

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 (OHC000005)**I. Background**

Several pollutants are associated with discharges from construction sites, including: sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, concrete truck washout, construction chemicals, and debris. Sediment is the greatest pollutant of concern amongst these. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several years. The resulting siltation, and the contribution of other pollutants from construction sites and the new land uses, 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.

This fact sheet addresses the fifth generation of the Construction Storm Water general permit (Permit No. OHC000005).

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 and be applicable statewide. 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.

Ohio EPA currently has three NPDES construction storm water general permits (CGPs):

| General Permit | General Permit Number | Effective Date | Expiration Date |
|---|-----------------------|-----------------|--------------------|
| Statewide CGP | OHC000004 | April 21, 2013 | April 20, 2018 |
| Big Darby Creek Watershed CGP | OHCD00002 | October 1, 2012 | September 30, 2017 |
| Portions of Olentangy River Watershed CGP | OHCO00002 | June 2, 2014 | May 31, 2019 |

OHC000005 would include the specific conditions currently applicable to the Big Darby Creek watershed and Portions of the Olentangy River watershed as Appendices. Therefore, Ohio EPA is proposing to combine all three general permits into one general permit.

III. Application and Termination Procedures

New Dischargers: To obtain initial coverage, a discharger needs to submit a complete Notice of Intent (NOI) form, storm water pollution prevention plan (SWP3) and appropriate application fee prior to the commencement of construction activity. These shall occur at least 45 days prior for sites within the Big Darby Creek and portions of the Olentangy River watersheds; and at least 21 days elsewhere.

Existing Dischargers: Existing permittees having coverage under previous generations of this general permit, Big Darby Creek Watershed general permit and Portions of the Olentangy River Watershed general permit shall have continuing coverage under OHC000005 with the submittal of a timely renewal application. Within 90 days from the effective date of this permit, existing permittees shall submit a completed renewal application expressing their intent for continued coverage if needed. 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 as of the effective date of this general permit. Existing permit coverage will be terminated if Ohio EPA does not receive the renewal application within this 90-day period.

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. To terminate coverage, a discharger needs to complete and submit the NOT application using the NOT electronic application form available through the Ohio EPA eBusiness Center at ***ebiz.epa.ohio.gov***. For guidance, please see the following ***epa.ohio.gov/dsw/eps.aspx#170645012-streams-applications***.

IV. Description of Permit Conditions

In comparison to the current NPDES statewide construction storm water general permit (OHC000004), this draft general permit renewal (OHC000005) contains the following noteworthy changes:

1. Permit Area (Part I.A). Incorporates the Big Darby Creek watershed CGP and Portions of the Olentangy River watershed CGP requirements as appendices. These two watersheds' current conditions, that exceed the statewide CGP, have been included as appendices. This will combine all three general permits into one with this general permit renewal.
2. Electronic Submittal of Applications and SWP3 (Part I.E.1 and Part I.F). OHC000005 would require Notice of Intent (NOI), Notice of Termination (NOT), Individual Lot NOI/NOT and Co-Permittee NOI/NOT applications to be submitted electronically using Ohio EPA's electronic application forms which are available through the Ohio EPA eBusiness Center at ***ebiz.epa.ohio.gov***.

Submission through the Ohio EPA eBusiness Center requires establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the applications. Existing eBusiness Center account holders can access the applications through their existing account and submit using their existing PIN. Ohio EPA has developed specific guidance for setting up an account, obtaining a PIN and

submitting each type of application. For guidance, please see the following epa.ohio.gov/dsw/ebs.aspx#170645012-streams-applications.

In addition, OHC000005 would require that the SWP3 be submitted with the NOI application. The electronic NOI application allows for the attachment of the SWP3.

3. Sediment Basin and Sediment Barriers (Part III.G.2.d). Language has been removed to clarify that sediment basins are appropriate for sites less than 10 acres and that all sediment basins have a minimum drain time of 48 hours. The term “sediment barrier” has replaced the terms silt fence in some instances. And it is specified that a standard silt fence may be substituted with a 12-inch diameter sediment barrier.
4. Post-Construction Requirements (Part III.G.2.e). After evaluation of current post-construction requirements found that the application of current methodology is not expected to capture average annual runoff and 80% total suspended solids (TSS), the following changes to post-construction requirements have been made to improve expected performance to this level:
 - Increase precipitation depth from 0.75 to 0.9 inches.
 - Alter the volumetric runoff coefficient (weighted calculation) method
 - From $C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$ to $Rv = 0.05 + 0.9i$
 - Require the capture of the WQv with an acceptable post-construction practice for all sites disturbing over 1 acre.
 - Revise and increase the of acceptable post-construction practices. Extended detention practices have been separated from infiltrating practices and each provided appropriate drain times and notes critical to design and performance.
 - Clarify that use of regional storm water best management practices is acceptable if it meets permit design requirements and a legal agreement is provided for this service.
 - Calculation of the water quality volume or practices for previously developed sites:
 - Previously developed sites that utilize extended detention must provide an increased percentage (40%) of the WQv while green infrastructure practices must capture only 20% of the WQv.
 - Post-construction practices shall be located to treat areas generating higher loads of pollutants rather than cleaner areas.
 - A list is provided of runoff reducing practices (green infrastructure) that may be utilized to reduce the required WQv.
 - Alternative post-construction practices must be certified using a defined particle size distribution and meet certification requirements of either New Jersey DEP or Washington State TAPE Programs.
 - Practices utilizing a water quality flow (instead of a volume) must be designed to treat 90 percent of the average annual runoff volume. A method is provided.

5. Inspections (Part III.G.2.i). Allows the next inspection after a rainfall to occur on the next work day and requires that reduced inspection frequency be documented in the SWP3.
6. Big Darby Creek Watershed Appendix (Appendix A). Adds the current watershed specific conditions that exceed the statewide CGP for the Big Darby Creek watershed including: sediment basin sizing and monitoring requirements; riparian setback/mitigation requirements; and groundwater recharge/mitigation requirements. Pertaining to groundwater recharge, an option has been added of calculating a recharge value for utilizing infiltrating green infrastructure practices on-site.
7. Portions of the Olentangy River Watershed Appendix (Appendix B). Adds the current watershed specific conditions that exceed the statewide CGP for portions of this watershed, specifically pertaining to riparian setback and mitigation requirements.
8. Definitions (Part VII). The definition of "Operator" has been clarified and definitions have been added for "General Contractor" and "Subcontractor."

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 4, 2018. 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 (OHC000005) 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 4, 2018 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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