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator of a well or well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

- c. The written authorization is submitted to the director.
3. Changes to authorization. If an authorization under Part V.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.G.2 of this permit must be submitted to the director prior to or together with any reports, information or applications to be signed by an authorized representative.

H. 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."

I. Oil and hazardous substance liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the CWA or 40 CFR Part 112. 40 CFR Part 112 establishes procedures, methods and equipment and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable surface waters of the state or adjoining shorelines.

J. Property rights.

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. Severability.

The provisions of this permit are severable and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

L. Transfers.

Ohio EPA general permit coverage is transferable. Ohio EPA must be notified in writing sixty days prior to any proposed transfer of coverage under an Ohio EPA general permit. The transferee must inform Ohio EPA it will assume the responsibilities of the original permittee transferor.

M. Environmental laws.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

N. Proper operation and maintenance.

The permittee shall at all times properly 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 SWP3s. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. Inspection and entry.

The permittee shall allow the director or an authorized representative of Ohio EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter at reasonable times 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;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
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.

P. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

Q. Permit Actions

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

PART VI. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with construction activity covered by this permit, the permittee of such discharge may be required to obtain coverage under an individual permit or an alternative

general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements.

Permit modification or revocation will be conducted according to ORC Chapter 6111.

PART VII. DEFINITIONS

- A. “Act” means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. seq.
- B. “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMP's also include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.
- C. “Commencement of construction” means the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.
- D. “Concentrated storm water runoff” means any storm water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.
- E. “Director” means the director of the Ohio Environmental Protection Agency.
- F. “Discharge” means the addition of any pollutant to the surface waters of the state from a point source.
- G. “Disturbance” means any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- H. “Drainage watershed” means for purposes of this permit the total contributing drainage area to a BMP, i.e., the “watershed” directed to the practice. This would also include any off-site drainage.
- I. “Final stabilization” means that either:
 - 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or

2. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters of the state and which are not being returned to their pre-construction agricultural use, must meet the final stabilization criteria in (1).
- J. “Larger common plan of development or sale”- means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- K. “MS4” means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:
1. Owned or operated by the federal government, state, municipality, township, county, district(s) or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts or similar entity or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
 2. Designed or used for collecting or conveying solely storm water,
 3. Which is not a combined sewer and
 4. Which is not a part of a publicly owned treatment works.
- L. “National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA. The term includes an “approved program.”
- M. “NOI” means notice of intent to be covered by this permit.
- N. “NOT” means notice of termination.
- O. “Operator” means any party associated with a construction project that meets either of the following two criteria:
1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).
- As set forth in Part I.E.1, there can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.
- P. “Ordinary high water mark” means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed

on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- Q. “Owner or operator” means the owner or operator of any “facility or activity” subject to regulation.
- R. “Permanent stabilization” means the establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.
- S. “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 the 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.
- T. “Qualified inspection personnel” means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- U. “Rainwater and Land Development” is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
- V. “Riparian area” means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.
- W. “Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.
- X. “Sediment settling pond” means a sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Rainwater and Land Development manual.
- Y. “State isolated wetland permit requirements” means the requirements set forth in Sections 6111.02 through 6111.029 of the ORC.
- Z. “Storm water” means storm water runoff, snow melt and surface runoff and drainage.
- AA. “Steep slopes” means slopes that are 15 percent or greater in grade. Where a local government or industry technical manual has defined what is to be considered a “steep slope,” this permit’s definition automatically adopts that definition.

- BB. “Surface waters of the state” or “water bodies” means all streams, lakes, reservoirs, ponds, marshes, wetlands or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.
- CC. “SWP3” means storm water pollution prevention plan.
- DD. “Temporary stabilization” means the establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.