

## Ohio Environmental Protection Agency

## Fact Sheet for

## National Pollutant Discharge Elimination System (NPDES)

General Permit for Discharges of Storm Water from  
Small Municipal Separate Storm Sewer Systems (OHQ000004)**I. Background**

The concern with municipal separate storm sewer system (MS4) discharges is with high concentrations of pollutants resulting from development and associated increases of impervious areas, such as parking lots, city streets, driveways, sidewalks and rooftops, on which pollutants settle and remain until storm events wash them into the storm sewer system that then discharges to surface waters. Common pollutants include pesticides, fertilizers, oils, road salt, litter, motor vehicle fluids, other debris and sediment. Additional concerns are illicit discharges to MS4s such as sewage and dumping of waste materials into storm drains. Left uncontrolled, these discharges could cause fish kills, destruction of aquatic habitat, loss of surface water's aesthetic value, and contamination of drinking water supplies and recreational waterways.

The Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]), which was enacted in 1972, provides that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Clean Water Act amendments of 1987 (referred to as the Water Quality Act of 1987) explicitly required the U.S. Environmental Protection Agency (U.S. EPA) to adopt regulations to require NPDES permits of storm water dischargers. The purpose of issuing an NPDES general permit for small MS4s is to ensure these discharges can be in compliance with applicable state and federal regulations.

Ohio EPA's previous NPDES Small MS4 general permit (OHQ000003) was issued on September 11, 2014 and expired on September 10, 2019. This fact sheet addresses the fourth generation NPDES Small MS4 general permit (OHQ000004).

In accordance with Ohio Administrative Code (OAC) 3745-38-02(B)(4)(a), this general permit renewal includes all required permit terms and conditions in the general permit and follows the comprehensive general permitting approach. Therefore, this draft general permit renewal contains terms and conditions expressed in clear, specific and measurable terms.

**II. Description of General Permit Coverage and Type of Discharges**

This permit covers the entire State of Ohio and will expire five years after the effective date. The permit authorizes discharges of storm water from a select group of MS4s that serve populations less than 100,000 in urbanized areas, and those that have or may have the potential to negatively impact surface water quality as a result of their discharges. An MS4 individual permitting program exists for those serving populations of more than 100,000.

### III. Applying for Coverage

Small MS4s must submit a Notice of Intent (NOI) to apply for coverage under the general permit. NOI requirements are a mechanism that is used to establish a tracking system for small MS4s covered by the general permit. Information on the small MS4's identity, location, mailing address, MS4 drainage area, nature of discharge and receiving waterbody(s) is required.

Small MS4s applying for initial general permit coverage will be instructed to complete and submit an NOI along with its Storm Water Management Program (SWMP), and a non-refundable application fee of \$200.00. Any new MS4s must submit their NOI and SWMP within 180 days of receiving Ohio EPA's notification.

Ohio EPA will notify all existing small MS4 permittees with instructions on how to renew coverage. Small MS4s renewing their general permit coverage will be instructed to complete and submit a NOI in accordance with OHQ000004 and a non-refundable application fee of \$200.00 within 90 days from the effective date of OHQ000004. Small MS4s renewing coverage shall update their SWMP to be consistent with requirements of OHQ000004 within one year of the effective date of OHQ000004 and submit as an attachment with their 2021 Annual Report that will be due on April 1, 2022.

### IV. Description of Permit Conditions

Like the previous NPDES small MS4 general permit (OHQ000003), OHQ000004 requires the development and implementation of a SWMP. This document must provide what best management practices (BMPs) the small MS4 has selected to address the six minimum control measures in the permit, why those particular BMPs were selected by the small MS4 in light of local water quality issues, and performance standards for BMP implementation. The six minimum control measures are:

1. Public Education and Outreach. A program to inform individuals, businesses and organizations within the MS4 as to the impact on surface water quality of contaminated storm water discharges and how they can help reduce storm water contamination.
2. Public Participation and Involvement. A program to create opportunities for individuals and organizations to participate in the development and implementation of activities to reduce the contamination of storm water.
3. Illicit Discharge Detection and Elimination. A program to detect and eliminate cross-connection, dumping of wastes or other non-storm water discharges not authorized by a separate NPDES permit.
4. Construction Site Runoff Control. A program to require erosion and sediment controls for sites disturbing one or more acres of total land or will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land.
5. Post-Construction Runoff Control. A program to require the development, implementation and maintenance of controls on sites after development and redevelopment to address storm water issues.

6. Pollution Prevention/Good Housekeeping for Municipal Operations. A program, including an employee training component, to minimize pollutants from municipal operations such as garages, salt piles, pesticides used for green spaces, etc.).

In comparison to the previous general permit (OHQ000003), this general permit renewal (OHQ000004) contains the following noteworthy changes (identified by permit part):

1. Part II.B and Part II.C. While OHQ000003 allowed the use of paper NOI applications to be submitted, OHQ000004 requires that NOIs and Co-Permittee NOIs to be submitted using Ohio EPA's electronic application forms which are available through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov>. Instructions for submitting Small MS4 NOI and Co-Permittee NOI applications through the Ohio EPA eBusiness Center are available here:
  - Creating eBusiness Center Account and obtaining electronic signature (i.e., PIN): [https://www.epa.ohio.gov/portals/35/edmr/doc/\(Attach3\)PIN-Walkthrough.pdf](https://www.epa.ohio.gov/portals/35/edmr/doc/(Attach3)PIN-Walkthrough.pdf)
  - Creating and submitting a Small MS4 NOI: [https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(SmallMS4\).pdf](https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(SmallMS4).pdf)
  - Creating and submitting a Small MS4 Co-Permittee NOI: [https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(ConstSWMS4-copermit\).pdf](https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(ConstSWMS4-copermit).pdf)
3. Part III.A.2. OHQ000004 requires that small MS4s renewing coverage under this permit update their SWMP to be consistent with the requirements of this permit within one (1) year of the effective date of OHQ000004.
4. Parts III.B.1.c.iv, III.B.2.c.ii, III.B.3.j.vi, III.B.4.c.iv, III.B.5.f.v and III.B.6.e.vi. The previous general permit (OHQ000003) required MS4s to be aware of and use U.S. EPA approved Total Maximum Daily Load (TMDL) reports applicable to their area and watershed when selecting BMPs. OHQ000004 includes TMDL performance standards for each minimum control measure. OHQ000004 does not require small MS4s to monitor storm water discharges to ensure that TMDL MS4 wasteload allocations are being met but does require applicable small MS4s to implement additional pollutant specific BMPs that are identified for each minimum control measure.

Based on current U.S. EPA approved TMDLs, Appendix A of OHQ000004 identifies small MS4s that have a pollutant wasteload allocation assigned to their MS4. The TMDL performance standards are applicable to small MS4s listed in Appendix A of OHQ000004. Any small MS4s which are designated by Ohio EPA and/or become subject to the permit resulting from the 2020 Census will also be subject to the TMDL performance standards. Small MS4s identified in Appendix A shall develop and implement the TMDL Performance Standards OHQ000004 for their MS4 discharges. Implementation shall occur, at a minimum, for their regulated MS4 discharges within each TMDL Project watershed identified.

The following identifies the TMDL performance standard language for each minimum control measure:

**Public Education and Outreach (Part III.B.1.c.iv).** TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL, your storm water public education and outreach program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once towards satisfying your minimum of five storm water themes or messages over the permit term. Single themes or messages can target multiple pollutants.

**Public Involvement/Participation (Part III.B.2.c.ii).** TMDL Performance Standard (see Appendix A). If your small MS4 discharges to a watershed with a USEPA approved TMDL, your storm water public involvement/participation program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once towards satisfying your minimum of five public involvement activities over the permit term. Single public involvement activities can target multiple pollutants.

**Illicit Discharge Detection and Elimination (Part III.B.3.j.vi).** TMDL Performance Standard (see Appendix A). The performance standard below applies, if your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:

- Nutrients (Includes Phosphorus, Nitrogen and Ammonia);
- E. coli;
- Bacteria; or
- Dissolved Oxygen and Organic Enrichment.

The illicit discharge detection and elimination program shall include the following performance standard:

1. Include an annual employee training which includes illicit discharge detection and elimination topic(s).

**Construction Site Storm Water Runoff Control (Part III.B.4.c.iv).** TMDL Performance Standard (see Appendix A). The performance standard below applies, if your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:

- Total Suspended Solids (Includes Sediment and Siltation); or
- Nutrients (Includes Phosphorus, Nitrogen and Ammonia)

The construction site storm water program shall include the following performance standard:

- a. At a minimum, applicable construction sites which have the following compliance issues shall be inspected once every 14 calendar days instead of on a monthly basis:
  1. Construction activities have started at the site with no SWP3 reviewed and approved by the MS4;
  2. Failure to install sediment basin(s) when the SWP3 and/or site drainage clearly indicate as a first step (within 7 days prior to grading and within 7 days of grubbing);
  3. Construction activities taking place with no sediment/erosion controls; or

4. Dewatering activities resulting in turbid discharges.

Your inspections can be returned to a monthly basis for the construction site once compliance with the above compliance issues have been addressed and verified.

**Post-Construction Storm Water Management (Part III.B.5.f.v).** TMDL Performance Standard (see Appendix A). The performance standard below applies, if your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:

- Total Suspended Solids (Includes Sediment and Siltation); or
- Nutrients (Includes Phosphorus, Nitrogen and Ammonia).

The post-construction storm water management program shall provide:

- a. An educational opportunity to contractors, SWP3 designers, and/or employees on OHC000005 Table 4b practices and/or other green infrastructure practices during the permit term.

In addition, your program shall include, at a minimum, one of the following performance standards during the permit term:

- b. Retrofit one (1) existing storm water practice that solely provides a peak-discharge function to meet the performance standard for an extended detention post-construction practice; or
- c. Perform restoration of at least three hundred linear feet of channelized stream where natural channel stability and floodplain restoration will reduce stream erosion; or
- d. Update your ordinance or other regulatory mechanism to require OHC000005 Table 4b practices and/or other green infrastructure practices where feasible; or
- e. Install one (1) or more Table 4b practices to treat a minimum of 1 acre of existing impervious area developed prior to 2003.

These TMDL performance standards may be implemented outside the small MS4's jurisdictional boundary but shall be implemented within the identified TMDL Project watershed in Appendix A.

**Pollution Prevention/Good Housekeeping for Municipal Operations (Part III.B.6.e.vi).** TMDL Performance Standard (see Appendix A). The performance standard below applies, if your small MS4 discharges to a watershed with a U.S. EPA approved TMDL and any of the following pollutants are identified for your small MS4:

- Total Suspended Solids (Includes Sediment and Siltation);
- Nutrients (Includes Phosphorus, Nitrogen and Ammonia);
- E. coli
- Bacteria;
- Metals; or
- Dissolved Oxygen and Organic Enrichment.

Your pollution prevention/good housekeeping program shall include, at a minimum, one of the following performance standards. Implementation of this permit requirement shall commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

1. Develop and implement a street sweeping program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to sweep and/or document lane miles swept. At a minimum, sweeping shall occur on curbed streets two times per year; or
2. Develop and implement a catch basin cleaning program with proper debris management and disposal. Your program shall document debris collected to prioritize areas to clean. At a minimum, catch basins shall be scheduled to be cleaned once every five years; or
3. Develop and implement a leaf/yard waste collection program; or
4. For small MS4 facilities that do not require NPDES industrial storm water general permit coverage but require a SWPPP in accordance with Part III.B.6.c of this permit, conduct routine facility inspections for these facilities at least quarterly (i.e., once each calendar quarter). You shall document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP. At a minimum, your documentation of each routine facility inspection shall include:
  - The inspection date and time;
  - The name(s) and signature(s) of the inspector(s);
  - Weather information and a description of any discharges occurring at the time of the inspection;
  - Any previously unidentified discharges of pollutants from the site;
  - Any control measures needing maintenance or repairs;
  - Any failed control measures that need replacement;
  - Any incidents of failure to implement your SWPPP observed;
  - Any additional control measures needed.
5. Part III.B.3.b. OHQ000004 requires that post-construction BMPs, identified in the comprehensive storm sewer system map, shall be identified by type of practice (e.g., wet extended detention basin, bioretention, etc.). OHQ000004 provides five (5) years from the effective date of this permit to complete this permit condition.
6. Part III.B.3.j.vi. OHQ000004 includes a performance standard for small MS4s to notify Ohio EPA if any of the following illicit discharges are detected discharging to their MS4:
  - Illicit sanitary cross connections from industrial, commercial or multi-family sources; and
  - Leaking or broken sanitary sewer lines that are actively contributing sewage to the MS4.

Notification shall include the location, general description, date, and approximate time the illicit discharge was discovered. Such notification shall be made to the appropriate Ohio EPA district office within twenty-four (24) hours of discovery of the source:

Southeast District Office:                      sedo24hournpdes@epa.ohio.gov

Southwest District Office: swdo24hournpdes@epa.ohio.gov  
 Northwest District Office: nwdo24hournpdes@epa.ohio.gov  
 Northeast District Office: nedo24hournpdes@epa.ohio.gov  
 Central District Office: cdo24hournpdes@epa.ohio.gov

7. Part III.B.4.c.i and Part III.B.5.f.i. OHQ000003 required that a small MS4's construction and post-construction ordinance or other regulatory mechanism be, at a minimum, equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit(s) for Construction Activities applicable for the small MS4's area. OHQ000004 has been updated to reference the current NPDES construction storm water general permit (OHC000005) which became effective April 23, 2018. OHQ000004 provides one (1) year from the effective date of this permit for small MS4s renewing coverage to update their ordinance or other regulatory mechanism to satisfy this requirement.
8. Part III.B.4.c.ii and Part III.B.5.f.ii. OHQ000004 includes a performance standard that small MS4s use a Storm Water Pollution Prevention Plan (SWP3) checklist to document SWP3 reviews for sediment/erosion controls and post-construction water quality controls. Small MS4s can develop their own SWP3 Checklist or here is Ohio EPA's SWP3 Review Checklist that can be used: [https://www.epa.ohio.gov/dsw/storm/const\\_SWP3\\_check](https://www.epa.ohio.gov/dsw/storm/const_SWP3_check)
9. Part III.B.4.c.iii and Part III.B.5.f.iii. OHQ000004 includes a performance standard that small MS4s use a checklist to document construction site inspections for sediment/erosion controls and post-construction water quality controls. Small MS4s can develop their own Construction Site Checklist or here is Ohio EPA's Construction Site Inspection Checklist that can be used: [https://www.epa.ohio.gov/portals/35/storm/CGP\\_Ins1.pdf](https://www.epa.ohio.gov/portals/35/storm/CGP_Ins1.pdf)
10. Part III.B.5.f.iv. OHQ000004 includes a performance standard for ensuring the long-term operation and maintenance of post-construction water quality controls. The following language has been included within the final permit: "Your operation and maintenance program shall ensure that private and public post-construction controls are being maintained per existing long-term O&M plans and agreements. You shall maintain a copy of the long-term O&M plans and agreements provided during construction and document long-term O&M inspections. Your program shall include, at a minimum, one on-site inspection by you or third party of each post-construction runoff control during this permit term."
11. Part III.B.6.e.iii. OHQ000004 includes a performance standard that a small MS4's salt piles shall be covered with no run-on and subsequent run-off of salt and all tanks of brine or other liquid road treatments shall have secondary containment and/or bollard protection. This performance standard shall be completed no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.
12. Part III.B.6.e.iv. OHQ000004 includes a performance standard for soil disturbing activities associated with ditch/MS4 maintenance caused by the small MS4 to be stabilized in accordance with requirements of the NPDES Construction Storm Water general permit (CGP). This would be applicable for soil disturbing activities by the small MS4 that don't disturb the acreage threshold to require CGP coverage. Implementation of this performance standard shall commence no later than two (2) years after the effective date of this permit for small MS4s renewing coverage under this permit.

13. Part III.B.6.e.v. Applicable to ODOT and OTIC only, OHQ000004 includes a performance standard that these two non-traditional small MS4s develop and implement a roadside litter collection program and document and report the amount of trash collected and properly disposed.
14. Part III.B.6.e.vii. OHQ000003 did not specifically list all items to be reported that are currently found in the existing Small MS4 Annual Report form for the Pollution Prevention/Good Housekeeping minimum control measure. OHQ000004 simply lists in the permit the items that were already listed in the Small MS4 Annual Report form.
15. Part IV.C. OHQ000003 allowed the use of a paper Small MS4 Annual Report form to be submitted annually. OHQ000004 requires that the Small MS4 Annual Report be submitted electronically using Ohio EPA's electronic Small MS4 Annual Report form which is available through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov>. Here are instructions for submitting the Small MS4 Annual Report form through the Ohio EPA eBusiness Center:  
[https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide\(MS4\\_Ann\\_RPT\).pdf](https://www.epa.ohio.gov/portals/35/edmr/doc/STREAMSGuide(MS4_Ann_RPT).pdf)

**V. Additional Information**

The final general permit and associated documents can be viewed at  
<https://epa.ohio.gov/dsw/storm/index>

For additional information regarding this general permit, please contact:

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