

Ohio Environmental Protection Agency

Fact Sheet for

National Pollutant Discharge Elimination System (NPDES)

General Permit Renewal for Discharges of Storm Water Associated with Construction Activity Located within Portions of the Olentangy River Watershed (OHCO00002)

**I. Background**

There are several pollutants associated with discharges from construction sites, including: sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, concrete truck washout, construction chemicals, and debris. Of those pollutants, sediment is the main pollutant of concern. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical and biological harm to surface waters. For example, excessive sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitat.

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 (EPA) to adopt regulations to require NPDES permits of storm water dischargers associated with construction activities. Construction sites disturbing one or more acres of land have been required to obtain NPDES permit coverage since March 10, 2003.

Draining 543 miles of Central Ohio landscapes, the Olentangy River watershed provides drinking water, recreation, agricultural drainage and other public goods for its watershed residents. Its waters and habitats are home to unique and diverse communities of fish, mussels and other aquatic life. However, studies have documented declines in its water quality and stream habitat. Among the most visible and widely publicized threats to the Olentangy's water quality and habitats is the conversion of farm and forest acreage to residential and commercial land uses. In January 2009, Ohio EPA issued an alternative general permit for storm water associated with construction activity for specific portions of the Olentangy River watershed.

This alternative general permit renewal implements many of the basic recommendations regarding the programs, activities and Best Management Practices developed through the Total Maximum Daily Load (TMDL) process. Ohio EPA believes implementation of these recommendations is necessary to protect the unique water quality and biological integrity of the Olentangy River watershed.

Ohio EPA's current NPDES Construction Storm Water general permit for portions of the Olentangy River watershed (OHCO00001) was issued on January 23, 2009 and will expire on April 7, 2014. This fact sheet addresses the renewal of this general permit (OHCO00002).

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

The permit would authorize storm water discharges from construction activity disturbing one or more acres, 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. Also, the permit would authorize some discharges that are not entirely considered construction storm water (such as trench dewatering), as well as storm water discharges associated with on-site concrete and asphalt batch plants. This permit would cover specific portions of the Olentangy River watershed. The permit area includes the following 14-digit Hydrologic Unit Codes (HUC-14) within the Olentangy River watershed and is identified by Attachment A of this fact sheet:

**14-Digit Hydrologic Unit Codes**

(Categorized by 11-Digit HUCs)

<b>05060001100</b>	<b>05060001110</b>	<b>05060001120</b>
05060001100-010	05060001110-090	05060001120-010
05060001100-020	05060001110-100	05060001120-020
05060001100-030	05060001110-110	05060001120-030

**III. Application and Termination Procedures**

New Dischargers: To obtain initial coverage, a discharger needs to submit a complete Notice of Intent (NOI) form, approvable Storm Water Pollution Prevention Plan (SWP3) and appropriate application fee at least 45 days prior to the commencement of construction activity.

Existing Dischargers: Existing permittees having coverage under the previous generation of this general permit (OHCO00001) shall have continuing coverage under OHCO00002 with the submittal of a timely renewal application in accordance with Part I.F.5 of this draft general permit renewal. Existing permittees will receive a renewal application and instructions for how to continue coverage under OHCO00002. Within 90 days of receiving a renewal application from Ohio EPA, existing permittees will need to submit the completed renewal application expressing their intent for continued coverage. In accordance with Ohio Administrative Code (OAC) 3745-38-02(E)(2)(a)(i), a renewal application fee will only apply to existing permittees having general permit coverage for 5 or more years. Permit coverage will be terminated if Ohio EPA does not receive the renewal application within this 90 day period.

Existing permittees wishing to continue coverage under OHCO00002 will need to update their SWP3 to ensure that this permit’s requirements are addressed in accordance with Part III.B of this draft general permit renewal.

Permit Expiration: The general permit renewal will expire five years after the effective date.

Notice of Termination: Permittees must submit a Notice of Termination (NOT) form within 45 days of completing all permit requirements in accordance with Part IV of this draft general permit renewal.

**IV. Description of Permit Conditions**

The current Olentangy Construction Storm Water general permit (OHCO00001) includes five noteworthy conditions/requirements that differ from Ohio EPA’s standard Construction Storm

Water general permit which is applicable statewide. These conditions/requirements are listed below and remain unchanged in this draft general permit renewal (OHCO00002):

1. Part I.F.1.a. Requiring submittal of the Storm Water Pollution Prevention Plan (SWP3). The SWP3 is the permittee's plan to minimize contamination of storm water that will be discharged to surface waters from the site. In order to ensure site plans are developed in accordance with draft permit requirements, Ohio EPA believes a review of the SWP3 is needed. This condition would require the SWP3 to be submitted as part of the initial application package.
2. Part I.F.1.a. Requiring the application package, which includes a Notice of Intent (NOI) and SWP3, be submitted 45 days prior to the initiation of ground disturbance. In an effort to not delay construction projects' estimated start dates and ensure adequate SWP3s, earlier NOI and mandatory SWP3 submission is being required.
3. Part III.G.2.b and Part III.G.2.c. Requiring riparian setback distances to provide additional filtering capacity and to provide for a margin of safety during construction. The draft permit renewal requires the use of one of two methods to determine the needed setback distance. Where an intrusion into the setback is necessary to accomplish the purposes of a project, the draft permit includes language for riparian setback mitigation. Mitigation is required within the same Watershed Assessment Unit (14-digit HUC scale).
4. Part III.G.2.f.ii. Requiring the use of sediment settling basins that receive drainage from disturbed areas of 5 acres or greater. In order to appropriately reduce sediment loads from active construction sites, Ohio EPA believes that it is necessary to require sediment settling basins for areas that receive drainage from disturbed areas of 5 acres or greater.
5. Part III.G.2.f.iii. Prohibiting the use of silt fence as a primary sediment control for sites greater than 5 acres in size unless pre-approved by Ohio EPA in a SWP3. Silt fence is only 15-35 percent effective in removing suspended solids from construction storm water runoff; whereas, sediment basins are 60-80 percent effective. Ohio EPA believes this condition is needed in order to meet sediment reduction load goals.

In comparison to the current Olentangy Construction Storm Water general permit (OHCO00001); this draft general permit renewal (OHCO00002) contains the following noteworthy changes:

1. Federal Construction and Development Effluent Limitation Guidelines. On December 1, 2009, the U.S. Environmental Protection Agency (EPA) published effluent limitation guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction sites. The regulation became effective on February 1, 2010 (40 CFR 450.21-24). After this date, all construction storm permits issued by EPA or states must incorporate the final rule requirements.

This regulation includes both numeric and non-numeric effluent limitations. Effective, January 4, 2011, U.S. EPA stayed the numeric limitation of 280 NTU that was published in the December 1, 2009, Construction and Development Effluent Limitation Guideline. U.S. EPA may propose a revised limit in a future rulemaking and the numeric limit will not be a part of this permit. However, the non-numeric limitations are still applicable and required to be included in this general permit renewal. These federal non-numeric effluent limitations have been included in Part II of the permit. OHCO00001 already addresses many of the

federal non-numeric limitations but the following conditions have been added or changed to this draft general permit renewal in order to be in compliance with the federal regulation. These changes are consistent with the current statewide Construction Storm Water general permit which was issued on April 11, 2013:

- a. Part II.B and Part III.G.2.b.i – Changing site dormancy period from 21 days to 14 days.
- b. Part II.F and Part III.G.2.f.ii – Added language requiring the use of a surface dewatering device for sediment ponds, when feasible.
- c. Part II.E and Part III.G.2.i.i – Added language to minimize or prevent the discharge of non-sediment pollutants to surface waters of the State.

For additional information on the federal Construction and Development Effluent Limitation Guidelines, please see the following U.S. EPA web page for additional information:  
***<http://water.epa.gov/scitech/wastetech/guide/construction/index.cfm>***.

2. Methods to Delineate Setbacks (Part III.G.2.b). OHCO00001 provided three methods to delineate riparian setbacks. This draft general permit renewal includes two methods. OHCO00001's 'Site Specific Riparian Setback Delineation' has been merged with the existing method of delineating with the setback equation ( $W = 143DA^{0.41}$ ) and sizing from the ordinary high water mark. With OHCO00001, sizing the calculated setback from the ordinary high water mark evenly on each side resulted in protection of non-functional riparian areas. Therefore, this draft general permit renewal requires that the distance calculated from the equation be centered over the meander pattern of the stream such that a line representing the setback width would evenly intersect equal elevation lines on either side of the stream. This change will result in only functional floodplain being protected.
3. Structural Post-Construction BMPs & Associated Drain (Drawdown) Times (Part III.G.2.g). Table 2 has been updated to be consistent with the current statewide Construction Storm Water general permit which was issued on April 11, 2013. Noteworthy changes to Table 2 include:
  - a. To be consistent with terminology found within the ODNR Rainwater and Land Development Manual, the practice Infiltration Basin has been changed to Infiltration Basin or Trench.
  - b. Permeable Pavement is a BMP that has been added to Table 2 with the different types of design reflected in the drain time. In addition, specifications for this practice have been added to the ODNR Rainwater and Land Development Manual.
  - c. For Sand & Other Media Filtration and Bioretention Cell, the drain time of the WQv for these BMPs has been changed from 40 hours to 24 hours. The drain time of these practices was changed to 24 hours to reflect a more realistic drain time for these practices and one that is still effective for both water pollutant capture and stream stability objectives. The terms Bioretention and Bioretention area are used in the ODNR Rainwater and Land Development Manual so the practice Bioretention Cell has been changed to Bioretention Area/Cell.
  - d. Application of the common understanding of a Vegetated Filter Strip would not meet the goal of treating the WQv; therefore, this practice has been removed from Table 2.
4. Inclusion of Standard Permit Conditions in Accordance with 40 CFR 122.41 (Part V). 40 CFR 122.41 identifies standard conditions that must be included within all NPDES permits.

The current permit is deficient in including all such conditions as required by 40 CFR 122.41. To be consistent with 40 CFR 122.41, the following has been added to this draft general permit renewal:

- Language has been added to Part V.E “Duty to Provide Information”
- Language has been added to Part V.O “Inspection and Entry”
- “Duty to Reapply” has been added as Part V.P.
- “Permit Actions” has been added as Part V.Q.
- “Bypass” has been added as Part V.R.
- “Upset has been added as Part V.S.
- “Monitoring and Records” has been added as Part V.T.
- “Reporting Requirements” has been added as Part V.U.

**V. Procedures for the Formulation of Final Determinations**

This general permit shall be issued as a final action unless the director revises the draft after consideration of the record of a 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 general permit. Comments should be submitted in person or by mail no later than April 11, 2014. Deliver or mail all comments to the following address:

Ohio Environmental Protection Agency  
Division of Surface Water - Permits Processing Unit  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049

The NPDES permit number (OHCO00002) should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than April 11, 2014 will be considered.

**VI. Additional Information**

For additional information regarding this draft general permit renewal, please contact one of the following:

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**Attachment A**

The following map identifies permit area boundaries. A more detailed map can be viewed at: [http://epa.ohio.gov/dsw/permits/GP\\_ConstructionSiteStormWater\\_Olentangy.aspx](http://epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater_Olentangy.aspx)

