

Permit No. OHT000004

Ohio Environmental Protection Agency

Fact Sheet For

National Pollutant Discharge Elimination System (NPDES)

General Permit for Discharges from Temporary Discharges

I. Background

The federal Water Pollution Control Act [also referred to as the Clean Water Act (CWA)] and the Ohio Revised Code (ORC Chapter 6111) provides that the discharge of pollutants to waters of the State from any point source is unlawful, unless the discharge is in compliance with an effective NPDES permit.

The purpose of issuing NPDES permits to temporary discharges is to ensure that any wastewater discharges from these systems are in compliance with all applicable state and federal water pollution control laws.

“Temporary discharges” are defined as facilities or projects that discharge for a short time period (no more than two months). Occasionally, entities or facilities in Ohio have the need to discharge wastewater for a very limited duration. These projects, characterized as temporary discharges, may be associated with some type of site cleanup, or one-time emergency discharge due to unusual short-term circumstances, or associated with a pilot project or test facility. The type of pollutants found in the temporary discharges may be quite variable due to the differences in project type, size, duration and quality.

Ohio EPA has elected to renew the existing statewide general permit authorizing temporary discharges to waters of the State, with the addition to authorize discharges containing pollutants classified as bioaccumulative chemicals of concern (BCCs) to the Ohio River Basin. Dischargers which meet the eligibility requirements may apply for coverage under this NPDES general permit, instead of seeking coverage under an individual NPDES permit. The eligibility requirements set conditions to ensure that effluent concentrations of pollutants do not result in violations of Ohio’s water quality standards. These water quality standards are enforceable under federal regulations 40 CFR 122.28 and state regulations from the Ohio Administrative Code (OAC) 3745-1. Eligibility is discussed in more detail in the next section of this document.

An explanation of how permit limits and monitoring requirements are established is in Part VII of this factsheet. The general permit is intended to cover any temporary discharges that were designed to meet these requirements and have a minimal impact on the environment. The general permit is proposed for a duration of five years.

II. Antidegradation

Certain provisions of Ohio's Antidegradation Rule apply [OAC Rule 3745-1-05], because not only does this permit authorize new discharges to waters classified as General High-Quality Waters, but also this permit authorizes discharges containing pollutants classified as BCCs to the Ohio River Basin. (BCCs within the Lake Erie basin remain prohibited.) BCCs are defined in OAC 3745-1-02 (as well as Part VI of this permit) as any chemical that has the potential to cause adverse effects upon entering surface waters and accumulates in aquatic organisms when considering a human health factor and other chemical properties. There is not a comprehensive list of BCCs; therefore, a BCC can be named if the characteristics of the chemical fits the definition.

This general permit is going to public notice as a degradation under the public notice provisions of the Antidegradation Rule [OAC Rule 3745-1-05(C)(3)]. A public hearing will be held under the provisions of 3745-1-05(C)(3)(f). A public hearing shall be held for the issuance of this draft general NPDES permit.

The Antidegradation Rule excludes general permits from the alternatives analysis and social/economic justification portions of the rule. The discharge alternative being considered for this permit is central treatment of this wastewater at a publicly owned treatment works (POTW) or centralized waste treatment (CWT) facility. For some locations and types of discharges, this may be a viable option; in other cases, these facilities may not be available in the area, or the temporary wastewater may be incompatible with these treatment systems, or better treated with on-site treatment. Ohio EPA is choosing to let discharge- and site-specific conditions related to the economics of installation, operation and discharge drive the alternative selection.

III. Description of General Permit Coverage and Type of Discharge

The permit covers temporary discharges to waters of the state. The discharges are often related to, but limited to, environmental cleanup activity, restoration of aquatic life, or protection of human health or safety, various dewatering activities (i.e., ground water wells, treated water utility line) or one-time emergency discharge due to unusual short-term circumstance, or due to the operation of a pilot project or test facility. The permit does not cover any discharges that the Director of the Ohio EPA has determined to be contributing to a violation of a Water Quality Standard (WQS) as determined in Ohio Administrative Code, Chapter 3745-1. See "Eligibility Determining Factors" in Part VI of this factsheet for more details on whether the discharge may be covered under this permit.

Coverage under this permit, OHT000004, is limited to one authorization of the temporary discharge not to exceed a period of 60 consecutive days starting from the date the discharge begins.

Ohio EPA believes that most discharges will find it advantageous to be covered under

this general permit. Discharges that may not meet the eligibility requirements should first consider the alternative of indirect discharge to a POTW or CWT. If discharging to a POTW with an approved pretreatment program which follows federal regulations and has been approved by Ohio EPA, the permittee shall obtain authorization from the POTW prior to discharge. If discharging to a POTW without an approved pretreatment program, the permittee shall submit an Indirect Discharge Permit Application to Ohio EPA preferably six months prior to the estimated date of initial discharge. The website below contains a list called “List of Approved Pretreatment Programs” and “Forms for Indirect Discharge Program”.

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/pretreatment-program>

Discharges not eligible for coverage under this permit may still obtain an individual NPDES permit by submitting individual permit applications (Form 1, Form 2D or 2E, and an Antidegradation Addendum).

IV. Procedures for Participation in the Formulation of Final Determinations

The draft action shall be issued as a final action unless the Director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Within thirty days of the date of the Public Notice, any person may request or petition for a public meeting for presentation of evidence, statements or opinions. The purpose of the public meeting is to obtain additional evidence. Statements concerning the issues raised by the party requesting the meeting are invited. Evidence may be presented by the applicant, the state, or other parties, and following presentation of such evidence, other interested persons may present testimony of facts or statements of opinion.

Requests for public meetings shall be in writing and shall state the action of the Director objected to, the questions to be considered, and the reasons the action is contested. Such requests should be sent to HClerk@epa.ohio.gov or mailed to:

**DSW Permits Processing Unit
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049**

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted by email to allison.cycyk@epa.ohio.gov (preferred method) or delivered in person or by mail no later than 30 days after the date of this Public Notice. Delivered or mailed comments can be sent to:

**Ohio Environmental Protection Agency
Attention: Division of Surface Water
Permits and Compliance Section
P.O. Box 1049
Columbus, Ohio 43216-1049**

The OEPA permit number and Public Notice numbers should appear on each page of any submitted comments. All comments received no later than 30 days after the date of the Public Notice will be considered.

Citizens may conduct file reviews regarding specific companies or sites. Appointments are necessary to conduct file reviews, because requests to review files have increased dramatically in recent years. The first 250 pages copied are free. For requests to copy more than 250 pages, there is a five-cent charge for each page copied. Payment is required by check or money order, made payable to Treasurer State of Ohio.

For additional information about this fact sheet or the draft permit, contact Allison Cycyk at Allison.cycyk@epa.ohio.gov or at (330) 963-1132.

V. Description of Application Process

Notice of Intent - Facilities must submit a Notice of Intent (NOI) application and be granted coverage prior to the commencement of discharge to waters of the State. State and federal regulations exclude facilities covered by general permits from requirements to submit an application for an individual permit [OAC 3745-38-02 and 40 CFR 122.21 (a), respectively].

Review of the “Eligibility Determining Factors” in Part VI is critical to determining if the discharge can be authorized under this general permit. The temporary discharge is not to exceed a period of 60 consecutive days starting from the date the discharge begins.

NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of facilities covered by the general permit, their identities, locations, mailing addresses, and the nature and amount of discharge.

Completed NOI application shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service in the link below.

<https://ebiz.epa.ohio.gov/login.html>

The NOI application instructions for completing the form can be found in the link below.

[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(Temp\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(Temp).pdf)

Temporary discharges of wastewater through a municipal separate storm sewer system

(MS4) shall also submit a signed copy of the NOI to the operator of the MS4. More details are included in Part II.D of this general permit.

Application Fee – All applicants must submit the \$200 fee for NOI processing. Payment can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found in the link below.

<https://epa.ohio.gov/static/Portals/35/edmr/doc/ePAYwalkthrough.pdf>

The NOI application must include lab results showing the pollutant concentrations to be discharged and a summary describing the temporary discharge activity and discharge characteristics. The projected start date and duration of the temporary discharge shall be defined in the NOI.

Facilities who intend to obtain coverage under the general permit should submit an NOI after the effective date of this general permit. NOIs may be submitted prior to the effective date of this general permit, but Ohio EPA will not act upon the application until after the effective date of this permit. Dischargers who fail to obtain coverage under the general permit and are not otherwise covered by an NPDES permit are in violation of ORC 6111.

VI. Eligibility Determining Factors

For the purposes of this permit, temporary discharges are new, point sources with a duration of no more than 60 consecutive days starting from the date the discharge begins.

- A. The permit covers discharges that meet Ohio's Water Quality Standards. The permit also applies Best Available Demonstrated Control Technology (BADCT) Standards as defined in OAC 3745-1-05 (i.e. Antidegradation Rule).
- B. All eligible discharges must meet the following:
- less than 65 mg/L for total suspended solids, unless the discharge is strictly limited to water previously withdrawn from the same waterbody receiving the discharge; and
 - less than 10 mg/L for oil and grease;
- C. The permit does not cover dischargers:
- that are expected to continue for more than 60 consecutive days;
 - that the Director of the Ohio EPA has determined to contribute to a violation of a water quality standard;

- associated with stormwater;
- associated with petroleum contaminated wastewater;
- associated with hydrostatic testing wastewater;
- to combined or sanitary sewer systems;
- that are within 500 yards of a public water supply intake and cannot meet public water supply standards;
- directly to the Lake Erie basin if the discharge contains pollutants classified as bioaccumulative chemicals of concern (BCCs);
- that are commingled with hazardous wastes or hazardous substances;
- to any receiving water designated Outstanding National Resource Water, Superior High-Quality Water other than Lake Erie, Outstanding State Water, or Category 3 wetland, or to receiving waters that discharge into a water with one of these designations within two stream miles of the discharge point;
- for which the Director request an individual permit application;
- that increase regulated pollutants from an existing discharge that result from facility modifications as defined in OAC 3745-1-05;
- that are bypasses or upsets of any kind from a treatment works or collection system;
- of wastewater already regulated under an NPDES permit; and
- that discharge to ground water.

VII. Effluent Limitations and Monitoring Requirements

Effluent limits and monitoring will be established in the authorization letter and may include additional parameters and different sampling frequencies than what is presented in Part III of the permit based on the wastewater characteristics.

Monitoring requirements and limits are setup based on the specific pollutants to be discharged and type of treatment. Monitoring frequencies will then be selected based on the projected flow rate of the discharge, the flow rate of the receiving water, the water quality of the receiving water and the pollutants to be discharged. Pollutants listed in Part III may or may not be selected in the final effluent table. Any needed permit limits will be established to ensure that BADCT and water quality standards are met. A unique effluent monitoring table is issued with each authorization letter. Applicable special conditions in Part IV are also selected with each authorization such as, Ohio EPA Quantification Levels, dioxin toxicity equivalent, and/or carcinogen additivity.

Ohio EPA has retained the eligibility requirements for Total Suspended Solids (65 mg/L) and Oil & Grease (10 mg/L) because the levels are necessary to maintain the exclusion under OAC 3745-1-05(D)(h).

VIII. Changes from Current Permit

There is one significant change to the draft permit eligibility requirements. The proposed change allows new discharges containing pollutants classified as bioaccumulative chemicals of concern (BCCs) to the Ohio River Basin. BCCs within the Lake Erie basin remain prohibited pursuant to the Great Lakes Critical Program Act. This change provides flexibility within the Ohio River Basin yet is consistent with Ohio's water quality standards.

Clarification is provided regarding the permit coverage of 60 consecutive days, being from the date the discharge begins and lasting 60 consecutive days. The authorization letter must include a projected discharge start date, but coverage begins on the first date of the discharge. For example, if the permit authorization was granted on January 1st, but the discharge commenced on March 1st, the permit would cover discharges through April 29th of that year. The permittee shall provide a date for when the discharge is expected to commence so that permit authorization date can correspond as closely as possible and shall provide notification to Ohio EPA of the actual discharge start date within seven days of initiating discharge.

Other changes include:

- Part I.C.2 "Eligibility, Limitations on Coverage"
 - Replacing "petroleum corrective action" with "petroleum contaminated wastewater discharges",
 - Removing item g. "wastewater discharges to the Ohio River that cannot meet public water supply standards at the point of discharge" to be consistent with current public water supply standards which apply to all discharges within five-hundred yards upstream of a public water supply intake,
 - Adding item o. "discharges to ground water".
- Part I.D. "Authorization" – adding the cases where an individual NPDES permit may be required;
- Part II. NOTICE OF INTENT REQUIREMENTS – updates regarding NOI submission and termination, NOI contents, and Ohio eBusiness Center;
 - Part II.A. "Deadline for Notification" – clarification to when NOIs can be submitted and adding Item 3, coverage is transferrable;
 - Part II.B. "Contents of the NOI" – adding that the application shall include a projected start date and duration of discharge;
 - Part II.D. "Additional Notification" – adding a 7-day notice when the discharge will begin;
- Part III. Permit Table – changing Flow Rate (GPD), Reporting Code 00056, sampling type from "Grab" to "24hr Total Estimate" and adding reporting codes for Specific Conductance and BCC parameters. The following BCCs were added, but are not exhaustive: chlordane, 4,4'-DDD (P,P' DDD), 4,4'-DDE (P,P' DDE), 4,4'-DDE (P,P' DDT), dieldrin, hexachlorobenzene, hexachlorobutadiene, total hexachlorocyclohexane (BHCs), alpha-BHC,

octachlorostyrene, beta-BHC, delta-BHC, lindane (gamma-BHC), total mercury(low-level), mirex, PCBs, pentachlorobenzene, Toxicity Equivalent (for 2,3,7,8 TCDD and other dioxin compounds) 1,2,3,4-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, and toxaphene. A reporting code for Carcinogen Additivity Factor has been added. Other chemicals meeting the definition of a BCC may be covered under these conditions.

- Part III. Notes – adding the following notes: explanation of monitoring requirements, Discharge Monitoring Report (DMR) submission, eligible discharges must meet TSS and oil and grease criteria, and BCC eligibility;
- Part IV. Added Items F & G, Analyses for Dioxin Toxicity Equivalents and Reporting for Carcinogen Additivity. The EPA method for Dioxin Toxicity Equivalents (TEQs) shall be done using EPA Method 1613 and be calculated using OAC 3745-2-07(C)(1-4). Details are included on the carcinogen additivity calculation and reporting.
- Part V.B. “Continuation of the Expired General Permit” – clarification that the expired permit continues only for authorized dischargers that were granted approval prior to the expiration date;
- Part V.R. “Unauthorized Discharges” – updates to “Unanticipated Bypass” under Item 5;
- Part V.AH. “Permit-to-Install Required” – replaced “petroleum related corrective action” with “temporary discharge”, and;
- Part VI. DEFINITIONS – adding a definition for BCCs, removing inapplicable definitions including, EC50 and LC50, replacing definition for “petroleum corrective action” with “petroleum contaminated wastewater discharges”, and updating the temporary discharge definition to reflect coverage of 60 consecutive days.
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IX. Notice of Termination (NOT)

Within 60 days after the date the discharge begins, the temporary discharge authorized by this permit must be eliminated and the permittee shall submit an NOT to terminate permit coverage. The permittee must submit a NOT that is signed in accordance with Part V.D of this permit. If a NOT is not submitted within 60 days after the date the discharge begins, coverage under this general permit will be terminated and the discharge must cease. Failure to submit an NOT form constitutes a violation of the permit and is a violation of ORC 6111.