



## Division of Surface Water Response to Comments

### **National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity “Multi- Sector General Permit”**

**Ohio EPA General Permit No.: OHR000007**

#### **Agency Contacts for this Project**

Division Contact: Jason Fyffe  
Division of Surface Water  
(614) 728-1793  
Jason.Fyffe@epa.ohio.gov

Public Involvement Coordinator: Mary McCarron  
Public Interest Center  
(614) 644-2160  
Mary.McCarron@epa.ohio.gov

Ohio EPA held a public information session and public hearing on January 27, 2022, regarding a NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (OHR000007). This document summarizes the comments and questions received at the public hearing and/or during the associated comment period, which ended on February 3, 2022.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

#### **General Comments**

**Comment 1: Portable sawmills who are bringing in logs from offsite to be processed and distributed should be required to obtain industrial stormwater permit coverage. They are generally very high COD industrial material that is often in close proximity to surface waters of the State. Tons of toxic material is often left onsite to leach/runoff into surface waters**

**of the State with no oversight.** (Jay Jordan)

- Response 1:** The Division of Surface Water is currently working with the Ohio Department of Natural Resources (ODNR) Division of Forestry on including best management practices (BMPs) for portable sawmills in the ODNR BMP Manual for Logging Practices. This approach intends to provide the necessary education and practices that should be utilized at portable sawmills that are located at logging operations. No changes were made to the final general permit.
- Comment 2:** **Appendix J. In Table 1 (Hardness Ranges to Be Used to Determine Benchmark Values for Beryllium, Cadmium, Copper, Lead, Nickel, Silver, and Zinc). We would suggest, for consistency and to avoid confusion, that Ohio EPA either (a) present the Beryllium and Nickel values in the table in the same units (ug/l) as the other metals, or (b) delete both of these metals from the Table 1, since they are not active benchmarks in the general permit.** (The Ohio Manufacturers' Association (OMA))
- Response 2:** Beryllium and Nickel have been removed from Table 1 of Appendix J. These two parameters were applicable to Sectors that were previously removed from the permit so are not needed and have been removed.
- Comment 3:** The draft permit does not require monitoring for Polycyclic Aromatic Hydrocarbons (PAHs). Industrial facilities that use coal-tar sealcoat could potentially release PAHs into the environment through stormwater discharges when these surfaces are exposed to precipitation.<sup>1</sup> PAHs are listed as a toxic pollutant at 40 CFR 401.15, and 16 PAHs are on the list of 126 Priority Pollutants at 40 CFR 423.<sup>2</sup> EPA recommends that the permit includes appropriate monitoring for PAHs (in the cases when paved surfaces will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are present) to determine an adequate surrogate or other management practices, and to determine if additional PAH monitoring is warranted. (USEPA)

<sup>1</sup> The 2021 Multi-Sector General Permit (Docket ID# EPA-HQ-OW-2019-0372) detailed a literature review on potential PAH releases into the environment from coal-tar based pavement sealant, including the following references: • Mahler, B.J.; Van Metre, P.C.; Bashara, T.J.; Wilson, J.T.; Johns, D.A. 2005. Parking lot sealcoat: An unrecognized source of urban PAHs. Environ. Sci. Technol. DOI:10.1021/ es0501565. • Mahler, B.J.; Van Metre, P.C.; Crane, J.L.; Watts, A.W.; Scoggins, M.; Williams, E.S. 2012. Coal-tar based pavement sealcoat and PAHs: Implications for the environment, human health,

and stormwater management. Environ. Sci. Technol. DOI:10.1021/es203699x • Van Metre, P. and Mahler, B. 2010. Contribution of PAHs from coal-tar pavement sealant and other sources to 40 U.S. lakes. Sci. Total Environ., 409, pp. 334-344

<sup>2</sup> Of the hundreds of known PAHs, sixteen have been designated High Priority Pollutants by the Environmental Protection Agency (EPA); in Appendix A of 40 CFR Part 423 the EPA includes the following priority PAHs: naphthalene (NAP), acenaphthylene (ACY), acenaphthene (ACE), fluorene (FLU), phenanthrene (PHEN), anthracene (ANTH), fluoranthene (FLTH), pyrene (PYR), benzo[a]anthracene (B[a]A), chrysene (CHRY), benzo[b]fluoranthene (B[b]F), benzo[k]fluoranthene (B[k]F), benzo[a]pyrene (B[a]P), benzo[g,h,i]perylene (B[ghi]P), indeno[1,2,3-c,d]pyrene (IND), and dibenz[a,h]anthracene (D[ah]A). These 16 PAHs are of environmental concern because of their potential toxicity in humans and other organisms and their prevalence and persistence in the environment.

**Response 3:**

Ohio EPA has evaluated this comment, but no changes were made to the final general permit. The final general permit requires that entities identify in their annual report whether any coal-tar sealcoats were applied at the facility for that reporting year. Ohio EPA intends to evaluate the facility usage over this permit term and address accordingly.

**End of Response to Comments**