2013 Compliance Assistance Conference

Wading Through the NPDES Permit

Wading Through the NPDES Permit

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Session Overview

I. What is an NPDES permit

II. Who needs to apply for an NPDES permit

III. Types of NPDES permits

IV. How to apply for an NPDES permit

V. Steps in the NPDES permit process

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Authorization

- 1972 – Congress passes the Federal Water Pollution Control Act Amendments
  - Establishes the NPDES permit program
  - Provided for authorization of state run programs

Authorization

- 1977- Congress passes the Clean Water Act
  - Identified a list of 129 priority pollutants
  - Identified a list of 21 primary industries for technology based controls
  - Made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions

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State Authorization

- 6111.03 – Water pollution control powers of the director of environmental protection.

  (G)…adopt, amend and rescind rules… governing…the issuance of permits…

State Authorization

- O.A.C. 3745-33-02 - No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements of the chapter.

What is an NPDES Permit?

National Pollutant Discharge Elimination System

Permit to allow discharges from point sources to bodies of water

Sets limits on pollutants in discharges

Protects human health and environment

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Definitions

Point source – any discernible, confined conveyance, i.e., pipe, ditch, channel

Discharge – discharge of any pollutant or pollutant from a point source.

Pollutant – sewage, industrial waste or other waste.

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II. Who needs to apply for an NPDES Permit

- Anyone discharging or planning to discharge pollutants to waters of the State.

- "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial….

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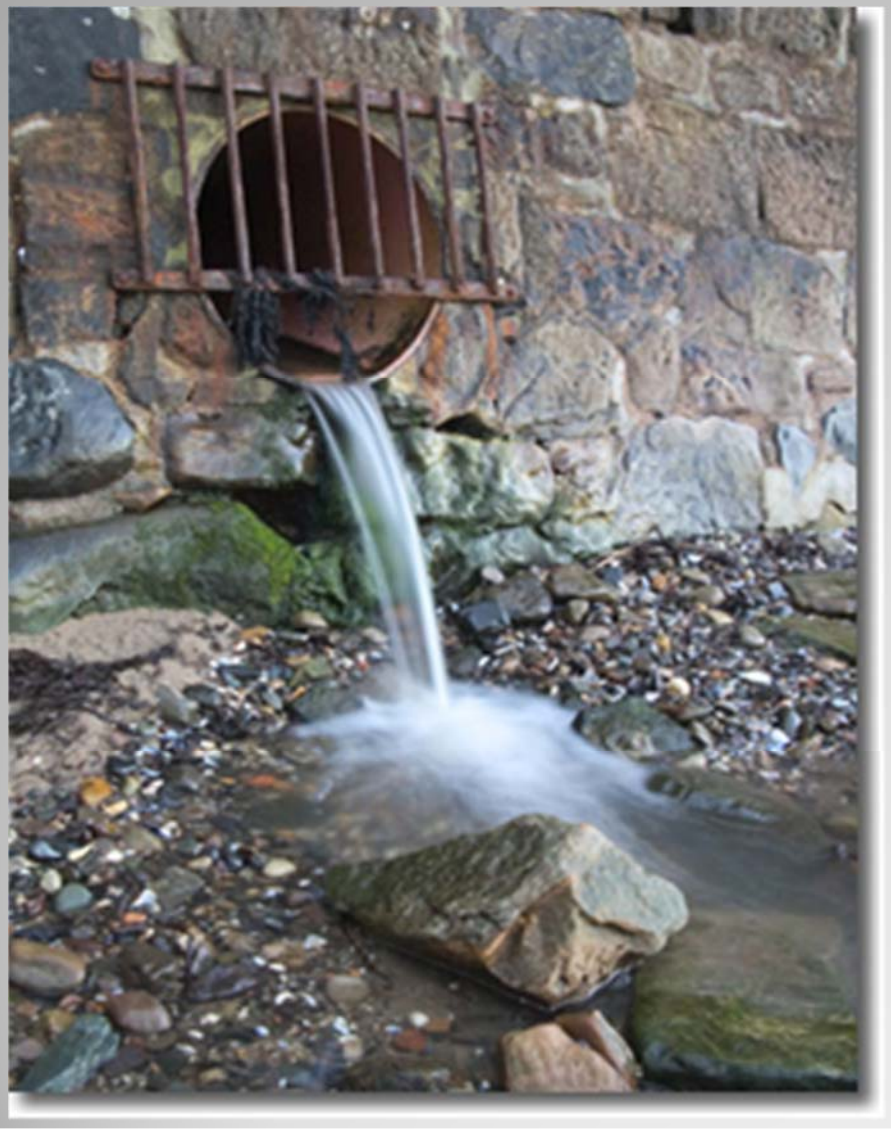
Examples of questions to ask yourself

Does my business generate any liquid wastes or process wastewaters?

Where do these wastes go? This includes things like cooling waters, blowdown waters, rinse waters.

- If these are discharged from your site (via sewers or directly to a creek) you need a NPDES permit.



Examples of questions to ask yourself

Do I have storm water that discharges from my site?

- Depending on your operations you may need to apply for NPDES permit coverage for your storm water discharge.

Examples of questions to ask yourself

Where does my sewage go?

- If you have your own sewage treatment plant you need an NPDES permit for the discharge.

III. Types of NPDES permits

- Individual NPDES permits
  - Individual permits are site specific
  - Monitoring of pollutant and limits developed just for that facility
- General NPDES permits
  - Issued for a geographic area or group of related discharges with uniform pollutant monitoring

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Individual NPDES permits

- Municipal wastewater treatment plants
- Industrial facilities that have wastewater treatment
- Industrial facilities that discharge storm water that has potential to affect water quality in receiving stream

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General NPDES permits

- Non-contact Cooling Water
- Geothermal Systems
- Hydrostatic Test Water
- Water Treatment Plants
- Small Sanitary Discharges
- Petroleum Bulk Storage Facilities
- Petroleum-related Corrective Actions
- Temporary Wastewater Discharges
- Household Sewage Treatment Systems
- Small Sanitary Discharges That Cannot Meet BADCT Standards
- Coal Surface Mining Activities

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General NPDES permits

- Storm Water Discharges Associated with Industrial Activity from Marinas
- Construction Site Storm Water
- Construction Site Storm Water in the Big Darby Creek Watershed or Olentangy River Watershed
- Small MS4 Storm Water
- Industrial Storm Water *

Pending:

Stormwater Discharges Associated with Industrial Activity – (Multi-sector)

Pesticide Application

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IV. How to apply for an NPDES permit

- Application and fee
- Overview of forms and pre-work
- Antidegradation Addendum

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Application and Fee

- Permit applications should be submitted 180 days prior to start of discharge.
- Submit the required application forms and $200 application fee to the appropriate district office.

Select Applicable Forms

- The application forms
  - All applications require Form 1, appropriate Form 2, and a completed antidegradation addendum

- Form 2
  - 2A – Application for discharge from a POTW
  - 2B – CAFO and aquaculture
  - 2C – Existing manufacturing, commercial
  - 2D – New discharges of process wastewater
  - 2E – Facilities that do not discharge process wastewaters
  - 2F – Discharge of storm water associated with industrial activities

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Information needed

Form 1

- Requires basic information, only 2 pages
  - Company name, address, and location
  - Standard Industrial Classification (SIC) code
  - Nature of business
  - Original ink signature by appropriate persons OAC 3745-33-03

Please type. Do not complete by hand.

FORM 1 GENERAL

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U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERAL INFORMATION

Consolidated Permits Program

(Read the "General Instructions" before starting)

I. EPA I.D. NUMBER

LABEL ITEMS
I. EPA I.D. NUMBER
III. FACILITY NAME
V. FACILITY MAILING ADDRESS
VI. FACILITY LOCATION

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in below. Also, if any of the preprinted data is absent *(the area to the left of the label space lists the information that should appear)*, please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI *(except VI-B which must be completed regardless)*. Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through G to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X' YES	NO	FORM ATTACHED	SPECIFIC QUESTIONS	MARK 'X' YES	NO	FORM ATTACHED
A. Is this facility a **publicly owned treatment works** which results in a **discharge** to waters of the U.S.? (FORM 2A)				B. Does or will this facility *(either existing or proposed)* include a **concentrated animal feeding operation** or **aquatic animal production facility** which results in a **discharge to waters of the U.S.**? (FORM 2B)			
C. Is this a facility which currently results in **discharges** to **waters of the U.S.** other than those described in A or B above? (FORM 2C)				D. Is this a *proposed* facility *(other than those described in A or B above)* which will result in a **discharge** to **waters of the U.S.**? (FORM 2D)			
E. Is this a facility which does not discharge process **wastewater**? (FORM 2E)				F. Is this a facility which discharges stormwater associated with industrial activity? (FORM 2F)			
G. Do you generate **sewage sludge** that is ultimately regulated by Part 503? Do you generate **sewage sludge** that is sent to another **facility** for treatment or blending? Do you process or derive material from **sewage sludge** that is disposed in a manner subject to Part 503? (FORM 2S)							

III. NAME OF FACILITY

IV. FACILITY CONTACT

A. NAME & TITLE *(last, first, title)*	B. PHONE *(area code & no.)*
	( ) –

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX			
B. CITY OR TOWN	**C. STATE**	**D. ZIP CODE**	

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER			
B. COUNTY NAME			
C. CITY OR TOWN	**D. STATE**	**E. ZIP CODE**	**F. COUNTY CODE** *(if known)*

CONTINUE ON REVERSE

Existing Manufacturing and Commercial Discharges – Form 2C

- Requires information specific to each discharge
- Outfall descriptions, Production information, etc.
- Chemical analysis of discharge

Existing Manufacturing and Commercial Discharges – Form 2C

- Chemical analysis
  - Required if your discharge is from one of the 34 primary industries included in the instructions
  - Small business exemption

Existing Manufacturing and Commercial Discharges – Form 2C

- Chemical analysis
  - conventional pollutants –all applicants
  - Parameters that have federal limitation guidelines established and other known pollutants in your discharge
  - List any of the toxic or hazardous pollutants on the instruction forms that may be present in your discharge

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PLEASE PRINT OR TYPE IN THE UNSHADED AREAS ONLY. You may report some or all of this information on separate sheets (*use the same format*) instead of completing these pages. SEE INSTRUCTIONS.

EPA I.D. NUMBER (*copy from Item 1 of Form 1*)

V. INTAKE AND EFFLUENT CHARACTERISTICS *(continued from page 3 of Form 2-C)*

OUTFALL NO.

PART A –You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT							3. UNITS (*specify if blank*)		4. INTAKE (*optional*)		
	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE (*if available*)		c. LONG TERM AVRG. VALUE (*if available*)		d. NO. OF ANALYSES	a. CONCEN-TRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
a. Biochemical Oxygen Demand (*BOD*)												
b. Chemical Oxygen Demand (*COD*)												
c. Total Organic Carbon (*TOC*)												
d. Total Suspended Solids (*TSS*)												
e. Ammonia (*as N*)												
f. Flow	VALUE		VALUE		VALUE					VALUE		
g. Temperature (*winter*)	VALUE		VALUE		VALUE			°C		VALUE		
h. Temperature (*summer*)	VALUE		VALUE		VALUE			°C		VALUE		
i. pH	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM				STANDARD UNITS				

PART B – Mark "X" in column 2-a for each pollutant you know or have reason to believe is present. Mark "X" in column 2-b for each pollutant you believe to be absent. If you mark column 2a for any pollutant which is limited either directly, or indirectly but expressly, in an effluent limitations guideline, you must provide the results of at least one analysis for that pollutant. For other pollutants for which you mark column 2a, you must provide quantitative data or an explanation of their presence in your discharge. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NO. (*if available*)	2. MARK "X"		3. EFFLUENT							4. UNITS		5. INTAKE (*optional*)		
	a. BELIEVED PRESENT	b. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE (*if available*)		c. LONG TERM AVRG. VALUE (*if available*)		d. NO. OF ANALYSES	a. CONCEN-TRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
a. Bromide (24959-67-9)														
b. Chlorine, Total Residual														
c. Color														
d. Fecal Coliform														
e. Fluoride (16984-48-8)														
f. Nitrate-Nitrite (*as N*)														

New Dischargers - Form 2D

- New sources or new discharges
- Requires information specific to each discharge
- Includes Outfall descriptions and Production information
- Includes information on pollutants to be discharged
- No analysis or sampling required…estimated quantities

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Storm Water Associated with Industrial Activity – Form 2F

US EPA definition: the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

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Storm Water Associated with Industrial Activity – Form 2F

11 categories of storm water required to obtain NPDES permit coverage defined in 40 CFR 122.26(b)(14)(i)-(xi)

- Facilities with effluent limitations
- Manufacturing
- Mineral, Metal, Oil and Gas
- Hazardous Waste, Treatment, or Disposal Facilities

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- Landfills
- Recycling Facilities
- Steam Electric Plants
- Transportation Facilities
- Treatment Works
- Construction Activity
- Light Industrial Activity

Storm Water Associated with Industrial Activity – Form 2F

Sample data needed

- BOD, COD, Oil and grease, Total suspended solids, Nitrogen, Phosphorus, pH
- pollutants that have a effluent guideline for your facility, or are included in an existing NPDES permit
- any other pollutant you have reason to believe to be present

- Samples must be collected during a rain event

Antidegradation Addendum

- The antidegradation rule is required by the Clean Water Act
- OAC 3745-1-05 is Ohio's Antidegradation rule
- All NPDES applications must include a completed antidegradation addendum

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Antidegradation considerations

- Provides allowance where water quality may be lowered
- Existing beneficial uses must be maintained and protected
- Applies when there would be resulting net increase in the discharge of any regulated pollutant falls under the rule
- Applies mostly to new or increased discharges

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V. Steps in the NPDES permit process

- Receipt of application
- Public notice of application
- Detailed technical review
- Draft permit written
- Public notice and 30 day comment
- Response to comments
- District office makes recommendation to director
- Director action

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Receipt of Application

- Check for completeness
- Fee included

Public Notice of Application

- On-line
- Newspaper
- Includes information for public

If Antidegradation is triggered

- Public notice of receipt of application
- Mandatory public hearing in limited cases
- Optional public hearing if one is requested

Technical review

- complies with industry treatment standards
- employs best available treatment technologies
- will maintain all applicable water quality standards with the discharge
- complies with all regulation necessary to protect human health and environment

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If Antidegradation is triggered

- Agency will review whether alternatives have been considered
- Agency will review social and economic justice issues unless excluded from that requirement

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Public Notice and Comments

- The draft permit (and fact sheet if applicable) is put out to public notice for 30 days
- Any interested parties can submit comments
- All comments are reviewed and a response letter is written

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Possible Director Final Actions

- Issue a final permit
- Issue a permit modification
- Deny final permit
- Deny a modification
- Request additional info from applicant

Tips

- If you have questions, contact your district office.
- The more complete the application the quicker the turn around time will be.
- Requests for missing or additional information take time.

Are you done? Not necessarily.

- Renewal application 180 days from expiration
- Operate in compliance with permit conditions and limits
- Other information may need to be submitted
- Modifications
- Transfer of ownership

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Other types of approvals/permits

- 401 - wetlands
- Permit-to-install
- Biosolids
- Sludge application
- Construction Storm Water
- Indirect Discharge Permits

Ohio EPA Contacts

- NWDO

  Alex Smaili 419-373-3004

- NEDO

  Virginia Wilson (330)963-1180

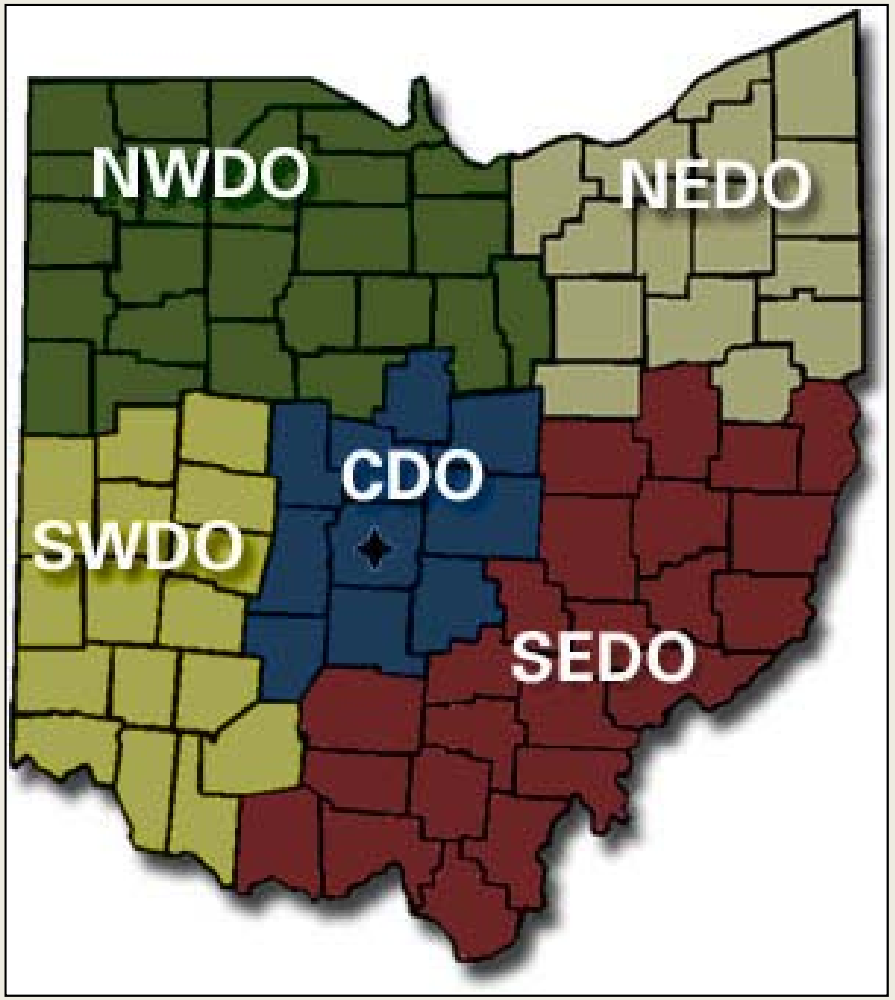
  Dean Stoll (330)963-1197

- SWDO

  Debora Roth (937)285-6100

- SEDO

  Bruce Goff (740)380-5238

- CDO

  Anthony Hanes (614)728-3840