

Responses to comments received regarding Ohio EPA's draft NPDES General Permit for Hydrostatic Test Water (OHH000001) public noticed on January 10, 2007.

During the public hearing on February 27, it was made clear that water supply system water discharge originally included in the draft permit would be taken out of the draft permit. The Ohio EPA news release dated February 21, 2007 notified that during public hearing only hydrostatic test water discharge would be discussed. It is important to note that only those comments that relate to hydrostatic test water discharge are therefore being addressed here.

Comment # 1 : Does this General Permit (GP) need a Notice of Intent (NOI) for each discrete discharge of hydrostatic test water from the same pipe line? Can a NOI be submitted for a pipeline system's annual discharge of hydrostatic test water?

Comment # 2 : For linear projects, it is proposed that one (1) NOI be submitted for the entire facility (pipeline project) and multiple discharges allowed under the same GP.

Response: One (1) NOI can be submitted for multiple discharges on the same stretch of pipeline. Ohio EPA has five districts that cover the entire state of Ohio. The counties under each district is managed by different inspectors. If the stretch of pipeline scheduled for hydrostatic testing will cover more than one district boundary, separate NOIs must be submitted for each district and general permit obtained in advance from those district offices.

Based on the location of the district, the facility permit number will change although the GP number will remain the same.

Comment # 3: Clarification is required that one report is due for one-time discharge at a construction site that lasted several hours, and monthly reporting throughout the year for this one-time discharge is not required.

Response: After this one-time discharge, if the facility believes there will be no further discharge under this GP, they will need to apply for Notice of Termination (NOT) of the permit. If however, there is potential for future discharge under this GP, the permittee will need to submit a report monthly. If there are no discharges during the entire month, report "AL" in the first column of the first day of the month on 4500 Form as instructed in the GP.

Comment # 4: The GP references payment of fees at the time of submittal of an NOI and payment of annual fees. It is recommended that annual fee payments are not required for a one-time discharge that lasts several hours.

Response: Some GPs that authorize continuous discharge like Non Contact Cooling Water (NCCW), are required to pay annual discharge fee. Hydrostatic test water discharges are not continuous and therefore no annual fees are required to be paid.

Comment # 5: There should be a time line mentioned in the GP for the amount of time Ohio EPA will need to review the NOI prior to issuing an approval letter, especially if an NOI is required for each discharge.

Response: The GP does not include an Ohio EPA review time line. Ohio EPA will issue the GP if the NOI is approved. Since NOI is not required for each discharge for linear projects, coverage under NOI should be submitted well ahead of actual start of the project for time required for processing. If the information in the NOI is complete and correct, the processing time should not take more than three to four weeks.

Comment # 6: If anti-corrosion chemicals are not used, would the facilities be exempt from sampling for dissolved oxygen? Can this exemption be included in the GP?

Response: Yes. A clause has been added to the effluent tables A and B that explains the exemption from monitoring dissolved oxygen when anti-corrosion chemicals are not used.

Comment # 7: We are concerned about meeting the PQL limit of 0.050 mg/l for total residual chlorine. A similar general permit in Pennsylvania allows residual chlorine PQL of 0.5 mg/l.

Response: The TRC limit in the Hydrostatic GP is 0.019 mg/l which is based on Ohio's daily maximum WQS (Water Quality Standard) assuming no dilution of the effluent with the receiving surface water. With dechlorination, this limit is routinely achieved. However, any value reported that is below the OEPA PQL (0.050 mg/l) shall be considered to be in compliance with the effluent limit.

Comment # 8: If the discharged water does not reach surface water, the submittal of sample result should not be required.

Response: If the discharged water will not reach surface waters of the state and there is no potential to reach groundwater by seepage, the question of submittal of sample result does not arise because no NPDES permit is required. under this scenario.

Comment # 9: It is requested discharges less than 5000 gallons be exempted from requiring authorization under this GP because small discharges do not have the potential to cause environmental impact.

Response: It is not always the volume of the discharge but the type of discharge and the amount of dilution the discharge receives with the receiving stream that determines the environmental impact. Ohio EPA does not have a cut off limit for discharge volume that is exempted from requiring authorization under a GP.

Comment # 10: Will a hydrostatic test water GP be required when discharging to a vegetated upland area and no discharge directly to a stream or wetland will occur?

Response: Please see the response to Comment # 8.

Comment # 11: Based on review of the stream segments listed in ORC 3745-1-05, many of our client communities would be located where their discharges would not be covered by this GP because there would be discharges to receiving waters designated Outstanding National Resource water (ONRW), Outstanding State Water (OSW), Superior High Quality Water

(SHQW). The implication is that these communities would need to file for an individual permit for their discharges and that permit might have more stringent conditions. Or will there be another GP to cover these receiving waters?

Response: An individual permit application will be needed for discharges into these receiving waters. Per Antidegradation rule (3745-1-05), within ninety days of receipt of the application, the director shall hold a public hearing for the permit application. This public hearing shall be for the purpose of evaluating issues related to lower water quality and shall be prior to and separate from a public hearing on the proposed or draft action on the application. If a final individual permit is issued, the permit might have the same or more stringent conditions compared to the GP.

Comment # 12: Under Part V(D)(1)(c) of the general permit add “county” to the list and remove the semicolon after “municipality.”

Response: Added “county” and removed semicolon after “municipality”.

Comment # 13: Under Part V(U)(1)(b&c), the conditions do not appear to apply to this GP. It is recommended the entire General Conditions part be reviewed and modify the language to be specifically applicable to this GP.

Response: The conditions b and c have been deleted.

Comment # 14: Under Part V(AG)(A), does the need to apply for a PTI relate only to permanently installed equipment, or does it also apply to “mobile” equipment such as hydrant diffusers, bisulfite pumps, etc. for treatment of hydrant flushing water? If so this appears to be in conflict with the statements at the bottom of the tables in Part III about submitting BMPs.

Response: The requirement for a PTI also applies to mobile equipment such as oil/water separator, if required, for treatment of floating oil & grease in case of hydrostatic testing of used tanks and pipelines that previously transported liquid petroleum products. Please note since we took out water supply system water discharge from the draft permit, the question of treatment of hydrant flushing water does not arise. The requirement for a PTI is not in conflict with the BMP statement. While the requirement for a PTI relates to construction and installation of equipment for treatment if necessary prior to discharge, BMP requires the test water to be discharged in a proper way without erosion of soil or other materials into surface water.

Comment # 15: Pages 36 to 46 (Part III - General Conditions) appear to be a carry over from some other permit and should not be included.

Response: Part III that came after Part VI is a carry over from individual permit and has been removed.

Comment # 16: I question the fact that this discharge only applies to hydrostatic test water. In some cases, a tank may be filled with water to test for leaks without raising the tank pressure “above atmospheric pressure”. I see no difference in between the possible contaminant level of

this water versus a tank that had additional pressure applied to it.

Response: The discharge water from tanks and pipelines where no pressure has been applied to will also be regulated under this GP. A statement to this effect has been included under the definition of hydrostatic test water.

Comment # 17: Page 1, Second Paragraph reads, “It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio”.

As proposed the paragraph seems to imply that “a lowering of water quality” will always result from the permitted discharges. Whether this would occur depends on the specific discharge and so may or may not occur. Consideration should be given to revising this paragraph to reflect the contingent nature of any potential “lowering of water quality”. Perhaps similar to the following:

“It has been determined that **any** lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio”.

Response: By antidegradation rule (3745-1-05) the “lowering of water quality” is simply based upon the fact that a new discharge is being authorized. Therefore the language in the paragraph remains unchanged.

Comment # 18: Under applicability (Part I, B) consideration should be given to revising the paragraph to remove the references to the fact sheet.

Response: The paragraph has been revised. It now reads “Entities with a wastewater discharge associated with hydrostatic test water (as defined in Part VI of this permit) that is discharged via a point source (including discharges through a municipal separate storm sewer system) to waters of the state are required to submit a permit application in accordance with Ohio EPA regulations”.

Comment # 19: The paragraph Part 1.C.1. reads “This permit may cover point source discharges of wastewater associated with hydrostatic test water to waters of the state, except as limited in paragraph 2 below. As proposed the permit seems to indicate uncertainty as to which discharges are subject to it. Consideration should be given to revising this permit provision to be more specific regarding whether it does or does not regulate certain discharges. The language should be revised as “This permit regulates point source discharges of wastewater associated with hydrostatic test water to waters of the state, except as limited in paragraph 2 below”.

Response: Though this general permit has been drafted to cover hydrostatic test water discharges, the director still has the authority to ask for an individual permit application in case he determines the discharge might cause potential exceedance of Ohio Water Quality Standards. The uncertainty always remains as to which discharges can be regulated under this permit. Therefore, the language is not revised.

Comment # 20: Part I, C, 2..j. reads under the limitations on coverage “wastewater discharges containing pollutants classified as biocides (except chlorine) and any other chemical.” If the term “any other chemical” is given a chemist’s and/or literal interpretation, many dischargers would be removed from applicability for coverage under this permit as all waters are likely to contain a “chemical” or “chemicals”. Presumably the intent is to exclude discharges with certain toxic constituents. The language needs revision.

Response: The language has been revised as “wastewater discharges containing pollutants classified as biocides (except chlorine) and any other **added** chemicals.”

Comment # 21: Typographical error under Part II.D.D. should be revised as Part II.D.

Response: It has been revised.

Comment # 22: Part V, AG states “The approval of a PTI does not preclude a facility from obtaining an NPDES permit.” This language does not convey the sense that the facility must obtain an NPDES permit, if this is an applicable requirement. Instead it appears to state that obtaining PTI approval does not prevent the facility from obtaining an NPDES permit if it wishes to obtain one. The language can be revised as “ The approval of a PTI does not release a facility from any applicable requirement to obtain an NPDES permit.”

Response: The language has been revised as suggested.

Comment # 23: Under Part VI. there is a typographical error in the definition of “Net concentration”.

Response: The error has been corrected.

Comment # 24: Part V(J)(3) states the effluent shall be free of substances “In amounts that will alter the natural color or odor of the receiving water to such a degree as to create a nuisance”. What is the definition of “nuisance” and who/how is this determined?

Response: It is a nuisance if the effluent discharge interferes with the legal rights of the residing community by causing annoyance or inconvenience. Nuisance is deemed to exist if inspection conducted by or under the supervision of Ohio EPA documents odor, color, and/or other visual manifestations of raw or poorly treated wastewater.