

OHIO E.P.A.

JUN - 1 2006

Page 1 of 36

NPDES Permit No.: OHR000004

Effective Date: June 1, 2006

Expiration Date: May 31, 2011

ENTERED DIRECTOR'S JOURNAL

**OHIO ENVIRONMENTAL PROTECTION AGENCY**



**GENERAL PERMIT AUTHORIZATION TO DISCHARGE  
STORM WATER ASSOCIATED  
WITH INDUSTRIAL ACTIVITY UNDER  
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), discharges of storm water from industrial facilities, as defined in Part I.B of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the sites and to the receiving surface waters of the state identified in the applicant's Notice of Intent (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through IX of this permit.

Permit coverage is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent, and receipt of written approval of coverage from the Director of Ohio EPA in accordance with Ohio Administrative Code Rule 3745-38-06.

This permit shall expire at midnight on the expiration date shown above. In order to continue authorization to discharge, the permittee shall submit such information and forms as are required by the Ohio EPA.

Joseph P. Knocelik  
Director

I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency

Amy Jackson June 1-06

## Part I. COVERAGE UNDER THIS PERMIT

- A. Permit Area.** This permit covers the entire state of Ohio.
- B. Applicability.** Storm water discharges associated with industrial activity from a point source to surface waters of the state are unlawful, unless authorized by an NPDES permit. Dischargers with a storm water discharge associated with industrial activity (see definition in Part IX of this permit) that is discharged via a point source (including discharges through a municipal separate storm sewer system) to surface waters of the state are required to submit a permit application in accordance with Ohio EPA regulations. Dischargers that are eligible for coverage under this permit and that submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit and obtain coverage under this general permit are in compliance with the NPDES application requirements for such storm water discharges.
- C. Eligibility.**
1. This permit may cover all new and existing point source discharges of storm water associated with industrial activity to surface waters of the state, except for storm water discharges identified under paragraph I.C.3.
  2. This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with industrial activity from construction activities provided that the storm water discharge from the construction activity is in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
  3. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:
    - a. storm water discharges associated with industrial activity that are mixed with non-storm water other than non-storm water discharges that are:
      - (i) in compliance with a different NPDES permit; or
      - (ii) identified and in compliance with Part II.A.2 of this permit.
    - b. storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline addressing storm water (or a combination of storm water and process water)<sup>1</sup>;

---

<sup>1</sup> For the purpose of this permit, the following effluent limitation guidelines address storm water (or a combination of storm water and process water): cement

- c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges and provided coverage is sought for these dischargers under this general permit;
  - d. discharges that would cause or contribute to in-stream exceedances of water quality standards: Ohio EPA may require additional actions or an application for an individual permit or alternative general permit if a permittee is determined to cause an in-stream exceedance of water quality standards,  
  
discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by USEPA unless your discharge is consistent with that TMDL. This eligibility condition applies at the time you submit your NOI. If a TMDL is approved after coverage is granted, you may retain coverage provided you comply with the applicable recommendations of the TMDL. For dischargers that cannot comply with TMDL recommendations under this permit, you will be instructed by Ohio EPA to apply for an individual or alternative general permit,
  - e. storm water discharges associated with landfills, petroleum bulk stations and terminals standard industrial classification (SIC) code 5171, mining and quarrying of non-metallic metals, except fuels (SIC 14xx), construction activity, marinas (SIC 4493); and discharges of coal pile runoff that have not been continuously authorized to discharge under an industrial storm water general permit as of February 10, 1996 (this continuing discharge and date criteria only applies to coal pile runoff), and
  - f. storm water dischargers that discharge to surface waters of the state that is one of the following surface water categories: Superior High Quality Waters, Outstanding State Waters, and Outstanding National Resource Waters that have not been continuously authorized to discharge under an industrial storm water general permit as of February 10, 1996.
4. Storm water discharges associated with industrial activity which are authorized by this permit may be combined with other sources of storm water which are not classified as

---

manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); and asphalt emulsion (40 CFR 443 Subpart A). This permit may authorize storm water discharges associated with industrial activity which are not subject to an effluent limitation guideline even where a different storm water discharge at the facility is subject to an effluent limitation guideline.

associated with industrial activity pursuant to 40 CFR 122.26(b)(14), so long as the resulting discharge is in compliance with this permit. This permit, however, does not authorize discharges from other sources of stormwater.

**D. Authorization.**

1. Dischargers of storm water associated with industrial activity must submit an NOI in accordance with the Ohio Administrative Code 3745-38 and the requirements of Part II of this permit, using an NOI form provided by the Director, in order to be authorized to discharge under this general permit.
2. After the NOI form is reviewed by the Ohio EPA, the permittee shall be notified in writing as to whether Ohio EPA has or has not granted coverage under this general permit. This permit authorizes discharges to surface waters of the state and not to conveyances owned by entities other than the applicant. No discharge is authorized under this permit until the Director has received an NOI form for the discharge and has issued a written authorization for the discharge under this permit.
3. The Director may require submittal of an application for an individual or alternative NPDES permit based on a review of the NOI or other information.

**PART II. NOTICE OF INTENT, TRANSFER, NOTICE OF TERMINATION REQUIREMENTS, AND NO EXPOSURE CERTIFICATION**

**A. Deadlines for Notification.**

1. Except as provided in paragraphs A.4, A.5 and A.6 of Part II, individuals who intend to obtain coverage under this industrial stormwater general permit for a storm water discharge associated with industrial activity that was in existence prior to April 1, 1993, should have initially submitted a Notice of Intent (NOI) in accordance with the requirements of this part on or before October 1, 1992 or for group applicants in accordance with written instructions provided by Ohio EPA.
2. Except as provided in paragraphs A.3, A.4, A.5 and A.6 of Part II, operators of facilities which begin discharging storm water associated with industrial activity after April 1, 1993, shall submit an NOI in accordance with the requirements of this part at least 180 days prior to the planned commencement of storm water discharge associated with industrial activity at the facility; an NOI may be submitted less than 180 days prior to commencement of discharge by the Director upon showing of good cause.
3. Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that were not required to submit an NPDES permit application as of October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but that after October 1, 1992 have a discharge of a reportable quantity of oil or a hazardous

substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, must submit an NOI in accordance with the requirements of paragraph C of Part II of this permit within 14 calendar days of the first knowledge of such release. Submission of an NOI does not authorize such operators to continue or repeat such a release unless and until they receive an approval of coverage authorizing future releases.

4. Storm water discharges associated with industrial activity from a facility that is owned or operated by a municipality that has participated in a timely Part 1 group application and where either the group application is disapproved or the facility is denied participation in the group application by U.S. EPA, and that are seeking coverage under this general permit shall submit an NOI in accordance with the requirements of this part on or before the 180th day following the date on which the group is rejected or the denial is made, or October 1, 1992, whichever is later.
5. Where the operator of a facility with a storm water discharge associated with industrial activity that is covered by this permit will change and the new operator wishes to have existing general permit coverage transferred, the new and current operators of the facility must complete and send to Ohio EPA a transfer of responsibility form in accordance with the requirements of this part at least 60 days prior to the change.
6. Nothing in this permit authorizes a discharge of storm water covered by this permit prior to receipt by the discharger of an approval of coverage from the Director.

- B. Contents of Notice of Intent.** The applicant shall complete and submit an approved NOI form provided by Ohio EPA.
- C. Where to Submit.** Facilities which discharge storm water associated with industrial activity must use an NOI form provided by the Director. NOIs must be signed in accordance with paragraph G of Part VII of this permit. NOIs are to be submitted to the Director at the following address:

**Ohio Environmental Protection Agency  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

- D. Additional Notification.** Facilities which discharge storm water associated with industrial activity directly to another entity's conveyance shall, in addition to filing copies of the Notice of Intent with Ohio EPA shall also submit signed copies of the Notice of Intent to the operator of the conveyance through which they discharge in accordance with the deadlines in Part II. A of this permit.
- E. Renotification.** Upon issuance of a renewal or alternate general permit, the permittee shall notify the Director of its intent to be covered by the renewal or alternate general permit in accordance with written instructions provided by Ohio EPA. Coverage under this permit (NPDES permit number OHR000004) shall terminate within 90 days of the date of Ohio EPA's written instructions to renotify.
- F. Notice of Termination (NOT).** Where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, the operator of the facility must submit an NOT form provided by Ohio EPA that is signed in accordance with paragraph G of Part VII of this permit.

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof), to the following address:

**Ohio Environmental Protection Agency  
Division of Surface Water  
General Permit Program-NOT  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

- G. Facilities Eligible for "No Exposure" Exemption for Storm Water Permitting.** By filing a certification of "No Exposure," facilities previously having industrial storm water general permit coverage are automatically removed from permit coverage and an NOT to terminate permit coverage is not required.

### **PART III. SPECIAL CONDITIONS**

#### **A. Prohibition on Non-Storm Water Discharges.**

1. Except as provided in paragraph A.2 of Part III, all discharges covered by this permit shall be composed entirely of storm water.
2. a. Except as provided in paragraph A.2.b of Part III of this permit, discharges of material other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
- b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph D.3.g of Part IV of this permit: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown that does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents, incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g.; "piped" cooling tower blowdown or drains) or compressor.

#### **B. Hazardous Substances**

Discharges of a hazardous substance or oil in excess of reporting quantities caused by a non-stormwater discharge (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. In the event of a spill, the requirements of Section 301 and 302 of the Clean Water Act continue to apply.

## **PART IV. STORM WATER POLLUTION PREVENTION PLANS**

A storm water pollution prevention plan (SWP3) shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the SWP3 shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

### **A. Deadlines for Plan Preparation and Compliance.**

1. Except as provided in paragraphs A.3, 4 and 5 of Part IV, a SWP3 for a storm water discharge associated with industrial activity that existed on or before October 1, 1992, or that commenced prior to April 1, 1993 (group applicants that had initial storm water general permit coverage under OHG000001 had different deadlines):
  - a. was to be prepared on or before April 1, 1993 (and updated as appropriate); and
  - b. was to provide for initial implementation and compliance with the terms of the plan on or before October 1, 1993.
2. The SWP3 for any storm water discharges associated with industrial activity that commences after April 1, 1993, shall be prepared and, except as provided elsewhere in this permit, shall provide for compliance with the terms of the SWP3 and this permit within 180 days of a timely-submitted NOI. The plan shall be updated as appropriate.
3. The SWP3 for storm water discharges associated with industrial activity from an oil and gas exploration, production, processing, or treatment operation or transmission facility that is not required to submit a permit application as of October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but after October 1, 1992 has a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, shall be prepared and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before the date 60 calendar days after the first knowledge of such release (and updated as appropriate);
4. The SWP3 for storm water discharges associated with industrial activity from any facility owned or operated by a municipality that has participated in a timely Part 1 group application and where either the group application is rejected or facility is denied participation in the group application by U.S. EPA, or a group applicant to whom Ohio EPA did not contact to apply for coverage under its industrial storm water general permit for group applicants (OHG000001):



- a. shall be prepared on or before the 365th day following the date on which the group is rejected or the denial is made, or by April 1, 1993, whichever was later (and updated as appropriate); or for group applicants Ohio EPA did not previously contact 365 days from the date coverage is granted for this general permit (OHR000004).
  - b. except as provided elsewhere in this permit, shall provide for compliance with the terms of the SWP3 and this permit on or before the 545th day following the date on which the group is rejected or the denial is made, or by October 1, 1993, whichever is later; or for group applicants Ohio EPA did not previously contact 545 days from the date coverage is granted under this general permit (OHR000004).
5. Upon a showing of good cause, the Director may establish a later date for preparing and compliance with a SWP3 for a storm water discharge associated with industrial activity that submits an NOI in accordance with paragraph A.5 of Part II of this permit (and updated as appropriate).

**B. Signature and Plan Review.**

1. The SWP3 shall be signed in accordance with paragraph G of Part VII of this permit and be retained on-site at the facility which generates the storm water discharge.
2. The permittee shall make SWP3 available upon request to the Ohio EPA Director, or authorized representative, or Regional Administrator of U.S. EPA, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system.
3. The Director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this part. Within 30 days of such notification from the Director, the permittee shall make the required changes to the SWP3 and shall submit to the Director a written certification that the requested changes have been made.
4. All storm water pollution prevention plans (SWP3s) required under this permit are considered reports that shall be available to the public under Section 308(b) of the Act. The permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2 and does not have to release any portion of the plan describing facility security measures (such as provided for in paragraph D.7.b(8) of Part IV of this permit). An interested party wishing a copy of a discharger's SWP3 will have to contact Ohio EPA to obtain a copy.

**C. Keeping Plans Current.**

The permittee shall amend the SWP3 whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of

pollutants to the surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 of Part IV of this permit, or otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by Ohio EPA in the same manner as paragraph B, above, of Part IV of this permit.

**D. Contents of SWP3.** The SWP3 shall include, at a minimum, the following items:

1. Pollution Prevention Team - Each SWP3 shall identify a specific individual or individuals within the facility organization as members of a Storm Water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
2. Description of Potential Pollutant Sources. Each SWP3 shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each SWP3 shall identify all activities and significant materials that may potentially be significant pollutant sources. Each SWP3 shall include, at a minimum:
  - a. Drainage.
    1. A site map indicating an outline of the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under paragraph D.2.c of Part IV of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
    2. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Flows with a significant potential for causing erosion shall be identified.
  - b. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall

include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

- c. Spills and Leaks. You must identify where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s). You must document in your SWP3 all significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance in the 3 years prior to the date you prepare or amend your SWP3.

Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- d. Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility.
  - e. Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concerns shall be identified.
3. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a SWP3 shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

- a. Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.
- b. Preventive Maintenance - A preventive maintenance program shall involve inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- c. Spill Prevention and Response Procedures - Describe your procedures for preventing and responding to spills and leaks.
  - Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
  - Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individual should be a member of your Pollution Prevention Team.
  - Include in your SWP3, and in other locations where it will be readily available, contact information for individuals and agencies that must be notified in the event of a spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, or occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the discharge. Ohio or local requirements may necessitate reporting spills or discharges to local emergency, public health or drinking water supply agencies.
- d. Inspections - In addition to or as part of the comprehensive site evaluation required under paragraph 4 of Part IV of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the SWP3. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

- e. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The SWP3 shall identify periodic dates for such training.
- f. Record-keeping and Internal Reporting Procedures - A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the SWP3 required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWP3.
- g. Non-Storm Water Discharges
  - 1. The SWP3 shall include a certification that the discharge has been tested or evaluated (does not necessarily require discharge sampling) for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWP3 shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify in accordance with paragraph A of Part VI of this permit.
  - 2. Except for flows from fire fighting activities, sources of non-storm water listed in paragraph A.2 of Part III of this permit that are combined with storm water discharges associated with industrial activity must be identified in the SWP3. The SWP3 shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. As long as the permittee complies with this paragraph (IV. D. 3. g) then this permit authorizes the discharge of the non-storm water discharges listed in III. A. 2. For building and pavement wash down water the permittee shall consider reasonable measures, such as geotextiles, settling basins, or sand filters to remove suspended solids. The measure or measures selected

for implementation shall be described in the SWP3 specifically. Wash waters shall not be discharged to waters of the State under this permit if detergents or other chemical cleaning agents are used.

- h. Sediment and Erosion Control - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
  - i. Management of Runoff - The SWP3 shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The SWP3 shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see paragraphs D.2(b), (d) and (e) of Part IV of this permit) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: including vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
4. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWP3, but, except as provided in paragraph D.4.d of Part IV of this permit, in no case less than once a year. Such evaluations shall provide:
- a. Material handling areas and other potential sources of pollution identified in the SWP3 in accordance with paragraph D.2 in Part IV of this permit shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures identified in the SWP3 shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
  - b. Based on the results of the inspection, the description of potential pollutant sources identified in the SWP3 in accordance with paragraph D.2 of Part IV of this permit and pollution prevention measures and controls identified in the plan in accordance with paragraph D.3 of Part IV of this permit shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the SWP3 in a timely manner, but in no case more than twelve weeks after the inspection.

- c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph D.4.b of Part IV of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with paragraph G of Part VII of this permit.
  - d. Where annual site inspections are shown in the SWP3 to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the SWP3, but in no case less than once in three years. At least one site inspection required under this part shall be conducted within two years after such site becomes inactive.
5. Additional requirements for storm water discharges associated with industrial activity through NPDES permitted municipal separate storm sewer systems. In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions.
6. Consistency with other plans. Storm water pollution prevention plans (SWP3s) may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under section 311 of the Act or Best Management Practices (BMP) Programs otherwise required by a NPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan. SWP3's may be integrated with other facility plans as long as the intergrated plan identifies which sections are intended to comply with SWP3 requirements of this permit.
7. Additional requirements for storm water discharges associated with industrial activity from facilities subject to SARA Title III, Section 313 requirements. The additional requirements below are not applicable to Section 313 water priority chemicals in gaseous or non-soluble liquid or solid [at atmospheric pressure and temperature] forms. In addition to the requirements of paragraphs D.1 through 4 of Part IV of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as "Section 313 water priority chemicals" in accordance with the definition in Part IX of this permit, shall describe and ensure the implementation of practices to provide for conformance with the following guidelines:
  - a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary

structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

1. Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
  2. Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind blowing.
- b. In addition to the minimum standards listed under paragraph D.7.a of Part IV of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:
1. Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.
    - a. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
    - b. Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
  2. Material storage areas for Section 313 water priority chemicals, other than liquids, which chemicals are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
  3. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans where spillage may occur (such as hose



connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

4. In facility areas where Section 313 water priority chemicals are transferred, processed or otherwise handled processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall be designed as described in paragraphs IV. D. 7.b. 5a., b. and c. of this section. Additional protection such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
5. Discharges from areas covered by paragraphs IV. D. 7.b. 1. 2. 3., or 4.
  - a. Drainage from areas covered by paragraphs IV. D.7.b. 1.2.3., or 4. of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
  - b. Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.
  - c. If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
  - d. Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
6. Facility site runoff other than from areas covered by IV. D. 7.b.1., 2, 3, or 4. Other areas of the facility (those not addressed in paragraphs IV. D.7.b. 1., 2, 3, or 4), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to

prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

7. Preventive maintenance and housekeeping. All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage area shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or non-containment. Inspection intervals shall be specified in the SWP3 and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or non-containment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the SWP3.
  8. Facility security. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
  9. Training. Facility employees and contractor personnel using the facility shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the SWP3, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The SWP3 shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
8. Additional Requirements for Salt Storage. Storage piles of salt used for de-icing or other commercial or industrial purposes and which generate a storm water discharge

associated with industrial activity which is discharged to surface waters of the state shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the state.

**PART V. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**A. Coal Pile Runoff Effluent Limitations.** Any discharge of coal pile runoff to waters of the state in existence and covered under the general permit for storm water associated with industrial activity as of February 18, 1996 is eligible for coverage under this general permit as long as the permittee complied with the following effluent limitations as expeditiously as practicably, but no later than October 26, 1995, or if such discharge first commenced after October 26, 1995 then upon commencement of discharge. Coal pile runoff shall not be diluted with storm water or other flow in order to meet these limitations.

<u>Units</u>	<u>Parameter</u>	<u>Daily Minimum</u>	<u>Daily Maximum</u>
mg/l	Total Suspended Solids	---	50
S.U.	pH	6.0	9.0

Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24-hour rainfall event shall not be subject to the limitation for total suspended solids. It is the permittee's responsibility to demonstrate to the Ohio EPA that a 10 year, 24-hour rainfall event has occurred and the volume of the overflow to which the Total Suspended Solids effluent limitation does not apply.

**B. Monitoring Requirements.** Only the activities described in the following matrix and associated definitions are required to conduct monitoring. The monitoring required in the following matrix shall be conducted annually. Monitoring shall be initiated within twelve months of the date that the Director approves the entity for coverage under this general permit and annually thereafter, weather conditions permitting. A permittee may, in lieu of annual monitoring, certify that industrial materials are not exposed to storm water; such certification shall be submitted to the Ohio EPA upon request of the Director. See paragraph B.2.a of Part V of this permit regarding Section 313 water priority chemicals and associated areas regarding monitoring.

1. Monitoring Requirements Matrix: The permittee at the following types of facilities listed in subparagraph V.B. 2.a. through I of this permit shall monitor for the parameters with an "x" in the following chart.

Reporting Units	Parameter	INDUSTRIAL ACTIVITY CATEGORIES (subparagraph of V. B. 2.)											
		a	b <sup>1</sup>	c	d	e	f	g	h	i <sup>2</sup>	j	k	l <sup>1</sup>
mg/l	Oil and Grease		X	X	X	X	X	X	X	X	X	X	X
mg/l	5-day Biochemical Oxygen Demand		X							X		X	
mg/l	Chemical Oxygen Demand		X	X	X	X	X		X	X			X
mg/l	Total Suspended Solids		X		X	X	X	X	X	X	X	X	X
mg/l	Total Kjeldahl Nitrogen			X								X	
mg/l	Phosphorus											X	
S.U.	pH		X	X	X	X	X	X	X	X	X	X	X
TU <sub>a</sub>	Acute Toxicity												
Hours	Duration of Storm Event		X	X	X	X	X	X	X	X	X	X	X
Inches	Precipitation		X	X	X	X	X	X	X	X	X	X	X
Hours	Duration Between Storm Events*		X	X	X	X	X	X	X	X	X	X	X
Gallons	Volume (est)		X	X	X	X	X	X	X	X	X	X	X
µg/l	Lead, Total		X	X					X				
µg/l	Cadmium, Total		X <sup>3</sup>	X									
µg/l	Copper, Total		X <sup>3</sup>				X	X	X		X		
µg/l	Arsenic, Total		X <sup>3</sup>	X			X						
µg/l	Chromium, Total		X <sup>3</sup>	X			X						
mg/l	Ammonia												
µg/l	Magnesium, Total			X									
µg/l	Magnesium, Diss.			X									
mg/l	Total Dissolved Solids			X									
mg/l	Total Organic Carbon			X									
µg/l	Barium, Total			X									
mg/l	Cyanide, Total			X									
µg/l	Mercury, Total			X									
µg/l	Selenium, Total			X									
µg/l	Silver, Total			X									
µg/l	Pentachlorophenol				X								
µg/l	Nickel, Total							X			X		
µg/l	Zinc, Total							X			X		
#/100ml	Fecal Coliform											X	

\*Time between the storm event when sampling is being conducted and the last storm event producing rainfall greater than 0.1 inches.

- 1 and any pollutant limited in an effluent guideline or categorical pretreatment standard which the facility is subject. Facilities with SIC codes 3351 - 3357 are only required to monitor the metals copper and zinc in lieu of the other metals indicated in the matrix.
- 2 and the primary ingredient used in the deicing materials used at the site (e.g., ethylene glycol, urea, etc.).

- <sup>3</sup> facilities that are classified as SIC 33 only because they manufacture pure silicon and/or semiconductor grade silicon are not required to monitor for this parameter.

## 2. Industrial Activity Categories Definitions

- a. Section 313 of SARA Title III Facilities. As of the effective date of permit OHR000003 (August 1, 2000), facilities with storm water discharges associated with industrial activity that are subject to requirements to report releases into the environment under Section 313 of SARA Title III for chemicals that are classified as 'Section 313 water priority chemicals' are no longer required to perform monitoring unless required by paragraphs B.2.b through B.2.i. of Part V of this permit.
- b. Primary Metal Industries. Facilities with storm water discharges associated with industrial activity classified as Standard Industrial Classification (SIC) 33 (Primary Metal Industry) are required to monitor such storm water that is discharged from the facility.
- c. Land Disposal Units/Incinerators/BIFs. Facilities with storm water discharges associated with industrial activity from any active or inactive land application sites that has received any industrial wastes from a facility with a Standard Industrial Classification (SIC) of between 20-39 (manufacturing); and incinerators (including Boilers and Industrial Furnaces (BIFs)) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA, are required to monitor such storm water that is discharged from the facility (see land application unit in Part IX. DEFINITIONS).
- d. Wood Treatment Using Chlorophenolic Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.
- e. Wood Treatment Using Creosote Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.
- f. Wood Treatment Using Chromium-Arsenic Formulations. Facilities with storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities are required to monitor such storm water that is discharged from the facility.

- g. Coal Pile Runoff. Facilities with storm water discharges associated with industrial activity from coal pile runoff are required to monitor such storm water that is discharged from the facility.
- h. Battery Reclaimers. Facilities with storm water discharges associated with industrial activity from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation (including material handling activities) at facilities that reclaim lead acid batteries are required to monitor such storm water that is discharged from the facility.
- i. Airports. At airports with over 50,000 flight operations per year, facilities with storm water discharges associated with industrial activity from areas where aircraft or airport deicing operations occur (including runways, taxiways, ramps, and dedicated aircraft deicing stations) are required to monitor such storm water that is discharged from the facility.
- j. Coal-fired Steam Electric Facilities. Facilities with storm water discharges associated with industrial activity from coal handling sites at coal fired steam electric power generating facilities (other than discharges in whole or in part from coal piles subject to storm water effluent guidelines at 40 CFR 423 - which are not eligible for coverage under this permit) are required to monitor such storm water that is discharged from the facility.
- k. Animal Handling / Meat Packing. Facilities with storm water discharges associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils, are required to monitor such storm water that is discharged from the facility.
- l. Additional Facilities. Facilities with storm water discharges associated with industrial activity that:
  - 1. come in contact with storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as SIC 30 (Rubber and Miscellaneous Plastics Products) or SIC 28 (Chemicals and Allied Products);
  - 2. are from those areas at automobile junkyards with any of the following: (A) over 250 auto/truck bodies with drivelines (engine, transmission, axles, and wheels), 250 drivelines, or any combination thereof (in whole or in parts) are exposed to storm water; (B) over 500 auto/truck units (bodies with or without drive lines in whole or in parts) are stored and exposed to storm water; or (C) over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water;

3. come in contact with lime storage piles that are exposed to storm water at lime manufacturing facilities;
4. are from oil handling sites at oil fired steam electric power generating facilities;
5. are from cement manufacturing facilities and cement kilns (other than discharges in whole or in part from material storage piles subject to storm water effluent guidelines at 40 CFR 411 - which are not eligible for coverage under this permit);
6. are from ready-mixed concrete facilities; or
7. are from ship building and repairing facilities;

are required to monitor such storm water discharged from the facility.

3. **When and How to Sample.** Take a minimum of one grab sample from the discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation (defined as "measurable" event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local events during the sampling period. Take the grab sample during the first 30 minutes of the discharge. If it is not practicable to take the sampling during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable.
4. **Sampling Waiver.** When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must prepare, in lieu of sampling data, a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
5. **Representative Discharge.** When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one such outfalls and report that the quantitative data also applies to the substantially identical outfalls. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area

(e.g., low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

- C. **Toxicity Testing.** As of the effective date of permit OHR000003, acute toxicity testing was no longer required.
  
- D. **Alternative Certification of “Not Present or No Exposure.”** A permittee is not subject to the analytical monitoring requirement of this part for a given outfall or pollutant provided the permittee certifies that: for a given outfall or certifies on a pollutant-by-pollutant basis material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity, any of which are located in areas of the facility within the drainage area of the outfall, are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. The certification must be signed in accordance with Part VII.G and retained in the SWP3. If the permittee cannot certify for an entire period, the permittee must note the date exposure was eliminated and perform any monitoring required up until that date.



## **PART VI. REPORTING REQUIREMENTS**

- A. Failure to Certify.** Any facility that is unable to make the certification required under paragraph D.3.g(1) (testing for non-storm water discharges) of Part IV of this permit, must note in its storm water pollution prevention plan its inability to make the certification by April 1, 1993 or, for facilities which begin to discharge storm water associated with industrial activity after October 1, 1992, within 180 days after submitting an NOI to be covered by this permit. Such notation shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible.
- B. Reporting: Where to Submit.**
1. Permittees shall submit all monitoring data upon request of the Director or Regional Administrator.
  2. Signed copies of individual permit applications and all other reports required herein, shall be submitted to the Director of the Ohio EPA at the addresses previously given in this permit for NOTs (see Part II. F).
  3. Additional Notification. Facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) in addition to submitting monitoring data in accordance with paragraph B of Part VI of this permit, must submit signed copies to the operator of the municipal separate storm sewer system at the same time they are submitted to the Ohio EPA.
- C. Retention of Records.**
1. The permittee shall retain the pollution prevention plan developed in accordance with Part IV of this permit for the life of the permit. The permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least six years from the date of the measurement, report, or application. This period may be explicitly modified by alternative provisions of this permit (see paragraph C.2 of Part VI of this permit) or extended by request of the Director at any time.
  2. For discharges subject to sampling requirements pursuant to paragraph B of Part V of this permit, in addition to the requirements of paragraph C.1 of Part VI of this permit, permittees are required to retain for a six year period from the date of sample collection or for the term of this permit, which ever is greater, records of all monitoring information collected during the term of this permit. Permittees must submit such monitoring results to the Director upon the request of the Director.

## **PART VII. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply.**

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and Ohio Administrative Code rule 3745-38 and is grounds for enforcement action; for permit coverage termination, revocation and reissuance, or modification; or for denial of coverage under a renewal of this general permit.
2. Penalties for Violations of Permit Conditions.
  - a. Criminal
    1. Ohio Revised Code Section 6111.99 provides that any person who violates permit terms or conditions is subject to a fine and/or imprisonment.
    2. Falsification. Ohio Revised Code Chapter 6111 provides that any person who knowingly submits false information or records pertaining to discharges required as a condition of a permit is subject to a fine and/or imprisonment.
  - b. Civil Penalties - Ohio Revised Code Chapter 6111 provides that any person who violates permit terms or conditions is subject to a civil penalty for each day of violation.

**B. Continuation of the Expired General Permit.** An expired general permit continues in force and effect until a new general permit is issued.

**C. Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. Duty to Provide Information.** The permittee shall furnish to the Director, within a reasonable time, any information that the Director may request to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

**F. Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other

report to the Director, he or she shall promptly submit such omitted facts and correct information.

**G. Signatory Requirements.** All Notices of Intent, Notices of Termination, storm water pollution prevention plans, reports, certifications or information that are submitted to the Director, that are submitted to the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed.

1. All Notices of Intent shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- c. Changes to authorization. If an authorization under paragraph G.2 of Part VII of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G.2 of Part VII of this permit must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing documents under this section shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

- H. Penalties for Falsification of Monitoring Systems.** Ohio Revised Code Chapter 6111 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment.
- I. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- J. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- L. Transfers.** This permit is not transferable to any person except as described in Part II of this permit. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in paragraph M of Part VII of this permit.
- M. Requiring an Individual Permit or an Alternative General Permit.**

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address of the appropriate Ohio EPA district office. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA district office. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

**N. Environmental Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**O. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**P. Monitoring and Records.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for at least 6 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records Contents. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

**Q. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of Ohio EPA or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

**R. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**S. Upset.** The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part IX, Definitions, of this permit.

## **PART VIII. REOPENER CLAUSE**

- A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted according to Ohio Administrative Code 3745-38-06.

## **PART IX. DEFINITIONS**

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4 33 U.S.C. 1251 et. seq.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Coal pile runoff" means the rainfall runoff from or through any coal storage pile.

"Director" means the director of Ohio EPA or an authorized representative.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:



- (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

"NOI" means notice of intent to be covered by this permit (see Attachment I of this permit).

"NOT" means notice of termination (see Attachment I of this permit).

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Section 313 water priority chemical" means a chemical or chemical categories which are: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the Act at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"U.S. EPA Definition of Storm Water Associated with Industrial Activity" (not every activity in this definition is eligible for coverage under this permit; see Part 1.C. for eligibility criteria) means 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. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, "raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water". For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, 373;

- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity - including clearing, grading and excavation activities except: operations that result in disturbance of less than five acres of total land area which is not part of a larger common plan of development or sale; and

- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)-(x)).

"SWP3" means storm water pollution prevention plan to be completed as a condition of this permit (see Part IV of this permit).

"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

"Waste treatment systems," including treatment ponds or lagoons designed to meet the requirements of the CWA are not surface waters of the state.

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40," May 1961 and "NOAA Atlas 2," 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Surface waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.