

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)], the Ohio Water Pollution Control Act and the Ohio Revised Code (ORC Chapter 6111) provide that 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.

Ohio EPA has elected to issue a statewide general permit to cover temporary discharges to waters of the State. "Temporary discharges" are defined as facilities or projects that discharge for a short time period (currently not to exceed 60 days). 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 facility or 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 temporary discharges may be quite variable due to the differences in project size, duration, and quality.

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. The eligibility requirements of the permit (Part I of the general permit) define which discharges can be covered, and set conditions to prevent violations of water quality standards in the receiving stream.

An explanation of how permit limits and monitoring requirements are established is in Part V of this fact sheet. The general permit is intended to cover any temporary discharges that are meant to meet these requirements and have a minimal impact on the environment.

This permit is a renewal of the current permit for Temporary Discharges, OHT000002. The current permit will be terminated when OHT000003 becomes effective.

II. Antidegradation

Because this permit authorizes new discharges to waters classified as General High Quality Waters, certain provisions of Ohio's Antidegradation Rule apply [OAC Rule 3745-1-05]. These discharges add varying types and amounts of pollutants in relatively short durations. 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)].

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 the

discharge of wastewater to 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 selected by the person installing the system.

Ohio EPA is proposing to change some of the antidegradation-related requirements of this permit. See Part VII for a summary of changes to the permit.

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 not limited to, environmental cleanup activity, restoration of aquatic life, or protection of human health or safety, 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 Part IV of this document titled "Eligibility Determining Factors" for more details on whether the discharge may be covered.

Ohio EPA believes that most discharges will find it advantageous to be covered under this general permit; however, for those discharges that may not meet the eligibility requirements (see section titled "Eligibility Determining Factors"), indirect discharge to a POTW or CWT is a good alternative. In addition, direct discharges not eligible for coverage under this permit may obtain an individual NPDES permit by submitting an individual permit application (Form 1, Form 2D or 2E, and an Antidegradation Addendum).

IV. Eligibility Determining Factors - For the purpose of this permit, temporary discharges are new, point source discharges with a duration of no more than 60 days; for example, if coverage under this permit is granted on March 1, the permit would cover discharges through April 30th of that year.

- A. The permit covers discharges that meet Ohio's Water Quality Standards. The permit also applies Best Available Demonstrated Control Technology (BADCT) Standards from the Antidegradation Rule.
- B. The permit does not cover discharges:
- that are expected to continue for more than 2 months;
 - that the Director of the Ohio EPA has determined to contribute to a violation of a water quality standard;
 - associated with storm water;
 - associated with petroleum corrective actions;
 - associated with hydrostatic testing wastewater;
 - to combined or sanitary sewers;
 - that are within 500 yards of a public water supply intake and cannot meet public water supply standards;
 - directly to the Ohio River if the discharge cannot meet public water supply standards at the point of discharge;
 - containing pollutants classified as bioaccumulative chemicals of concern such as mercury;
 - that are commingled with hazardous wastes or hazardous substances;
 - to any receiving water designated Outstanding National Resource Water, Outstanding State Water, Superior High Quality Water other than Lake Erie 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 requests an individual permit application;
- that increase regulated pollutants from an existing discharge that result from facility modifications;
- that are bypasses or upsets of any kind from a treatment works or collection system; and
- of wastewater already regulated under an NPDES permit.

V. Effluent Limitations and Monitoring Requirements

Monitoring requirements will be selected based on the information submitted with the notice of intent (NOI). Monitoring frequencies will then be developed 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 pollutant to be discharged. Any needed permit limits will be established to ensure that BADCT and water quality standards are met.

Ohio EPA has retained the eligibility requirements for Total Suspended Solids (65 mg/l) and Oil & Grease (10 mg/l) because these levels have been attained by permittees that have received coverage under this permit.

VI. Description of Application Process

Notice of Intent (NOI) – Each facility seeking coverage under this general permit must submit a NOI form and be granted coverage prior to the commencement of discharge to waters of the state. State and federal regulations exempt 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].

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.

The NOI application form and lab results showing the pollutants to be discharged 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>

Application Fee – All applicants must submit a \$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.

<http://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf>

Dischargers who fail to obtain coverage under the general permit and are not otherwise covered by an NPDES permit are in violation of Ohio Revised Code (ORC) 6111.

VII. Changes from Current Permit

The draft of the new permit contains mostly clarifications on current requirements, rather than new conditions. The most significant clarifications deal with:

- Duration of discharge;
- BADCT requirements; and
- Water quality *de minimus* requirements.

There has been some confusion among permittees regarding the 60-day discharge duration. This was meant as a consecutive period of days; however, some permittees have mistakenly assumed that the permit allows 60 individual days of discharge. To clarify, the 60-day requirement has been changed to days from the effective date of coverage.

The current Temporary Discharge General Permit was reviewed under the applicable portions of the Antidegradation Rule. Ohio EPA believes that this process requires the application of BADCT treatment, and has been reviewing NOIs using pollutant-specific and site-specific BADCT standards as defined in OAC 3745-1-05(A). The revised language makes this clear.

The current permit specifies that discharges meet 10% of the wasteload allocation for any pollutant. For certain pollutants, this has not possible because WQS are very low; this has limited the applicability of this permit for cleanups that discharge to small streams. As a result, Ohio EPA has changed this requirement to specify that discharges only need to meet WQS. For many pollutants, particularly organic parameters, BADCT treatment will result in discharges that will be less than wasteload allocation values. Because these are temporary discharges, this should not result in any reduction in water quality.

Other changes include:

- Adding reporting codes for ortho phosphate, chloride, sulfate, boron, cobalt and acute toxicity;
- Changing the reporting code for free cyanide to reflect updated federal test methods;
- Removing reporting codes for hexachlorobenzene and hexachlorobutadiene because these are bioaccumulative chemicals not authorized to be discharged under this permit;
- New Part IV, Item E that acknowledges limits less than analytical quantification levels and sets compliance levels at the Quantification Level for the pollutant; and
- Revised Part V, Item L language related to electronic reporting of monitoring data.

VIII. Notice of Termination

Each individual facility covered by the general permit must submit a Notice of Termination (NOT) form to terminate coverage under this permit. Permittees are to request permit coverage termination once the wastewater discharges are eliminated. Failure to submit an NOT form constitutes a violation of the permit and is a violation of ORC 6111.

IX. 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 public hearing or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this Public Notice. Deliver or mail all comments 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 7 days after the public hearing date will be considered.

For additional information about this fact sheet or the draft permit, contact Eric Nygaard, (614) 644-2024, eric.nygaard@epa.ohio.gov.