

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

Draft General Permit Renewal 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 its 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 current NPDES small MS4 general permit (OHQ000003) was issued on September 11, 2014 and expired on September 10, 2019. This fact sheet addresses the draft fourth generation NPDES Small MS4 general permit (OHQ000004).

In accordance with Ohio Administrative Code (OAC) 3745-38-02(B)(4)(a), this draft 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 would cover the entire State of Ohio and will expire five years after the effective date. The permit would authorize 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.

After final issuance of this general permit, 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 an NOI application form, an updated SWMP in accordance with OHQ000004 and a non-refundable application fee of \$200.00 within 180 days from the effective date of OHQ000004.

Ohio EPA will supply small MS4s, required to apply for coverage, the necessary instructions once the general permit is issued final.

### IV. **Description of Permit Conditions**

The current NPDES small MS4 general permit (OHQ000003) 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.).

This draft general permit renewal contains the same basic framework of requirements as the current permit. In comparison to the current permit, this draft general permit renewal contains the following noteworthy changes (identified by permit part):

1. Part II.A.4. OHQ000003 did not require an MS4's SWMP to be submitted when renewing coverage. This draft general permit renewal requires that MS4s renewing coverage to submit an updated SWMP in accordance with OHQ000004, at time of submittal, with their NOI to renew coverage.
2. Part II.B and Part II.C. While OHQ000003 allowed the use of paper NOI applications to be submitted, this draft general permit renewal 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. The draft general permit renewal requires that small MS4s renewing coverage under this permit update their SWMP to be consistent with the requirements of this permit within 180 days of the effective date of OHQ000004.
4. Parts III.B.1.c.iv, III.B.2.c.ii, III.B.3.j.vii, III.B.4.c.iv, III.B.5.f.v and III.B.6.e.vii. The current permit requires 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. The draft general permit renewal includes TMDL performance standards for each minimum control measure. The draft general permit renewal 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 the draft general permit renewal identify small MS4s that have a pollutant wasteload allocation assigned to their MS4. This draft general permit condition is applicable to small MS4s listed in Appendix A of the draft general permit renewal. After issuance of this general permit, 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.

- 5. Part III.B.3.b. The draft general permit renewal 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.).
- 6. Part III.B.3.i.i. The draft general permit renewal includes a performance standard for small MS4s to dry-weather screen either 100% of their storm water outfalls or a maximum of 1,000 total outfalls over the permit’s 5-year term. In lieu of this dry-weather screening performance standard, the Ohio Department of Transportation (ODOT) and the Ohio Turnpike and Infrastructure Commission (OTIC) shall conduct storm water outfall screening in conjunction with spill response activities.
- 7. Part III.B.3.j.v. The draft general permit renewal includes a performance standard that a small MS4’s ordinance or other regulatory mechanisms require proper salt storage at commercial, institutional and non-NPDES permitted industrial facilities.
- 8. Part III.B.3.j.vi. The draft general permit renewal 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

- 9. Part III.B.4.c.i and Part III.B.5.f.i. The current permit requires 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. This draft general permit renewal has been updated to reference the current NPDES construction storm water general permit (OHC000005) which became effective April 23, 2018. This draft general permit renewal provides 180 days from the effective date of this permit for small MS4s renewing coverage to update their ordinance or other regulatory mechanism to satisfy this requirement.
- 10. Part III.B.4.c.ii and Part III.B.5.f.ii. The draft general permit renewal 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)

11. Part III.B.4.c.iii and Part III.B.5.f.iii. The draft general permit renewal 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)
12. Part III.B.5.f.iv. The draft general permit renewal 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 draft 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 of each post-construction runoff control during this permit term."
13. Part III.B.6.e.iii. The draft general permit renewal 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.
14. Part III.B.6.e.iv. The draft general permit renewal includes a performance standard for soil disturbing activities 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.
15. Part III.B.6.e.v. The draft general permit renewal includes a performance standard for small MS4s to develop and implement a storm water outfall and drainage system maintenance program to ensure that stable outfalls and conveyances are provided.
16. Part III.B.6.e.vi. Applicable to ODOT and OTIC, the draft general permit renewal 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.
17. Part III.B.6.e.viii. OHQ000003 did not specifically list all items to be reported that are currently found in the Small MS4 Annual Report form for the Pollution Prevention/Good Housekeeping minimum control measure. This draft general permit renewal simply lists in the permit the items that are already listed in the Small MS4 Annual Report form.
18. Part IV.C. OHQ000003 allowed the use of a paper Small MS4 Annual Report form to be submitted annually. This draft general permit renewal 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. Procedures for the Formulation of Final Determinations**

The draft general permit renewal will be issued as a final action after consideration of the record of the public hearing and written comments submitted during the public comment period. Any person may comment at the public hearing and/or submit written comments on the draft general permit renewal for the administrative record.

The processing of this draft general permit renewal and associated Notices of Intent for coverage is and will be done, respectively, and when final, in accordance with Ohio's antidegradation rule, Ohio Administrative Code (OAC) 3745-1-05, and NPDES general permit rules, OAC Chapter 3745-38.

An Ohio EPA public hearing to accept comments on the draft general permit renewal has been scheduled for 3:00 PM, September 1, 2020. The hearing will be held virtually. To register for the hearing go to <http://epa.ohio.gov/virtual>. Participants thereafter will be notified through email for the hearing link. The public hearing will end when everyone in attendance has had an opportunity to provide comments related to the draft general permit renewal. In lieu of, or in addition to, attending the public hearing, written comments may be submitted as outlined in the following paragraph.

Interested persons are invited to submit written comments on this draft general permit renewal by email to [epa.dswcomments@epa.ohio.gov](mailto:epa.dswcomments@epa.ohio.gov) or by mail to: Ohio EPA, Division of Surface Water-Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 no later than 5 pm on September 8, 2020. Comments received after this date may not be considered as part of the administrative record. All comments should include "OHQ000004" in the subject line for email or next to the Ohio EPA address on the envelope and on each page of mailed comments.

**VI. Additional Information**

Copies of the public notice, this fact sheet and the draft general permit renewal maybe inspected on the Ohio EPA Storm Water Program website:  
<https://www.epa.ohio.gov/dsw/storm/index>

For additional information regarding this draft general permit renewal, please contact:

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