



Industrial Storm Water Permitting in Ohio

The New Multi-sector General Permit
(MSGP)

September 2011



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Background

- Storm water discharges associated with industrial activity and larger construction sites are regulated under the National Pollutant Discharge Elimination System (NPDES) program. Ohio has been delegated authority for NPDES implementation. The program is enforced by the Ohio EPA Div. of Surface Water.



Background

- Ohio EPA initially issued its general permit for storm water discharges associated with industrial activity in 1992, which expired in 1994.
- To date, Ohio's general industrial permit has been based upon US EPA's 1992 **baseline** industrial general permit, containing broad, non-industry specific permit requirements.



Background

- In 1995, US EPA moved from its more baseline permit conditions with the introduction of the first version of the MSGP becoming effective in 1997, with additional versions in 2000 and 2008.
- The MSGP concentrates on industrial-specific effluent limits (technology-based and effluent limits).
- Other states that have incorporated a version of the federal MSGP include Alaska, Arizona, Nevada, New York, Oregon, Rhode Island and Vermont.



Background

- In October 2010, Ohio EPA submitted public notice for the renewal of the general industrial storm water permit (OHR00005)
- Rather than remaining with the current permit content, the Ohio EPA is proposing moving to the US EPA's MSGP.

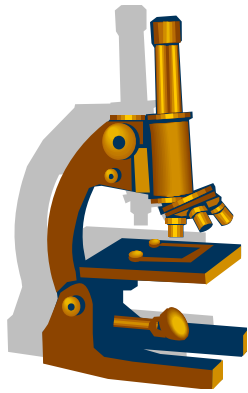


Why the MSGP in Ohio?

- In the fact sheet prepared by Ohio EPA explaining the change, Ohio EPA cited the following reasons:
 - Consistency: “most states” use the federal MSGP for their general permit and Ohio is behind in this effort.



Why the MSGP in Ohio?



- More effective requirements: the MSGP provides **more prescriptive** (emphasis added) requirements based on each industrial sector, resulting in an easier means of identifying Storm Water Pollution Prevention Plan (SWPPP) requirements, reducing permittee confusion and resulting in more effective BMPs.
- Existing Federal Guidance – there are a lot of useful guidance tools on the USEPA website.

Do Storm Water regulations apply to me?

- As a member of PMPA, you have an SIC Code of 3451. Therefore you are subject to General Industrial Storm Water regs—New Subsector AA (see page 161 of the draft permit).
- So, unless you meet the requirements for No Exposure, you are subject to the regs.
- If you don't have a permit and need one, you must submit a Notice of Intent.



The easy part - What's not new

- Still have to submit a Notice of Intent (NOI) for new discharges 180 days before discharge.
- Will need to submit NOI for permit renewal (when MSGP is final) within 90 days of Ohio EPA's written instructions to re-notify.
- No Exposure exclusion is still in place (certification due every 5 years).



What's not new

- Does not cover storm water discharges covered by an individual permit, mixed discharges of storm water and non-storm water, construction activity, where a water quality standard is violated.
- Permit life will be 5 years.
- Notice of Termination still in place.



What's kind of new

- Specifies that regulated storm water discharges from your facility *include storm water run-on* that commingles with discharges associated with your facility.
- Still need a Storm Water Pollution Prevention Plan – but it's different! - More on that later...



What's brand new

- 171 page permit!
- Metal mining (SIC 10xx) and sand and gravel (SIC 14xx) facilities can be covered if renewing.
- Excludes marinas (SIC 4493), petroleum bulk terminals (SIC 5171) and coal surface mining (SIC 1221) from MSGP – subject to other general permits.
- Only closed landfills can use MSGP.



What's brand new



- Expanded industrial sectors that require at least quarterly “benchmark sampling”.
- Numeric Effluent Limitations for some sectors.
- Benchmark concentrations based on EPA’s National Water Quality Criteria (i.e., acute aquatic life, fresh water ambient criteria).



Expanded industrial sectors

- 30 general industrial sectors.
- Additional subsectors.
- You can be subject to more than one sector or subsector.
- Based on SIC codes (yes, they are still using SIC codes).
- If you are manufacturing, mining, landfilling or generating energy, you are likely covered.



Back to the good old days....Storm Water Sampling for everyone!

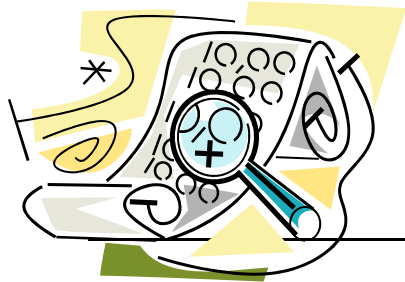
- Must be during a “measurable storm event”
 - Results in an actual discharge;
 - Follows preceding event by at least 3 days;
 - Minimum of one grab sample within first 30 minutes of measurable event;
 - Quarterly (based on calendar quarter) beginning first full quarter after you have your permit.



Benchmark sampling

- Must sample at each outfall authorized by permit unless they are “substantially identical outfalls”, which, of course, you have to justify in your SWPPP.
- Sampling includes:
 - Quarterly visual assessment of each outfall for permit term.
 - Benchmark (chemical analysis) of each outfall quarterly for at least 4 quarters.





Numeric Limitations

- If, after the collection of 4 quarterly samples, the average of the values for any parameter does not exceed the benchmark, you are done for that permit term.
- If your average does exceed the limit for any parameter, review your BMPs, control measures and improve them, **and.....**



Numeric Limitations

- You will need to continue quarterly sampling until you have completed 4 additional quarters of monitoring where you don't exceed the benchmarks; OR
- Determine no additional reductions are economically practicable or technologically feasible...document and report it.



Benchmark sampling

- Note: Some benchmark concentrations are hardness-dependent (metals), so you need to sample for that or use literature info.
- Good news: exceedance of benchmark “not a violation” – but must implement corrective actions.
- Plus: there are certain industries that have certain effluent limitations (e.g., material storage at cement manufacturers).



Control Measures



- Much more prescriptive:
 - Select in accordance with good engineering practices and in accordance with manufacturer's specs. Must justify any deviation from manufacturer's specs in SWPPP.
- If they don't work, must be modified "as expeditiously as practicable".



Control Measures

- MSGP specifies non-numeric technology based effluent limitations (Section 2.1.2) – 12 requirements.
- All language in MSGP is “you shall”, so you had better....and you had better document it.



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SWPPP – new and intense

- New dischargers: Must be prepared before submitting your NOI;
- Existing: must be reviewed and updated within 180 days of the MSGP effective date;
- Intended to document the implementation of the permit requirements.



SWPPP – new and intense

- Inspections: requires at least quarterly “routine” inspections (old SWPPP let permittee decide frequency) – qualified personnel with at least one SWPP team member.
- Comprehensive Site Inspections – annually – can coincide with one routine inspection as long as all components covered.



SWPPP (Section 5.1)

- Site Description requirements are much more specific and comprehensive;
- Location of each outfall must be mapped;
- Monitoring and inspections specified;
- Benchmark values specified;
- Documentation requirements specified.

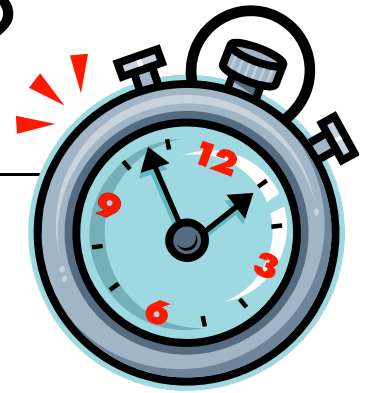


Reporting and Recordkeeping

- Sampling results for benchmark to Ohio EPA within 30 days of receipt.
- Preferred reporting via eDMR.
- Annual report (in format specified by Ohio EPA).
- All data must be retained for 3 years.



So what do I do now?



- Look at what sector-specific requirements apply to you.
- Look at your controls and document—are they enough?
- If you have received written notification from Ohio EPA to submit an NOI, do it!
- Examine and update your SWPPP.
- Coordinate sampling protocol—have sample bottles on hand, means by which to measure storms, etc.



Am I eligible for No Exposure?

- Try to take steps to become eligible for No Exposure:
 - Facility-wide basis;
 - Is there a “reasonable potential to cause or contribute to surface water pollution”? If so, No Exposure may be denied.
- Do I need a storm resistant shelter?
 - Examples where a shelter is not required:
 - Sealed containers (no valves, in good condition, storage only, regularly inspected)
 - ASTs: Not associated with vehicle maintenance, no piping, pumps, or leaks, physical containment).



No Exposure

- Do I need a storm resistant shelter?
 - Examples where a shelter is not required:
 - Sealed containers (no valves, in good condition, storage only, regularly inspected)
 - ASTs: Not associated with vehicle maintenance, no piping, pumps, or leaks, physical containment).
 - Completely covered and non-draining dumpster
 - Well maintained vehicles
 - Final products where there is no potential for storm water contamination
 - Stack emissions that have a valid permit



References

- http://www.epa.ohio.gov/dsw/permits/IndustrialStormWater_draft_GP_oct10.aspx
- http://www.epa.ohio.gov/portals/35/permits/IndustrialStormWater_Draft_GP_oct10.pdf#page=156 (App. D)
- http://www.epa.ohio.gov/portals/35/permits/IndustrialStormWater_FS_oct10.pdf
- http://www.epa.ohio.gov/portals/35/permits/IndustrialStormWater_Draft_GP_oct10.pdf
- May 2010, “Summaries of US State Stormwater General Permitting Programs”, Fuss & O’Neill, Providence RI

