

• EUGENE F. GIANNASIS
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IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO, *EX REL.*
MICHAEL DeWINE
OHIO ATTORNEY GENERAL
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215

Plaintiff,

v.

ROVER PIPELINE, LLC
c/o Corporation Service Company
Statutory Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

PRETEC DIRECTIONAL DRILLING, LLC
c/o Corporation Service Company
Statutory Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

LANEY DIRECTIONAL DRILLING CO.
c/o CT Corporation System
Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

CASE NO. 2017CV02216

JUDGE KRISTIN G. FARMER

THIRD AMENDED
COMPLAINT FOR
INJUNCTIVE RELIEF
AND CIVIL PENALTIES

and

ATLAS TRENCHLESS, LLC
c/o Corporation Service Company
Statutory Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

MEARS GROUP, INC.
doing business as or through its HDD Division
c/o Corporation Service Company
Statutory Agent
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

B & T DIRECTIONAL DRILLING, INC.
(formerly Tommy J. Steele (B & T Directional
Drilling, LLC))
c/o CT Corporation System
Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

Defendants.

I. NATURE OF THE ACTION

During construction of an interstate, natural-gas pipeline, Defendants Rover, Pretec, Laney, Atlas, Mears, and B & T (collectively "Defendants") illegally discharged millions of gallons of drilling fluids to Ohio's waters, causing pollution and degrading water quality on numerous occasions and in various counties across the state. Additionally, the activities of Defendants Rover and Pretec harmed pristine wetlands in Stark County that require the highest level of protection. Finally, Defendant Rover caused the degradation of Ohio's waters by

discharging pollution in the form of sediment-laden stormwater to Ohio's waters on multiple occasions.

Defendants failed to secure any water pollution permits designed to control these discharges. Defendant Rover has a permit to address unrelated water pollution, but the company violated that permit as well. Whether their actions (and failures to act) stem from a series of calculated business decisions or complete indifference to Ohio's regulatory efforts, Defendants have endangered the environment in more than ten counties (including Stark) and violated state laws, rules, and permits designed to protect the quality of Ohio's waters.

Plaintiff, State of Ohio, by and through the Attorney General Michael DeWine, and at the written request of the Director of the Ohio Environmental Protection Agency on September 20, 2017, hereby timely amends its Second Amended Complaint, filed April 17, 2018, under Civ. R. 15(A). Through its Third Amended Complaint (referred to throughout as "this Complaint"), the State of Ohio seeks to enforce R.C. Chapter 6111 and the rules and permits adopted thereunder against Defendants, for injunctive relief and the assessment of civil penalties. Specifically, the State of Ohio alleges as follows:

II. GENERAL ALLEGATIONS

A. Defendants

1. Defendant Rover Pipeline, LLC ("Rover"), located at 3738 Oak Lawn Avenue, Dallas, Texas 75219, is a limited liability company organized under the laws of the State of Delaware and registered with the Ohio Secretary of State as a foreign limited liability company since July 10, 2014.

2. Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215 is the statutory agent for Rover.

3. Rover is a "person," as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

4. At all times and locations relevant to this Complaint, Defendant Rover is the owner or operator of drilling operations for the construction of a 713-mile, interstate pipeline crossing 18 counties in Ohio including Stark County. Rover has control, authority, direction, and responsibility over underground horizontal-directional-drilling for the construction of the pipeline repeatedly referenced throughout this Complaint. Through this control, authority, direction, and responsibility over the construction of the pipeline and/or through its activities, Rover caused, participated in, controlled, authorized, directed, and/or acted, or failed to act, in violation of R.C. Chapter 6111, the rules adopted, and the permits issued thereunder as alleged in this Complaint.

5. Defendant Prettec Directional Drilling, LLC ("Prettec"), located at 800 S. Douglas Rd., #1200, Coral Gables, Florida 33134 and/or 3314 56th Street, Eau Claire, WI 54703, is a limited liability company organized under the laws of the State of Florida and registered with the Ohio Secretary of State as a foreign limited liability company since March 30, 2017.

6. Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215 is the statutory agent for Prettec.

7. Prettec is a "person," as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

8. At all times and locations relevant to Defendant Prettec's actions or omissions alleged in this Complaint, Defendant Prettec conducted and continues to conduct underground horizontal-directional-drilling activities for the construction of the pipeline repeatedly referenced throughout this Complaint. Through these activities, Prettec caused, participated in, controlled,

and/or acted, or failed to act, in violation of R.C. Chapter 6111 and the rules adopted thereunder as alleged in this Complaint.

9. Defendant Laney Directional Drilling Co. ("Laney"), located at 2031 Humble Place Drive, Humble, Texas 77338 and/or 831 Crossbridge Drive, Spring, Texas 77373, is a corporation organized under the laws of the State of Texas and registered with the Ohio Secretary of State as a foreign corporation since May 3, 2011.

10. CT Corporation System, 4400 Easton Commons Way, Suite 125, Columbus, Ohio 43219 is the statutory agent for Laney.

11. Laney is a "person," as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

12. At all times and locations relevant to Defendant Laney's actions or omissions alleged in this Complaint, Defendant Laney conducted and continues to conduct underground horizontal-directional-drilling activities for the construction of the pipeline repeatedly referenced throughout this Complaint. Through these activities, Laney caused, participated in, controlled, and/or acted, or failed to act, in violation of R.C. Chapter 6111 and the rules adopted thereunder as alleged in this Complaint.

13. Defendant Atlas Trenchless, LLC ("Atlas"), upon information and belief, located at 1351 Broadway Street W., Rockville, Minnesota 56369 and/or P.O. Box 488, Rockville, Minnesota 56369, is a limited liability company organized under the laws of the State of Minnesota and registered with the Ohio Secretary of State as a foreign limited liability company since March 10, 2017.

14. Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215 is the statutory agent for Atlas.

15. Atlas is a "person," as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

16. At all times and locations relevant to Defendant Atlas's actions or omissions alleged in this Complaint, Defendant Atlas conducted and continues to conduct underground horizontal-directional-drilling activities for the construction of the pipeline repeatedly referenced throughout this Complaint. Through these activities, Atlas caused, participated in, controlled, and/or acted, or failed to act, in violation of R.C. Chapter 6111 and the rules adopted thereunder as alleged in this Complaint.

17. Defendant Mears Group, Inc. ("Mears"), located at 5051 Westheimer Rd., Suite 1650, Houston, Texas 77056 and/or 2800 Post Oak Blvd., Suite 2600, Houston, Texas 77056 and/or 4500 N. Mission Road, Rosebush, Michigan 48878, is a corporation organized under the laws of the State of Delaware and registered with the Ohio Secretary of State as a foreign corporation since July 2, 2009.

18. Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215 is the statutory agent for Mears.

19. Mears is a "person," as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

20. At all times and locations relevant to Defendant Mears's actions or omissions alleged in this Complaint, and upon information and belief, also doing business as or through its Horizontal Directional Drilling ("HDD") Division, Defendant Mears conducted and continues to conduct underground horizontal-directional-drilling activities for the construction of the pipeline repeatedly referenced throughout this Complaint. Through these activities, Mears caused,

participated in, controlled, and/or acted, or failed to act, in violation of R.C. Chapter 6111 and the rules adopted thereunder as alleged in this Complaint.

21. Defendant B & T Directional Drilling, Inc., located at 4581 N FM 2869, Winnsboro, Texas 75494, is a corporation organized under the laws of the State of Texas and registered with the Ohio Secretary of State as a foreign corporation under this name or Defendant Tommy J. Steele (B & T Directional Drilling, LLC) since November 30, 2017 (collectively "B & T").

22. After filing the Second Amended Complaint, the State discovered facts supporting Defendant B & T as the proper party for the allegations set forth herein against Defendant B & T.

23. CT Corporation System, 4400 Easton Commons Way Suite 125, Columbus, Ohio 43219 is the statutory agent for B & T.

24. B & T is a person as defined by R.C. 1.59, R.C. 6111.01, Ohio Adm.Code 3745-32-01, Ohio Adm.Code 3745-33-01, and Ohio Adm.Code 3745-38-01.

25. At all times and locations relevant to Defendant B & T's actions or omissions alleged in this Complaint, Defendant B & T conducted and continues to conduct underground horizontal-directional-drilling activities for the construction of the pipeline repeatedly referenced throughout this Complaint. Through these activities, B & T caused, participated in, controlled, and/or acted, or failed to act, in violation of R.C. Chapter 6111 and the rules adopted thereunder as alleged in this Complaint.

B. Jurisdiction and Venue

26. This Court has jurisdiction over the subject matter of this action, personal jurisdiction over Defendants, and authority to grant the relief requested pursuant to R.C. 2307.382, R.C. 6111.07, and R.C. 6111.09.

27. At all times and locations, Defendants have purposefully availed themselves of this forum. The activities (or failures to act) and/or control, authority, direction, and responsibility over the activities (or failures to act) caused all environmental violations alleged in this Complaint in Ohio including Stark County. Defendants have transacted business and/or contracted to supply services or goods in Ohio, and in Stark County specifically, or have an interest in, use, and/or possess real property in Ohio and in Stark County.

28. As the allegations in this Complaint reveal, the exercise of specific jurisdiction over each Defendant is proper and consistent with due process.

29. Venue lies in the Stark County Court of Common Pleas pursuant to Civ.R. 3(B) and Civ.R. 3(E).

30. Pursuant to Civ.R. 8(A), the State informs the Court that the amount sought is in excess of twenty-five thousand dollars (\$25,000.00).

C. Cooperative Federalism: the Relationship between Relevant Federal and State Law

31. Federal law—specifically, the Natural Gas Act—regulates “the transportation of natural gas in interstate commerce.” 15 U.S.C. § 717(b).

32. The Natural Gas Act yields to any state right reserved under the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.*, also known as the Clean Water Act. 15 U.S.C. § 717b(d).

33. Enacted in 1972, Congress intended the Clean Water Act to “restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a).

34. The Clean Water Act expresses the national goal of eliminating the discharge of pollutants into navigable waters by 1985. 33 U.S.C. § 1251(a)(1). Section 101(a)(2) of the Clean Water Act further establishes “that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983.” 33 U.S.C. § 1251(a)(2).

35. To achieve these goals, Section 301 of the Clean Water Act prohibits “the discharge of pollutants by any person,” except as permitted under certain sections of the Clean Water Act. 33 U.S.C. § 1311(a).

Clean Water Act – Rights Reserved for the States

36. The Clean Water Act recognizes that “[i]t is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources * * *.” 33 U.S.C. § 1251(b).

37. Congress also granted authority to the states by ensuring that “nothing * * * shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution * * *.” 33 U.S.C. § 1370. Further, Congress made clear that the Clean Water Act shall not “be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.” 33 U.S.C. § 1370.

38. Consistent with its delegated authority under federal law, Ohio has enacted laws and adopted rules prohibiting actions and mandating requirements in order to protect water quality. The pertinent laws and rules to this action are set forth in greater detail below.

Ohio's Prohibition against Polluting Waters of the State

39. Revised Code 6111.04(A) prohibits any person from causing pollution or placing or causing to be placed "any sewage, sludge, sludge materials, industrial waste[s] or other wastes in a location where they cause pollution of any waters of the state" unless that person holds a valid, unexpired permit to do so. Such an action constitutes "a public nuisance," under R.C. 6111.04(A)(2).

40. "Pollution," as defined in R.C. 6111.01(A), includes, but is not limited to, the placing of "industrial waste" or "other wastes" in any "waters of the State."

41. "Industrial waste," as defined in R.C. 6111.01(C), "means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present."

42. "Other wastes," as defined in R.C. 6111.01(D), includes but is not limited to "dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste."

43. "Waters of the state," as defined in R.C. 6111.01(H), means "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial * * * that are situated * * * within * * * this state * * *."

Ohio's NPDES Permitting Program for Point Source Discharges

44. Ohio administers a federally-delegated, National Pollutant Discharge Elimination System ("NPDES") permit for point source discharges of any pollutant to waters of the state. *See, e.g.* 33 U.S.C. § 1342(b).

45. Ohio Adm.Code 3745-33-02(A), adopted under R.C. 6111.03, states that "[n]o person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements of [Ohio Adm.Code Chapter 3745-33]."

46. Ohio Adm.Code 3745-33-01 defines "discharge of a pollutant or pollutants" as "any addition of any pollutant to waters of the state from a point source."

47. Ohio Adm.Code 3745-33-01 defines "pollutant" as "sewage, industrial waste or other waste as defined by" R.C. 6111.01(B) to (D).

48. Ohio Adm.Code 3745-33-01 defines "point source" as "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, or vessel or other floating craft, from which pollutants are or may be discharged."

49. Upon information and belief, Defendants use drilling fluids—mixtures of water and bentonite—for its drilling operations. These drilling fluids ordinarily assist in the lubrication and encasement of the pipeline underground, but when discharged to waters of the state, are "industrial wastes" or "other wastes" under R.C. 6111.01 and also "pollutant[s]" under Ohio Adm.Code 3745-33-01.

50. At all times and locations relevant to this Complaint, Defendants, through their control, authority, direction, and responsibility over their drilling operations, used equipment and

created underground bores or channels for its pipeline, all of which are point sources as defined in Ohio Adm.Code 3745-33-01.

***Ohio's General NPDES Permits for
Storm Water Associated with Construction and Industrial Activities***

51. Ohio Administrative Code 3745-38-02(A)(1) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without applying for and obtaining an Ohio NPDES individual permit or obtaining authorization to discharge under an Ohio NPDES general permit.

52. "Discharge of any pollutant or pollutants" and "point source," as defined in Ohio Adm.Code 3745-38-01, share the same definitions in Ohio Adm.Code 3745-33-01 above.

53. Ohio Adm.Code 3745-38-02(B)(2)(a) authorizes the Director to "issue a general NPDES permit * * * for storm water point sources."

54. On April 11, 2013, pursuant to his authority in Ohio Adm.Code 3745-38-02(B)(2)(a), the Director issued a General NPDES Permit for Storm Water Discharges Associated with Construction Activities, Permit No. OHC000004 ("Construction Storm Water Permit"). The Construction Storm Water Permit is appended at **Attachment 1** and hereby incorporated by reference as if fully rewritten herein.

55. The Construction Storm Water Permit regulates storm water discharges associated with construction activities that enter waters of the State. See Attachment 1 p. 3.

56. "Construction activity" is defined in the Construction Storm Water Permit as "any clearing, grading, excavating, grubbing and/or filling activities that disturb" either "one or more acres of total land, or will disturb less than one acre of land but are part of a larger common plan of development * * * that will ultimately disturb one or more acres of land." Attachment 1, Part I, B.1, p. 3.

57. “Large construction activities” is defined by the Construction Storm Water Permit as involving the disturbance of five or more acres of land or will disturb less than five acres, but is a part of a larger common plan of development or sale which will disturb five or more acres of land. Attachment 1, Part III.G.2.e, p. 19.

58. Upon information and belief, in constructing its natural gas pipeline, Defendant Rover has cleared, graded, excavated, grubbed and/or filled at least 5 acres of total land. Defendant Rover is thus engaged in “construction activities” and “large construction activities” as defined in the Construction Storm Water Permit, Attachment 1, Part I, B.1, p. 3 and Part III.G.2.e, p. 19.

59. On May 8, 2017, pursuant to his authority in Ohio Adm.Code 3745-38-02(B)(2)(a), the Director issued a General NPDES Permit for Storm Water Discharges Associated with Industrial Activities, Permit No. OHR000006 (“Industrial Storm Water Permit”). The Industrial General Permit is appended at **Attachment 2** and hereby incorporated by reference as if fully rewritten herein.

60. The Industrial Storm Water Permit regulates storm water discharges associated with industrial activities that enter waters of the State. *See* Attachment 2 p. 1.

61. “Storm water discharge associated with industrial activity,” in pertinent part, includes storm water discharges from “construction activity including clearing, grading and excavation” involving the disturbance of five or more acres of land or that will disturb less than five acres, but is a part of a larger common plan of development or sale which will disturb five or more acres of land. Ohio Adm.Code 3745-39-04(B)(14)(j).

62. Upon information and belief, in constructing its natural gas pipeline, Defendant Rover has cleared, graded, excavated, grubbed and/or filled at least 5 acres of total land.

Defendant Rover is thus considered to be engaged in industrial activity in accordance with Ohio Adm.Code 3745-39-04(B)(14)(j).

Limited Exemption from Storm Water Permitting for Oil and Gas Facilities

63. Federal regulations generally exempt oil and gas exploration, production, processing, or treatment operations or transmission facilities from obtaining a storm water permit for their activities. *See* 40 C.F.R. 122.26(c)(1)(iii).

64. Ohio's rules contain a similar exemption at Ohio Adm.Code 3745-39-04(A)(2)(b) with respect to storm water permitting, stating that no permit is required for discharges of storm water runoff from, in pertinent part, "[a]ll field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities, except in accordance with paragraph (C)(1)(c) of this rule."

65. However, both the federal and Ohio's exemption for oil and gas facilities are limited—they cease to apply when the otherwise exempted facility causes a discharge of storm water that contributes to a violation (exceedance) of a water quality standard. *See* 40 C.F.R. 122.26(c)(1)(iii)(C)¹ and Ohio Adm.Code 3745-39-04(C)(1)(c)(iii), respectively.

66. Ohio Adm.Code 3745-1-02(B) defines "water quality standards" as "the rules set forth in [Ohio Adm.Code Chapter 3745-1] establishing stream use designations and water quality criteria protective of such uses for the surface waters of the state."

¹ 40 CFR 122.26(a)(2)(ii) states that "[d]ischarges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are not subject to the provisions of paragraph (c)(1)(iii)(C) of this section. However, the Ninth Circuit Court of Appeals vacated this subsection of the rule in *NRDC v. EPA*, 526 F.3d 591, 608 (9th Cir. 2008). As a result, storm water discharges composed entirely of sediment can trigger the requirement to obtain a storm water permit for an oil and gas operation if sediment contributes to a violation (exceedance) of a water quality standard.

67. In essence, if an oil or gas operation discharges, or controls, authorizes, directs, or has responsibility over a discharge of storm water that exceeds any of Ohio's water quality standards, that operation must submit an application for an Ohio NPDES storm water permit pursuant to Ohio Adm.Code 3745-39-04(C) and/or 3745-38-02.

68. Upon information and belief, on at least the following dates and at the following locations, Defendant Rover caused point source discharges of sediment-laden storm water to waters of the state from its construction activities that violated (exceeded) water quality standards:

- (a) April 10, 2017: unnamed tributaries to the Woodsfield Reservoir in Monroe County;
- (b) April 12, 2017: Bull Creek, at Tank Road, southeast of the Village of Cygnet in Wood County;
- (c) May 2, 2017: unnamed tributary to South Branch Portage River located near the intersection of Pelton Road and Portage View Road, Bloomdale, Wood County;
- (d) May 3, 2017: Brushy Fork Creek, at 77960 Slater Road, Cadiz, Harrison County;
- (e) May 4, 2017: an unnamed tributary to Eckert Ditch, located on Cloverdale Road north of Oil Center Road, Wood County;
- (f) May 4, 2017: an unnamed tributary to Pea Vine Creek, Belmont County;
- (g) May 5, 2017: Brush Creek, located near the Village of Cadiz, Harrison County;
- (h) May 5, 2017: Hammer Creek, located southwest of the intersection of County Road 2 and County Road H, Henry County;
- (i) May 5, 2017: an unnamed tributary to Lost Creek, located at County Road 11, south of County Road J, Henry County;
- (j) May 5, 2017: Huff Run and Wetland W8H-TU-225, located at Access 12 – Lindentree Road, Sandy Township, Tuscarawas County;

- (k) May 5, 2017: an unnamed tributary of Conotton Creek, Wetland W4ES-TU-217, and Wetland W4ES-TU-217 at Access 6 – Dawn Road, Warren Township, Tuscarawas County; and
- (l) May 8, 2017: an unnamed tributary to Sandy Creek and/or Wetland W3H-TU-223, located at Access 15 – Sandyville Road, Sandy Township, Tuscarawas County.

69. At least as early as May 12, 2017, Ohio EPA notified Defendant Rover that its storm water discharges contributed to violations of Ohio's water quality standards including but not limited to Ohio Adm.Code 3745-1-04(A) and/or (C), and as a result, the storm water permit exemption for oil and gas operations no longer applied. Consequently, Defendant Rover was required to obtain coverage under an Ohio NPDES permit to regulate its storm water discharges pursuant to Ohio Adm.Code 3745-39-04(C)(1)(c)(iii).

70. Following this notification, Rover continued to engage in construction activities without a permit and continued to discharge sediment-laden storm water. Upon information and belief, on at least the following dates and at the following locations, Defendant Rover's construction activities caused point-source discharges of sediment-laden storm water to waters of the state:

- (a) July 13, 2017: Old Bean Creek, located in Fulton County;
- (b) July 14, 2017 and July 17, 2017: an unnamed tributary to Cat Run, located in Monroe County;
- (c) July 25, 2017: McMahon Creek, located in Belmont County;
- (d) July 25, 2017: Conotton Creek, located in Tuscarawas County;
- (e) July 28, 2017: Dining Fork, located in Carroll County;
- (f) September 20, 2017: a tributary of Irish Creek, at Branch Road SE in Loudon Township, Carroll County; and
- (g) October 20, 2017: a tributary of Middle Fork Sugar Creek, in Sugar Creek Township, Stark County.

Ohio's Water Quality Standards

71. Ohio adheres to "the policy of the Congress to * * * protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution * * *" by adopting the water quality standards in Ohio Adm.Code Chapter 3745-1. 33 U.S.C. § 1251(b).

72. Ohio Adm.Code 3745-1-04(A) provides, in part, that "all surface waters of the state" shall be "[f]ree from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life."

73. Ohio Adm.Code 3745-1-04(B) provides, in part, that "all surface waters of the state" shall be "[f]ree from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation."

74. Ohio Adm.Code 3745-1-04(C) provides, in part, that "all surface waters of the state" shall be "[f]ree from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance."

75. Ohio Adm.Code 3745-1-51 incorporates Ohio Adm.Code 3745-1-04 and adds criteria specific to wetlands.

76. Ohio Adm.Code 3745-1-51(A) provides that "[t]he hydrology necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent significant adverse impacts on:

- (1) Water currents, erosion or sedimentation patterns;
- (2) Natural water temperature variations;
- (3) Chemical, nutrient and dissolved oxygen regimes of the wetland;
- (4) The movement of aquatic fauna;
- (5) The pH of the wetland; and
- (6) Water levels or elevations, including those resulting from ground water recharge and discharge."

77. Ohio Adm.Code 3745-1-51(B)(1) provides that "[w]ater quality necessary to support existing habitats and the populations of wetland flora and fauna shall be protected to prevent significant adverse impacts on:

- (a) Food supplies for fish and wildlife;
- (b) Reproductive and nursery areas; and
- (c) Dispersal corridors, as that term is defined in rule 3745-1-50 of the Administrative Code."

78. Ohio Adm.Code 3745-1-02(B) defines "[w]etlands" as "those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. 'Wetlands' includes swamps, marshes, bogs, and similar areas that are delineated in accordance with 1987 United States army corps of engineers wetland delineation manual and any other procedures and requirements adopted by the United States army corps of engineers for delineating wetlands."

79. For the purposes of this Complaint, "wetlands" are "marshes * * * springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial * * * that are situated * * * within * * * this state * * *," and thus, wetlands are "waters of the state" under R.C. 6111.01(H).

80. Wetlands are assigned quality designations under Ohio Adm.Code 3745-1-54. Pertinent to this Complaint, wetlands assigned to "Category 3" are the highest quality of wetlands categorized under Ohio law. Ohio Adm.Code 3745-1-54(D)(1)(c).

Director's Authority to Issue Orders under R.C. Chapter 6111

81. Under R.C. 6111.03(H)(1), the Director of Ohio EPA has the authority to "issue * * * orders to prevent, control, or abate water pollution * * *."

82. On or before April 13, 2017 and continuing to date to be determined, Defendant Rover deposited spent drilling mud containing diesel fuel residuals at the Oster Sand and Gravel Disposal Pit located near the City of Massillon's public water system's public drinking water intake and the Beach City Quarry located in proximity to the City of Canton's Sugarcreek drinking wellfield.

83. To address the contaminated drilling waste and Defendant Rover's other environmental violations, the Director of Ohio EPA, pursuant to R.C. 6111.03, issued Orders against Defendant Rover on July 7, 2017 ("Director's Orders" affixed hereto as **Attachment 3**).

84. The Orders, in part, required Defendant Rover to submit various plans for approval to protect against surface and ground water pollution. Pursuant to the Orders, Ohio EPA approved the following plans submitted by Defendant Rover on or about the following dates:

- (a) "Release Prevention and Emergency Response Contingency Plan": August 4, 2017;
- (b) "Material Removal Plan-Oster and Beach City Quarries (version 3)"—Rover's Industrial Waste Disposal Plan: August 4, 2017;
- (c) "Horizontal Directional Drill (HDD) Sampling Plan": August 4, 2017;
- (d) "Tuscarawas River Wetland Restoration Plan": August 3, 2017;
- (e) "Stark County Sample and Analysis Plan": August 11, 2017;
- (f) "Stark County Plan – Ground Water Monitoring Well Installation Work Plan Supplement": August 11, 2017;
- (g) "Aqua Massillon Plan": August 11, 2017;
- (h) "Work Plan for Installation of Monitoring Wells: Aqua Massillon (Oster Sand and Disposal Pit) and Quarry Plan (Beach City Quarry)": August 10, 2017;
- (i) "Quarry Plan": August 11, 2017; and
- (j) "Storm Water Pollution Prevention Plan": August 11, 2017.

85. The Orders also required Defendant Rover to perform ground water assessments following any release of contamination to groundwater and implement corrective measures if sampling shows that ground water quality has been impacted. Attachment 3, ¶¶18, 19, 30, 31, 42, and 43.

86. The Orders also mandated that Defendant Rover provide relief to nearby residents, Aqua Massillon, or the City of Canton, as applicable, if sampling shows that Defendant Rover is contaminating any water supply well downgradient, including drilling new drinking water wells, or siting and development of a new drinking water well field including permitting and installation of drinking water supply wells in the new field, taking into account the costs of design, such that a sustainable or adequate, and uncontaminated source of ground water is assured. Attachment 3, ¶¶20, 32, 44, and 45.

87. Finally, the Orders required Rover to submit a notice of intent to obtain coverage under Ohio EPA's Construction Storm Water Permit by July 14, 2017. Attachment 3, ¶8.

Rover's Only NPDES Point Source Discharge Permits: Hydrostatic General Permits

88. On October 31, 2012, pursuant to his authority in R.C. 6111.035, the Director issued a General NPDES Permit for discharges resulting from hydrostatic test water for a limited duration from a point source to waters of the state, Permit No. OHH000002 ("Hydrostatic Permit"). The Hydrostatic Permit is appended at **Attachment 4** and hereby incorporated by reference as if fully rewritten herein.

89. At all times relevant to this Complaint, Defendant Rover operated under the Hydrostatic Permit. The Director assigns authorization under the Hydrostatic Permit depending on the location of the discharge. As pertinent to this Complaint, Nos. 0GH00217 and 0GH00218 regulate Defendant Rover's activities in Harrison and Belmont Counties; Nos. 3GH00071 and

3GH00072 regulate Defendant Rover's activities in Stark and Wayne Counties; and Nos. 2GH00035 and 2GH00036 regulate Defendant Rover's activities in Seneca and Wood Counties. The language of the Hydrostatic Permit remains the same regardless of the number assigned to the authorization.

90. These hydrostatic permits regulate point-source discharges of hydrostatic water from tanks and pipelines used to detect leaks and determine the structural integrity of relevant equipment.

Ohio's Enforcement of Water Pollution Control

91. Revised Code 6111.07(A) provides that "[n]o person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense."

92. The Director adopted Ohio Adm.Code 3745-1-02, 3745-1-04, 3745-1-51, and 3745-1-54 under R.C. 6111.041.

93. The Director adopted Ohio Adm.Code 3745-32-01, 3745-32-02, 3745-33-01, 3745-33-02, and 3745-39-04 under R.C. 6111.03.

94. The Director adopted Ohio Adm.Code 3745-38-01 and 3745-38-02 under R.C. 6111.03 and R.C. 6111.035.

95. Revised Code 6111.07(B) provides that "[t]he attorney general, upon written request of the director, shall bring an action for an injunction against any person violating or threatening to violate this chapter or violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the director pursuant to this chapter."

96. Revised Code 6111.09(A) provides that “[a]ny person who violates [R.C. 6111.07] shall pay a civil penalty of not more than ten thousand dollars per day of violation,” and the Ohio Attorney General shall commence an action against any person for any violation of R.C. 6111.07 upon the Ohio EPA Director’s written request.

D. Allegations are incorporated in all Counts.

97. The allegations contained in Paragraphs 1 through 96 of this Complaint are incorporated into each and every Count of this Complaint as if fully restated therein.

III. CLAIMS FOR RELIEF

***COUNT ONE
DEFENDANTS DISCHARGED POLLUTANTS TO WATERS OF THE STATE
WITHOUT POINT SOURCE NPDES PERMITS***

98. Revised Code 6111.04(A)(1) prohibits any person from causing or placing or causing to be placed any industrial wastes or other wastes, in a location where they cause pollution of any waters of the state without a valid, unexpired permit issued by the Director of Ohio EPA.

99. Ohio Adm.Code 3745-33-02(A) prohibits any person from discharging any pollutant or causing, permitting, or allowing a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with Ohio Adm.Code Chapter 3745-33.

100. Defendants, through their control, authority, direction, and responsibility, caused the point-source discharges to waters of the state as set forth below. To date, Defendants have failed to apply for and obtain point-source NPDES permits in violation of R.C. 6111.04(A)(1) and Ohio Adm.Code 3745-33-02(A).

101. On or before April 8, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 1,000 gallons of drilling fluids to waters of the state—i.e., wetlands located near the crossing of Indian Fork River, near Dawn and Miller Hill

Roads, in Warren Township, Tuscarawas County (latitude 40° 31.06" North / longitude 81° 17.173" West).

102. On or before April 10, 2017 and continuing until a date to be determined, Defendants Rover and Laney discharged approximately 600 gallons of drilling fluids to waters of the state, including an unnamed stream, pond, and wetlands located in Richland Township, Belmont County (latitude 40° 03' 59.5" North / longitude 80° 58' 36.7" West).

103. On or before April 13, 2017 and continuing until a date to be determined, Defendants Rover and Prettec discharged approximately several million gallons of drilling fluids to waters of the state—i.e., wetlands identified as high quality Category 3, located adjacent to the Tuscarawas River in Navarre Township, Stark County (latitude 40° 40.270" North / longitude 81° 29.098" West). Upon information and belief, these drilling fluids included diesel fuel as an additive.

104. On or before April 14, 2017 and continuing until a date to be determined, Defendants Rover and Prettec discharged approximately 50,000 gallons of drilling fluids to waters of the state—i.e., wetlands located near Amoy Pavonia Road, Mifflin Township, Richland County (latitude 40° 49' 44.4" North / longitude 82° 25' 4.1" West).

105. On or before April 22, 2017 and continuing until a date to be determined, Defendants Rover and Prettec discharged approximately 200 gallons of drilling fluids to waters of the state—i.e., an unnamed ditch located at 4489 Prairie Lane Road, Wooster Township, Wayne County.

106. On or before May 8, 2017 and continuing until a date to be determined, Defendants Rover and Laney discharged approximately 10,000 gallons of drilling fluids to waters of the state—i.e., a stream and a pond located in Monroe Township, Harrison County.

107. On or before June 2, 2017 and continuing until a date to be determined, Defendants Rover and Atlas discharged approximately 420 gallons of drilling fluids to waters of the state—

i.e., wetlands located at North Orchard Rd., NE and Creek 82, Sandy Township, Tuscarawas County.

108. On or before July 2, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 5,000 gallons of drilling fluids to waters of the state—i.e., wetlands identified as Category 3, located adjacent to the Tuscarawas River in Navarre Township, Stark County (latitude 40° 40.270" North / longitude 81° 29.098" West).

109. On or before July 3, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 2,500 gallons of drilling fluids to waters of the state—i.e., wetlands identified as Category 3, located adjacent to the Tuscarawas River in Navarre Township, Stark County (latitude 40° 40.270" North / longitude 81° 29.098" West).

110. On or before July 14, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 1,000 gallons of drilling fluids to waters of the state—i.e., wetlands located at 9236 Riverland Ave., SW, Bethlehem Township, Stark County.

111. On or before September 26, 2017 and continuing until a date to be determined, Defendants Rover and Mears discharged approximately 30 gallons of drilling fluids to waters of the state—i.e., wetlands located at or near Ramsey Ridge Rd. and Rocky Fork Rd., Washington Township, Belmont County.

112. On or before October 11, 2017 and continuing until a date to be determined, Defendants Rover and Mears discharged approximately 1,200 gallons of drilling fluids to waters of the state—i.e., wetlands located in Washington Township, Belmont County.

113. On or before November 9, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 60 gallons of drilling fluids to waters of

the state—i.e., wetlands located at or near Amoy Pavonia Road, Milton Township, Ashland County.

114. On or before November 14, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 30 gallons of drilling fluids to waters of the state—i.e., wetlands located at or near Amoy Pavonia Road, Milton Township, Ashland County.

115. On or before November 16, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 200 gallons of drilling fluids to waters of the state—i.e., Black Fork Mohican River at or near Amoy Pavonia Road, Milton Township, Ashland County.

116. On or before November 30, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 150 gallons of drilling fluids to waters of the state—i.e., wetlands located at or near Amoy Pavonia Road, Mifflin Township, Richland County (Latitude 40.829222° North / Longitude 82.417694° West).

117. On or before December 1, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 350 gallons of drilling fluids to waters of the state—i.e., wetlands located at or near Amoy Pavonia Road, Mifflin Township, Richland County (Latitude 40.829417° North / Longitude 82.417972° West).

118. On or before December 15, 2017 and continuing until a date to be determined, Defendants Rover and Pretec discharged approximately 1000 gallons of drilling fluids to waters of the state—i.e., an unnamed tributary of the Black Fork Mohican River located at or near Amoy Pavonia Road, Milton Township, Ashland County (Latitude 40.825917° North / Longitude 82.414025° West).

119. On or before January 31, 2018 and continuing until a date to be determined, Defendants Rover and B & T, discharged approximately 500 gallons of drilling fluids to waters of the state—i.e., underground water and an unnamed tributary of North Fork Sugar Creek located at or near Highway 241, Paint Township, Wayne County.

120. On or before February 3, 2018 and continuing until a date to be determined, Defendants Rover and Pretec, discharged approximately 30 gallons of drilling fluids to waters of the state—i.e., an unnamed tributary of the Ohio River located near State Route 7 in Shadyside, Belmont County (Latitude 39.981911° North / Longitude 80.740635° West).

121. On or before February 13, 2018 and continuing until a date to be determined, Defendants Rover and B & T, discharged approximately 10 gallons of drilling fluids to waters of the state—i.e., underground water and an unnamed tributary of North Fork Sugar Creek located at or near Highway 241, Paint Township, Wayne County and upstream of the location provided in Paragraph 119.

122. On or before February 28, 2018 and continuing until a date to be determined, Defendants Rover and B & T, discharged approximately 5000 gallons of drilling fluids to waters of the state—i.e., an unnamed tributary of North Fork Sugar Creek located at or near Highway 241, Paint Township, Wayne County.

123. On or before March 12, 2018 and continuing until a date to be determined, Defendants Rover and B & T, discharged approximately 300 gallons of drilling fluids to waters of the state—i.e., an unnamed tributary of North Fork Sugar Creek and wetlands located at or near Highway 241, Paint Township, Wayne County.

124. The acts or omissions alleged in this Count constitute violations of R.C. 6111.04(A) and Ohio Adm.Code 3745-33-02(A), which constitute violations of R.C. 6111.07(A), for which

Defendants are jointly and severally liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendants are jointly and severally liable to pay to the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT TWO
ROVER FAILED TO OBTAIN A GENERAL STORM WATER PERMIT
FOR ITS STORM WATER DISCHARGES

125. Revised Code 6111.04(A)(1) prohibits any person from causing or placing or causing to be placed any industrial wastes or other wastes, in a location where they cause pollution of any waters of the state without a valid, unexpired permit issued by the Director of Ohio EPA.

126. Ohio Adm.Code 3745-38-02(A), issued pursuant to R.C. 6111.035, prohibits any person from discharging any pollutant or causing, permitting, or allowing a discharge of any pollutant from a point source without applying for and obtaining an individual NPDES permit in accordance with Ohio Adm.Code Chapter 3745-33 or obtaining authorization to discharge under a general NPDES permit under Ohio Adm.Code Chapter 3745-38.

127. At least as early as May 12, 2017, Ohio EPA notified Defendant Rover that its previous storm water discharges contributed to violations of Ohio's water quality standards including but not limited to Ohio Adm.Code 3745-1-04(A) and/or (C), and as a result, the storm water permit exemption for oil and gas operations in Ohio Adm.Code 3745-39-04(A)(2)(b) no longer applied. Consequently, Defendant Rover was required to obtain coverage under an Ohio NPDES permit to regulate its storm water discharges pursuant to Ohio Adm.Code 3745-39-04(C)(1)(c)(iii).

128. From May 12, 2017 to present, Rover has failed to obtain coverage under Ohio EPA's Construction Storm Water Permit or Industrial Storm Water Permit in violation of R.C. 6111.04(A)(1), Ohio Adm.Code 3745-38-02(A) and Ohio Adm.Code 3745-39-04(C)(1)(c)(iii).

129. The acts or omissions alleged in this Count constitute violations of R.C. 6111.04(A), Ohio Adm.Code 3745-38-02(A) and Ohio Adm.Code 3745-39-04, which constitute violations of R.C. 6111.07(A), for which Defendant Rover is liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendant Rover is liable to pay the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation, including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT THREE
DEFENDANTS VIOLATED OHIO'S GENERAL WATER QUALITY STANDARDS

130. Ohio Administrative Code 3745-1-04, adopted pursuant to R.C. 6111.041, requires, in pertinent part, that all surface waters of the state shall be free from: (A) suspended solids or other substances that enter the waters as a result of human activity that will adversely affect aquatic life; (B) floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation of the waters; and/or (C) materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.

131. Upon information and belief, each of the Defendants' unpermitted drilling fluid discharges into waters of the state, as detailed in Paragraphs 101 through 123 of this Complaint was severe enough to violate Ohio's general water quality standards as set forth in Ohio Adm.Code 3745-1-04(A), 3745-1-04(B), and/or 3745-1-04(C).

132. Upon information and belief, each of Defendant Rover's unpermitted storm water discharges into waters of the state, as detailed in Paragraphs 68 and 70 of this Complaint was

severe enough to violate Ohio's general water quality standards as set forth in Ohio Adm.Code 3745-1-04(A), 3745-1-04(B), and/or 3745-1-04(C).

133. The acts or omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-1-04, which constitute violations of R.C. 6111.07(A), for which Defendants are jointly and severally liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendants are jointly and severally liable to pay the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT FOUR
DEFENDANTS VIOLATED OHIO'S WETLAND WATER QUALITY STANDARDS

134. Specific to waters of the state that are wetlands, Ohio Adm.Code 3745-1-51(A), adopted pursuant to R.C. 6111.041, requires the protection of the hydrology necessary to support the biological and physical characteristics naturally present in wetlands to guard against significant adverse impacts on: (1) water currents, erosion or sedimentation patterns; (2) natural water temperature variations; (3) chemical, nutrient and dissolved oxygen regimes of the wetland; (4) the movement of aquatic fauna; (5) the pH of the wetland; and (6) water levels or elevations, including those resulting from ground water recharge and discharge.

135. Also specific to wetlands, Ohio Adm.Code 3745-1-51(B)(1), adopted pursuant to R.C. 6111.041, requires the protection of water quality necessary to support existing habitats and the populations of wetland flora and fauna shall be protected to prevent significant adverse impacts on: (a) food supplies for fish and wildlife; (b) reproductive and nursery areas; and (c) dispersal corridors.

136. Upon information and belief, Defendants' unpermitted drilling fluid discharges into wetlands, as detailed in Paragraphs 101 through 104, Paragraphs 107 through 114, Paragraphs

116 through 117, and Paragraph 123 of this Complaint, were severe enough to violate Ohio's wetland water quality standards in Ohio Adm.Code 3745-1-51(A) and/or 3745-1-51(B)(1).

137. Upon information and belief, Defendant Rover's unpermitted storm water discharges into wetlands, as detailed in Paragraph 68(k) of this Complaint were severe enough to violate Ohio's wetland water quality standards in Ohio Adm.Code 3745-1-51(A) and/or 3745-1-51(B)(1).

138. The acts or omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-1-51, which constitute violations of R.C. 6111.07(A), for which Defendants are jointly and severally liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendants are jointly and severally liable to pay the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT FIVE
ROVER VIOLATED THE DIRECTOR'S ORDERS

139. The Director's Orders (Attachment 3, ¶ 8), issued under R.C. 6111.03, require Rover to submit a notice of intent to obtain coverage under Ohio EPA's Construction Storm Water Permit by July 14, 2017.

140. To date, Defendant Rover has failed to obtain coverage under the Construction Storm Water Permit or even submit a notice of intent to obtain coverage under the Construction Storm Water Permit.

141. The acts alleged in this count constitute violations of the Director's Orders, which constitute violations of R.C. 6111.07(A), for which Defendant Rover is liable and subject to injunctive relief under R.C. 6111.07(B), and Defendant Rover is liable to pay civil penalties up

to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT SIX
ROVER VIOLATED THE HYDROSTATIC PERMIT

Rover's Effluent Limit Violations – Suspended Solids, Oil and Grease, and Residual Chlorine

142. Table 001 (Part III. A.1.) and Part V. A. of Defendant Rover's Hydrostatic Permit Nos. 0GH00218, 2GH00035, 2GH00036, and 3GH00071 require Defendant Rover to comply with a total-suspended-solids effluent limit of 45 milligram per liter ("mg/L") for a daily maximum and 30 mg/L for monthly average. Attachment 4 p. 6, 10.

- (a) On or about August 5, 2017, Defendant Rover violated these limits in Permit Nos. 2GH00035 and/or 2GH00036 by discharging effluent with suspended solids measuring 60 mg/L from a segment of its operation referred to as Spread C, Line A into Honey Creek in Seneca County.
- (b) On or about August 19, 2017, Defendant Rover violated these limits in Permit No. 2GH00035 by discharging effluent with suspended solids measuring 87 mg/L from a segment of its operation referred to as Spread C, Line A into Honey Creek in Seneca County.
- (c) On or about August 30, 2017, Defendant Rover violated these limits in Permit No. 0GH00218 by discharging effluent with suspended solids measuring 228 mg/L from a segment of its operation referred to as the Clarington Lateral into Wheeling Creek in Belmont County.
- (d) On or about October 21, 2017, Defendant Rover violated these limits in Permit No. 3GH00071 by discharging effluent with suspended solids measuring 127 mg/L and with a suspended-solids monthly average for October 2017 measuring 81 mg/L from Outfall 006 to Muddy Fork located in Ashland County.

143. Table 001 (Part III. A.1.) and Part V. A. of Defendant Rover's Hydrostatic Permits No. 2GH00035 and/or 2GH00036 also require Defendant Rover to comply with an oil-and-grease effluent limit of 10 mg/L. Attachment 4 p. 6, 10.

- (a) On or about July 29, 2017, Defendant Rover violated this limit in Permit Nos. 2GH00035 and/or 2GH00036 by discharging effluent with oil and grease

measuring 30.5 mg/L from a segment of its operation referred to as Spread D, Line A into the South Fork, Portage River in Wood County.

144. Table 001 (Part III. A.1.) and Part V.A. of Defendant Rover's Hydrostatic Permit No. 0GH00218 requires Defendant Rover to comply with a total residual chlorine limit of 0.019 mg/L. Attachment 4 p. 6, 10.

- (a) On or about October 21, 2017, Defendant Rover violated this limit in Permit No. 0GH00218 by discharging effluent with total residual chlorine measuring 0.09 mg/L from Outfall 019 to Sandy Creek located in Tuscarawas County.

Rover's Failure to Report Effluent Limit Violations

145. Part V. S. 1.a. and Part V. A. of Defendant Rover's Hydrostatic Permit Nos. 0GH00218, 2GH00035, 2GH00036, and 3GH00071 require Defendant Rover to report noncompliance as a result of any violation of a daily maximum discharge limit for pollutants including suspended solids and oil and grease within 24 hours of discovery by e-mail or telephone. Attachment 4 p. 10, 18.

- (a) At least through on or about August 31, 2017, Defendant Rover failed to report its violations of maximum discharge limits for suspended solids (discharged on or about August 5, 2017 and on or about August 19, 2017 into Honey Creek in Seneca County) and for oil and grease (discharged on or about July 29, 2017 into South Fork, Portage River in Wood County) in violation of Permit Nos. 2GH00035 and/or 2GH00036.
- (b) At least through on or about January 23, 2018, Defendant Rover failed to report its violation of maximum discharge limits for suspended solids (discharged on or about October 21, 2017 into Muddy Fork in Ashland County) in violation of Permit No. 3GH00071.
- (c) At least through on or about January 23, 2018, Defendant Rover failed to report its violation of maximum discharge limits for total residual chlorine (discharged on or about October 21, 2017 into Sandy Creek located in Tuscarawas County) in violation of Permit No. 0GH00218.

Rover's Failure to Monitor for All Parameters – Iron and pH

146. Table 001 (Part III. A.1.) and Part V. A. of Defendant Rover's Hydrostatic Permit Nos. 0GH00217, 0GH00218, 3GH00071, and 3GH00072 require monitoring of parameters including iron and pH. Attachment 4 p. 6, 10.

- (a) On or about July 12, 2017, Defendant Rover discharged effluent including iron from a segment of its operation referred to as Spread B, Line A into Killbuck Creek in Wayne County, regulated by Hydrostatic Permit Nos. 3GH00071 and/or 3GH00072. Defendant Rover failed to produce a sample result for iron as required for this discharge.
- (b) On or about July 29, 2017, Defendant Rover discharged effluent and failed to produce a sample result of pH as required for the discharge from a segment of its operation referred to as Spread 1, Line A into Clearfork Creek in Harrison County, regulated by Hydrostatic Permit Nos. 0GH00217 and/or 0GH00218.
- (c) On or about August 1, 2017, Defendant Rover discharged effluent including iron from a segment of its operation referred to as Spread B, Line B into Muddy Fork in Wayne County, regulated by Hydrostatic Permit Nos. 3GH00071 and/or 3GH00072. Defendant Rover failed to produce a sample result for iron as required for this discharge.
- (d) On or about August 4, 2017, Defendant Rover discharged effluent including iron from a segment of its operation referred to as Spread B, Line A into Muddy Fork in Wayne County, regulated by Hydrostatic Permit Nos. 3GH00071 and/or 3GH00071. Defendant Rover failed to produce a sample result for iron as required for this discharge.

Rover's Failure to Report or Properly Report Discharge Information

147. Part V. L.1, Part V. L.3. and/or Part V. L.4. and Part V. A. of Defendant Rover's Hydrostatic Permit Nos. 0GH00218, 3GH00071, and 3GH00072 require Defendant Rover to mail signed, complete, and accurate discharge monitoring reports to Ohio EPA by the 20th day of the month following the month of interest on forms provided by Ohio EPA. Attachment 4 p. 10, 15, 16.

- (a) Before on or about August 31, 2017, Defendant Rover failed to submit discharge monitoring reports for a discharge that occurred on or about July 27, 2017 from Spread A, Line A into Sugar Creek in Stark County as required by Hydrostatic Permit Nos. 3GH00071 and/or 3GH00072.

- (b) On or about September 15, 2017, Defendant Rover submitted a discharge monthly report to Ohio EPA and indicated that "no discharge" occurred. Defendant Rover failed to submit the required sample analysis for the discharge that occurred on or about August 30, 2017 from a segment of its operation referred to as the Clarington Lateral into Wheeling Creek in Belmont County as required by Hydrostatic Permit No. 0GH00218. On November 6, 2017, Defendant Rover submitted the August 2017 discharge monthly report with the required information.

Rover's Failure to Properly Sample – pH, Dissolved Oxygen, and Chlorine

148. Part V. M. and Part V. A. of Defendant Rover's Hydrostatic Permit Nos. 0GH00217 and 0GH00218 require Defendant Rover to sample parameters in accordance with 40 C.F.R. 136, "Test Procedures For The Analysis of Pollutants," which in turn requires the sampling of field data for pH, dissolved oxygen, and chlorine immediately within 15 minutes of collection. 40 C.F.R. 136, Table II: Required Containers, Preservation Techniques, and Holding Times. Attachment 4 p. 10, 16.

- (a) Until on or about August 31, 2017, Defendant Rover failed to sample pH, dissolved oxygen, and chlorine field data immediately within 15 minutes of collection and instead performed laboratory analysis on these parameters.

* * *

149. The acts or omissions alleged in this Count constitute violations of Rover's Hydrostatic Permit Nos. 0GH00217, 0GH00218, 2GH00035, 2GH00036, 3GH00071, 3GH00072, which constitute violations of R.C. 6111.07(A), for which Defendant Rover is liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendant Rover is liable to pay to the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

COUNT SEVEN
ROVER ENGAGED IN ACTIVITIES WITHOUT EFFECTIVE CERTIFICATION

150. Ohio Adm.Code 3745-32-02(B), adopted under R.C. 6111.03, prohibits any person from engaging in an activity requiring a state 401 water quality certification prior to obtaining that certification from Ohio EPA.

151. Ohio Adm.Code 3745-32-02(C), adopted under R.C. 6111.03, states that no state 401 water quality certification is effective until all applicable fees have been paid.

152. On February 24, 2017, the Ohio EPA Director journalized a state 401 water quality certification for Defendant Rover. However, Defendant Rover failed to pay all fees for the state 401 water quality certification until May 15, 2017.

153. Consequently, from February 24, 2017 through May 15, 2017, Defendant Rover engaged in activity requiring the state 401 water quality certification without an effective certification.

154. The acts or omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-32-02(B) and Ohio Adm.Code 3745-32-02(C), which constitute violations of R.C. 6111.07(A), for which Defendant Rover is liable and subject to injunctive relief pursuant to R.C. 6111.07(B) and for which Defendant Rover is liable to pay the State of Ohio a civil penalty up to ten thousand dollars (\$10,000.00) for each day of each violation including each day subsequent to filing this Complaint under R.C. 6111.09.

PRAYER FOR RELIEF

THEREFORE, Plaintiff, State of Ohio, respectfully requests that this Court:

A. Permanently enjoin Defendants to comply with R.C. Chapter 6111 and the rules adopted thereunder;

B. Permanently enjoin Defendants from discharging any pollutant, other wastes, or industrial wastes into wetlands and other waters of the state except in compliance with R.C. Chapter 6111, the rules adopted thereunder, and any necessary permits and/or 401 certifications issued pursuant to R.C. Chapter 6111 or rules adopted thereunder;

C. Permanently enjoin Defendant Rover to submit to Ohio EPA a written notice of intent to obtain coverage under the Construction Storm Water Permit or the Industrial Storm Water Permit;

D. Permanently enjoin Defendant Rover to obtain coverage and comply with the Construction Storm Water Permit or the Industrial Storm Water Permit;

E. Permanently enjoin Defendant Rover to comply with the Ohio EPA-approved plans as named below:

- (a) "Release Prevention and Emergency Response Contingency Plan";
- (b) "Material Removal Plan-Oster and Beach City Quarries (version 3)"—Rover's Industrial Waste Disposal Plan;
- (c) "Horizontal Directional Drill (HDD) Sampling Plan";
- (d) "Tuscarawas River Wetland Restoration Plan";
- (e) "Stark County Sample and Analysis Plan";
- (f) "Stark County Plan – Ground Water Monitoring Well Installation Work Plan Supplement";
- (g) "Aqua Massillon Plan";
- (h) "Work Plan for Installation of Monitoring Wells: Aqua Massillon (Oster Sand and Disposal Pit) and Quarry Plan (Beach City Quarry)";
- (i) "Quarry Plan"; and
- (j) "Storm Water Pollution Prevention Plan."

F. Permanently enjoin Defendant Rover to perform ground water assessment and long term monitoring following any release of drilling fluids to groundwater and implement corrective measures if sampling shows that ground water quality has been impacted.

G. Permanently enjoin Defendant Rover to provide relief to nearby residents, Aqua Massillon, or the City of Canton, as applicable, if sampling shows that Defendant Rover is contaminating any water supply well downgradient, including drilling new drinking water wells, or siting and development of a new drinking water well field including permitting and installation of drinking water supply wells in the new field, taking into account the costs of design, such that a sustainable or adequate, and uncontaminated source of ground water is assured.

H. Permanently enjoin Defendant Rover to comply with the Hydrostatic Permit Nos. OGH00217, OGH00218, 3GH00071, 3GH00072, 2GH00035, and 2GH00036.

I. Order Defendants, pursuant to R.C. 6111.09, to pay, jointly and severally, civil penalties in an amount of ten thousand dollars (\$10,000.00) for each day of each violation;

J. Order Defendants to reimburse Ohio EPA for all costs incurred;


K. Order Defendants to pay all costs and fees for this action, including attorney fees assessed by the Office of the Ohio Attorney General;

L. Retain jurisdiction of this suit for the purpose of making any order or decree which it may deem necessary at any time to carry out its judgment; and

M. Grant such other relief as may be just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that under Civ.R. 5 a true and accurate copy of the foregoing Third Amended Complaint has been served by ordinary U.S. mail, postage prepaid, and by electronic mail, on July 18, 2018, upon the following counsel for Defendants Rover Pipeline, LLC; Pretec Directional Drilling, LLC; Laney Directional Drilling Co.; Mears Group, Inc.; Atlas Trenchless, LLC; and B & T Directional Drilling, Inc.

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ATTACHMENT 1

OHIO E.P.A.

APR 11 2013

ENTERED DIRECTOR'S JOURNAL

Issuance Date: April 11, 2013

Effective Date: April 21, 2013

Expiration Date: April 20, 2018

OHIO ENVIRONMENTAL PROTECTION AGENCY

**GENERAL PERMIT AUTHORIZATION FOR STORM WATER DISCHARGES ASSOCIATED
WITH CONSTRUCTION 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. Section 1251 et. seq. hereafter referred to as "the Act") and the Ohio Water Pollution Control Act [Ohio Revised Code ("ORC") Chapter 6111], dischargers of storm water from sites where construction activity is being conducted, 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 outfalls at the sites and to the receiving surface waters of the state identified in their Notice of Intent ("NOI") application form on file with Ohio EPA in accordance with the conditions specified in Parts I through VII of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

This permit is conditioned upon payment of applicable fees, submittal of a complete NOI application form and written approval of coverage from the director of Ohio EPA in accordance with Ohio Administrative Code ("OAC") Rule 3745-38-02.



Scott J. Nally
Director

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

By:  Date: 4-11-13

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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit covers the entire State of Ohio.

B. Eligibility.

1. Construction activities covered. Except for storm water discharges identified under Part I.B.2, this permit may cover all new and existing discharges composed entirely of storm water discharges associated with construction activity that enter surface waters of the state or a storm drain leading to surface waters of the state.

For the purposes of this permit, construction activities include any clearing, grading, excavating, grubbing and/or filling activities that disturb the threshold acreage described in the next paragraph. Discharges from trench dewatering are also covered by this permit as long as the dewatering activity is carried out in accordance with the practices outlined in Part III.G.2.g.iv of this permit.

Construction activities disturbing one or more acres of total land, or will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land will be eligible for coverage under this permit. The threshold acreage includes the entire area disturbed in the larger common plan of development or sale.

This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

- a. The support activity is directly related to a construction site that is required to have NPDES permit coverage for discharges of storm water associated with construction activity;
 - b. The support activity is not a commercial operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity at the site it supports;
 - c. Appropriate controls and measures are identified in a storm water pollution prevention plan (SWP3) covering the discharges from the support activity; and
 - d. The support activity is on or contiguous with the property defined in the NOI (offsite borrow pits and soil disposal areas, which serve only one project, do not have to be contiguous with the construction site).
2. Limitations on coverage. The following storm water discharges associated with construction activity are not covered by this permit:
 - a. Storm water discharges that originate from the site after construction activities have been completed, including any temporary support activity, and the site has achieved

final stabilization. Industrial post-construction storm water discharges may need to be covered by an NPDES permit;

- b. Storm water discharges associated with construction activity that the director has shown to be or may reasonably expect to be contributing to a violation of a water quality standard; and
 - c. Storm water discharges authorized by an individual NPDES permit or another NPDES general permit;
3. Waivers. After March 10, 2003, sites whose larger common plan of development or sale have at least one, but less than five acres of land disturbance, which would otherwise require permit coverage for storm water discharges associated with construction activities, may request that the director waive their permit requirement. Entities wishing to request such a waiver must certify in writing that the construction activity meets one of the two waiver conditions:
- a. Rainfall Erosivity Waiver. For a construction site to qualify for the rainfall erosivity waiver, the cumulative rainfall erosivity over the project duration must be five or less and the site must be stabilized with a least a 70 percent vegetative cover or other permanent, non-erosive cover. The rainfall erosivity must be calculated according to the method in U.S. EPA Fact Sheet 3.1 Construction Rainfall Erosivity Waiver dated January 2001 and be found at: http://epa.ohio.gov/portals/35/permits/USEPAfact3-1_s.pdf. If it is determined that a construction activity will take place during a time period where the rainfall erosivity factor is less than five, a written waiver certification must be submitted to Ohio EPA at least 21 days before construction activity is scheduled to begin. If the construction activity will extend beyond the dates specified in the waiver certification, the operator must either: (a) recalculate the waiver using the original start date with the new ending date (if the R factor is still less than five, a new waiver certification must be submitted) or (b) submit an NOI application form and fee for coverage under this general permit at least seven days prior to the end of the waiver period; or
 - b. TMDL (Total Maximum Daily Load) Waiver. Storm water controls are not needed based on a TMDL approved or established by U.S. EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, and equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. The pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the director of Ohio EPA that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis. A written waiver certification must be submitted to Ohio EPA at least 21 days before the construction activity is scheduled to begin.

4. Prohibition on non-storm water discharges. All discharges covered by this permit must be composed entirely of storm water with the exception of the following: discharges from firefighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water from trench or well point dewatering and foundation or footing drains where flows are not contaminated with process materials such as solvents. Dewatering activities must be done in compliance with Part II.C and Part III.G.2.g.iv of this permit. Discharges of material other than storm water or the authorized non-storm water discharges listed above must comply with an individual NPDES permit or an alternative NPDES general permit issued for the discharge.

Except for flows from firefighting activities, sources of non-storm water listed above that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

5. Spills and unintended releases (Releases in excess of Reportable Quantities). This permit does not relieve the permittee of the reporting requirements of Title 40 of the Code of Federal Regulations ("CFR") Part 117 and 40 CFR Part 302. In the event of a spill or other unintended release, the discharge of hazardous substances in the storm water discharge(s) from a construction site must be minimized in accordance with the applicable storm water pollution prevention plan for the construction activity and in no case, during any 24-hour period, may the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.

40 CFR Part 117 sets forth a determination of the reportable quantity for each substance designated as hazardous in 40 CFR Part 116. The regulation applies to quantities of designated substances equal to or greater than the reportable quantities, when discharged to surface waters of the state. 40 CFR Part 302 designates under section 102(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, those substances in the statutes referred to in section 101(14), identifies reportable quantities for these substances and sets forth the notification requirements for releases of these substances. This regulation also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act (CWA).

C. Requiring an individual NPDES permit or an alternative NPDES general permit.

1. The director may require an alternative permit. The director may require any operator eligible for this permit to apply for and obtain either an individual NPDES permit or coverage under an alternative NPDES general permit in accordance with OAC Rule 3745-38-04. Any interested person may petition the director to take action under this paragraph.

The director will send written notification that an alternative NPDES permit is required. This notice shall include a brief statement of the reasons for this decision, an application

form and a statement setting a deadline for the operator to file the application. If an operator fails to submit an application in a timely manner as required by the director under this paragraph, then coverage, if in effect, under this permit is automatically terminated at the end of the day specified for application submittal.

2. Operators may request an individual NPDES permit. Any owner or operator eligible for 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 with reasons supporting the request to the director in accordance with the requirements of 40 CFR 122.26. If the reasons adequately support the request, the director shall grant it by issuing an individual NPDES permit.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit or the owner or operator is approved 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 approval for coverage under the alternative general permit, whichever the case may be.

D. Permit requirements when portions of a site are sold

If an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with Part IV.B is submitted. For developments which require the use of centralized sediment and erosion controls (i.e., controls that address storm water runoff from one or more lots) for which the current permittee intends to terminate responsibilities under this permit for a lot after sale of the lot to a new owner and such termination will either prevent or impair the implementation of the controls and therefore jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners unless an exception is approved in accordance with Part III.G.4. In cases where permit responsibilities for individual lot(s) will be terminated after sale of the lot, the permittee shall inform the individual lot owner of the obligations under this permit and ensure that the Individual Lot NOI application is submitted to Ohio EPA.

E. Authorization

1. Obtaining authorization to discharge. Operators that discharge storm water associated with construction activity must submit an NOI application form in accordance with the requirements of Part I.F of this permit to obtain authorization to discharge under this general permit. As required under OAC Rule 3745-38-06(E), the director, in response to the NOI submission, will notify the applicant in writing that he/she has or has not been granted general permit coverage to discharge storm water associated with construction activity under the terms and conditions of this permit or that the applicant must apply for an individual NPDES permit or coverage under an alternate general NPDES permit as described in Part I.C.1.
2. No release from other requirements. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Other permit requirements commonly associated with construction activities

include, but are not limited to, section 401 water quality certifications, isolated wetland permits, permits to install sanitary sewers or other devices that discharge or convey polluted water, permits to install drinking water lines, single lot sanitary system permits and disturbance of land which was used to operate a solid or hazardous waste facility (i.e., coverage under this NPDES general permit does not satisfy the requirements of OAC Rule 3745-27-13 or ORC Section 3734.02(H)). The issuance of this permit is subject to resolution of an antidegradation review. This permit does not relieve the permittee of other responsibilities associated with construction activities such as contacting the Ohio Department of Natural Resources, Division of Water, to ensure proper well installation and abandonment of wells.

F. Notice of Intent Requirements

1. Deadlines for notification.
 - a. Initial coverage: Operators who intend to obtain initial coverage for a storm water discharge associated with construction activity under this general permit must submit a complete and accurate NOI application form and appropriate fee at least 21 days prior to the commencement of construction activity. If more than one operator, as defined in Part VII of this general permit, will be engaged at a site, each operator shall seek coverage under this general permit. Coverage under this permit is not effective until an approval letter granting coverage from the director of Ohio EPA is received by the applicant. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.
 - b. Individual lot transfer of coverage: Operators must each submit an individual lot notice of intent (Individual Lot NOI) application form (no fee required) to Ohio EPA at least seven days prior to the date that they intend to accept responsibility for permit requirements for their portion of the original permitted development from the previous permittee. The original permittee may submit an Individual Lot NOT at the time the Individual Lot NOI is submitted. Transfer of permit coverage is not granted until an approval letter from the director of Ohio EPA is received by the applicant.
2. Failure to notify. Operators who fail to notify the director of their intent to be covered and who discharge pollutants to surface waters of the state without an NPDES permit are in violation of ORC Chapter 6111. In such instances, Ohio EPA may bring an enforcement action for any discharges of storm water associated with construction activity.
3. Where to submit an NOI. Operators seeking coverage under this permit must submit a signed NOI form, provided by Ohio EPA, to the address found in the associated instructions.
4. Additional notification. NOIs and SWP3s are considered public documents and shall be made available to the public in accordance with Part III.C.2. The permittee shall make NOIs and SWP3s available upon request of the director of Ohio EPA, local agencies approving sediment and erosion control plans, grading plans or storm water management plans, local governmental officials, or operators of municipal separate storm sewer systems (MS4s) receiving drainage from the permitted site. Each operator

that discharges to an NPDES permitted MS4 shall provide a copy of its Ohio EPA NOI submission to the MS4 in accordance with the MS4's requirements, if applicable.

5. **Re-notification.** Existing permittees having coverage under the previous generations of this general permit (OHC000003, OHC000002 and OHR100000) shall have continuing coverage under OHC000004 with the submittal of a timely renewal application. Existing permittees will receive a renewal application and instructions for how to continue coverage under OHC000004. Within 90 days of receiving a renewal application from Ohio EPA, existing permittees shall submit the completed renewal application expressing their intent for continued coverage. In accordance with Ohio Administrative Code (OAC) 3745-38-02(E)(2)(a)(i), a renewal application fee will only apply to existing permittees having general permit coverage for 5 or more years as of the effective date of this general permit. Permit coverage will be terminated if Ohio EPA does not receive the renewal application within this 90 day period.

Part II. NON-NUMERIC EFFLUENT LIMITATIONS

You shall comply with the following non-numeric effluent limitations for discharges from your site and/or from construction support activities. Part III of this permit contains the specific design criteria to meet the objectives of the following non-numeric effluent limitations.

- A. **Erosion and Sediment Controls.** You shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls shall be designed, installed and maintained to:
 1. Control storm water volume and velocity within the site to minimize soil erosion;
 2. Control storm water discharges, including both peak flowrates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
 3. Minimize the amount of soil exposed during construction activity;
 4. Minimize the disturbance of steep slopes;
 5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
 6. If feasible, provide and maintain a 50-foot undisturbed natural buffer around surface waters of the state, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, you shall comply with the stabilization requirements found in Part II.B for areas within 50 feet of a surface water; and
 7. Minimize soil compaction and, unless infeasible, preserve topsoil.

- B. Soil Stabilization.** Stabilization of disturbed areas shall, at a minimum, be initiated in accordance with the time frames specified in the following tables.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the state and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the state and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 14 days
For all construction activities, any disturbed areas that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state	Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. Permanent and temporary stabilization are defined in Part VII.

- C. Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
- D. Pollution Prevention Measures.** Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water; and
 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- E. Prohibited Discharges.** The following discharges are prohibited:
1. Wastewater from washout of concrete, unless managed by an appropriate control;
 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 4. Soaps or solvents used in vehicle and equipment washing.
- F. Surface Outlets.** When discharging from sediment basins utilize outlet structures that withdraw water from the surface, unless infeasible. (Note: Ohio EPA believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include time periods with extended cold weather during winter months. If you have determined that it is infeasible to meet this requirement, you shall provide documentation in your SWP3 to support your determination.)

PART III. STORM WATER POLLUTION PREVENTION PLAN (SWP3)

A. Storm Water Pollution Prevention Plans.

A SWP3 shall be developed for each site covered by this permit. For a multi-phase construction project, a separate NOI shall be submitted when a separate SWP3 will be prepared for subsequent phases. SWP3s shall be prepared in accordance with sound engineering and/or conservation practices by a professional experienced in the design and implementation of standard erosion and sediment controls and storm water management practices addressing all phases of construction. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activities. The SWP3 shall be a comprehensive, stand-alone document, which is not complete unless it contains the information required by Part III.G of this permit. In addition, the SWP3 shall describe and ensure the implementation of best management practices (BMPs) that reduce the pollutants in storm water discharges during construction and pollutants associated with post-construction activities to ensure compliance with ORC Section 6111.04, OAC Chapter 3745-1 and the terms and conditions of this permit.

B. Timing

A SWP3 shall be completed prior to the timely submittal of an NOI and updated in accordance with Part III.D. Upon request and good cause shown, the director may waive the requirement to have a SWP3 completed at the time of NOI submission. If a waiver has been granted, the

SWP3 must be completed prior to the initiation of construction activities. The SWP3 must be implemented upon initiation of construction activities.

If you wish to continue coverage from the previous generations of this permit (OHR100000, OHC000002 and OHC000003) you shall review and update your SWP3 to ensure that this permit's requirements are addressed within 180 days after the effective date of this permit. If it is infeasible for you to comply with a specific requirement in this permit because (1) the provision was not part of the permit you were previously covered under (OHR100000, OHC000002 and OHC000003), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to the effective date of this permit, you shall include documentation within your SWP3 of the reasons why it is infeasible for you to meet the specific requirement. (Note: Ohio EPA believes examples of OHC000004 permit conditions that would be infeasible for permittees renewing coverage to comply with include: (1) Post-Construction Storm Water Management requirements, if general permit coverage was obtained prior to April 21, 2003, and (2) Sediment settling pond design requirements, if the general permit coverage was obtained prior to the effective date of this permit and the sediment settling pond has been installed.)

C. SWP3 Signature and Review.

1. Plan Signature and Retention On-Site. The SWP3 shall include the certification in Part V.H, be signed in accordance with Part V.G., and be retained on site during working hours.
2. Plan Availability
 - a. On-site: The plan shall be made available immediately upon request of the director or his authorized representative and MS4 operators or their authorized representative during working hours. A copy of the NOI and letter granting permit coverage under this general permit also shall be made available at the site.
 - b. By written request: The permittee must provide the most recent copy of the SWP3 within 10 days upon written request by any of the following:
 - i. The director or the director's authorized representative;
 - ii. A local agency approving sediment and erosion plans, grading plans or storm water management plans; or
 - iii. In the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the operator of the system.
 - c. To the public: All NOIs, general permit approval for coverage letters, and SWP3s are considered reports that shall be available to the public in accordance with the Ohio Public Records law. The permittee shall make documents available to the public upon request or provide a copy at public expense, at cost, in a timely manner. However, the permittee may claim to Ohio EPA any portion of an SWP3 as confidential in accordance with Ohio law.

3. Plan Revision. The director or authorized representative may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this part. Within 10 days after such notification from the director or authorized representative (or as otherwise provided in the notification), the permittee shall make the required changes to the SWP3 and, if requested, shall submit to Ohio EPA the revised SWP3 or a written certification that the requested changes have been made.

D. Amendments

The permittee shall amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity. Amendments to the SWP3 may be reviewed by Ohio EPA in the same manner as Part III.C.

E. Duty to inform contractors and subcontractors

The permittee shall inform all contractors and subcontractors not otherwise defined as "operators" in Part VII of this general permit who will be involved in the implementation of the SWP3 of the terms and conditions of this general permit. The permittee shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 as proof acknowledging that they reviewed and understand the conditions and responsibilities of the SWP3. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site.

F. Total Maximum Daily Load (TMDL) allocations

If a TMDL is approved for any waterbody into which the permittee's site discharges and requires specific BMPs for construction sites, the director may require the permittee to revise his/her SWP3.

G. SWP3 Requirements

Operations that discharge storm water from construction activities are subject to the following requirements and the SWP3 shall include the following items:

1. Site description. Each SWP3 shall provide:
 - a. A description of the nature and type of the construction activity (e.g., low density residential, shopping mall, highway, etc.);
 - b. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas);
 - c. An estimate of the impervious area and percent imperviousness created by the construction activity;

- d. A calculation of the runoff coefficients for both the pre-construction and post-construction site conditions;
- e. Existing data describing the soil and, if available, the quality of any discharge from the site;
- f. A description of prior land uses at the site;
- g. An implementation schedule which describes the sequence of major construction operations (i.e., designation of vegetative preservation areas, grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;
- h. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project. For discharges to an MS4, the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a stream or surface water of the state shall be indicated;
- i. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

This does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for critical areas such as steep slopes, stream banks, drainage ways and riparian zones;
- j. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the best management practices to address pollutants in these storm water discharges;
- k. A copy of the permit requirements (attaching a copy of this permit is acceptable);
- l. A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete;
- m. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence; and
- n. Site map showing:

- i. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3;
 - ii. Soils types for all areas of the site, including locations of unstable or highly erodible soils;
 - iii. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres;
 - iv. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA;
 - v. Existing and planned locations of buildings, roads, parking facilities and utilities;
 - vi. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development;
 - vii. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area. Ohio EPA recommends the use of data sheets (see ODNR's Rainwater and Land Development manual for examples) to provide data for all sediment traps, sediment basins and storm water management treatment practices noting important inputs to design and resulting parameters such as their contributing drainage area, disturbed area, water quality volume, sedimentation volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions;
 - viii. The location of permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed;
 - ix. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling;
 - x. The location of designated construction entrances where the vehicles will access the construction site; and
 - xi. The location of any in-stream activities including stream crossings.
2. Controls. In accordance with Part II.A, the SWP3 shall contain a description of the controls appropriate for each construction operation covered by this permit and the operator(s) shall implement such controls. The SWP3 shall clearly describe for each

major construction activity identified in Part III.G.1.g: (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify the subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. Ohio EPA recommends that the primary site operator review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review has occurred.

Ohio EPA recommends that the erosion, sediment, and storm water management practices used to satisfy the conditions of this permit should meet the standards and specifications in the most current edition of Ohio's Rainwater and Land Development (see definitions) manual or other standards acceptable to Ohio EPA. The controls shall include the following minimum components:

- a. **Non-Structural Preservation Methods.** The SWP3 shall make use of practices which preserve the existing natural condition as much as feasible. Such practices may include: preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time and designation of tree preservation areas or other protective clearing or grubbing practices. For all construction activities immediately adjacent to surface waters of the state, the permittee shall comply with the buffer non-numeric effluent limitation in Part II.A.6, as measured from the ordinary high water mark of the surface water.
- b. **Erosion Control Practices.** The SWP3 shall make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved in accordance with Part III.G.4. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 shall provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, use of construction entrances and the use of alternative ground cover.
 - i. **Stabilization.** Disturbed areas shall be stabilized in accordance with Table 1 (Permanent Stabilization) and Table 2 (Temporary Stabilization) in Part II.B of this permit.
 - ii. **Permanent stabilization of conveyance channels.** Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the most current edition of the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

- c. Runoff Control Practices. The SWP3 shall incorporate measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- d. Sediment Control Practices. The plan shall include a description of structural practices that shall store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, earth diversion dikes or channels which direct runoff to a sediment settling pond and storm drain inlet protection. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

The SWP3 shall contain detail drawings for all structural practices.

- i. **Timing.** Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls shall be constructed or existing controls altered to address the changing drainage patterns.
- ii. **Sediment settling ponds.** A sediment settling pond is required for any one of the following conditions:
- Concentrated storm water runoff (e.g., storm sewer or ditch);
 - Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
 - Runoff from drainage areas that exceed the design capacity of inlet protection; or
 - Runoff from common drainage locations with 10 or more acres of disturbed land.

The permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond.

In accordance with Part II.F, if feasible, sediment settling ponds shall be dewatered at the pond surface using a skimmer or equivalent device. The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall

be a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model.

The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity shall be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone shall be less than or equal to five feet. The configuration between inlets and the outlet of the basin shall provide at least two units of length for each one unit of width (> 2:1 length:width ratio); however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee shall consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- iii. **Silt Fence and Diversions.** Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. This permit does not preclude the use of other sediment barriers designed to control sheet flow runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in the following table:

Silt Fence Maximum Drainage Area Based on Slope

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for a particular drainage area (in percent)
0.5	< 2%
0.25	> 2% but < 20%
0.125	≥ 20% but < 50%

Placing silt fence in a parallel series does not extend the size of the drainage area. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes where practicable. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

- iv. **Inlet Protection.** Other erosion and sediment control practices shall minimize sediment laden water entering active storm drain systems, unless the storm drain system drains to a sediment settling pond. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond.
 - v. **Surface Waters of the State Protection.** If construction activities disturb areas adjacent to surface waters of the state, structural practices shall be designed and implemented on site to protect all adjacent surface waters of the state from the impacts of sediment runoff. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) shall be used in a surface water of the state. For all construction activities immediately adjacent to surface waters of the state, the permittee shall comply with the buffer non-numeric effluent limitation in Part II.A.6, as measured from the ordinary high water mark of the surface water. Where impacts within this buffer area are unavoidable, due to the nature of the construction (e.g., stream crossings for roads or utilities), the project shall be designed such that the number of stream crossings and the width of the disturbance within the buffer area are minimized.
 - vi. **Modifying Controls.** If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site conditions.
- e. **Post-Construction Storm Water Management Requirements.** So that receiving stream's physical, chemical and biological characteristics are protected and stream functions are maintained, post-construction storm water practices shall provide perpetual management of runoff quality and quantity. To meet the post-construction requirements of this permit, the SWP3 shall contain a description of the post-construction BMPs that will be installed during construction for the site and the rationale for their selection. The rationale shall address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality. Post-construction BMPs cannot be installed within a surface water of the state (e.g., wetland or stream) unless it's authorized by a CWA 401 water quality certification, CWA 404 permit, or Ohio EPA non-jurisdictional wetland/stream program approval. Note: localities may have more stringent post-construction requirements.

Detail drawings and maintenance plans shall be provided for all post-construction BMPs. Maintenance plans shall be provided by the permittee to the post-construction operator of the site (including homeowner associations) upon completion of construction activities (prior to termination of permit coverage). For sites located within a community with a regulated municipal separate storm sewer system (MS4), the permittee, land owner, or other entity with legal control of the property may be required to develop and implement a maintenance plan to comply with the requirements of the MS4. Maintenance plans shall ensure that pollutants collected within structural post-construction practices, be disposed of in accordance with local, state, and federal regulations. To ensure that storm water management systems function as they were designed and constructed, the post-construction operation and maintenance plan shall be a stand-alone

document, which contains: (1) a designated entity for storm water inspection and maintenance responsibilities; (2) the routine and non-routine maintenance tasks to be undertaken; (3) a schedule for inspection and maintenance; (4) any necessary legally binding maintenance easements and agreements; and (5) a map showing all access and maintenance easements. Permittees are not responsible under this permit for operation and maintenance of post-construction practices once coverage under this permit is terminated.

Post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate NPDES permit (one example is storm water discharges from regulated industrial sites).

Construction activities that do not include the installation of any impervious surface (e.g., soccer fields), abandoned mine land reclamation activities regulated by the Ohio Department of Natural Resources, stream and wetland restoration activities, and wetland mitigation activities are not required to comply with the conditions of Part III.G.2.e of this permit. Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of additional impervious surface, are not required to comply with the conditions of Part III.G.2.e of this permit. However, linear construction projects shall be designed to minimize the number of stream crossings and the width of disturbance and achieve final stabilization of the disturbed area as defined in Part VII.J.1.

Large Construction Activities. For all large construction activities (involving the disturbance of five or more acres of land or will disturb less than five acres, but is a part of a larger common plan of development or sale which will disturb five or more acres of land), the post construction BMP(s) chosen shall be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality. The BMP(s) chosen must be compatible with site and soil conditions. Structural post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site. The BMP(s) chosen must be sized to treat the water quality volume (WQ_v) and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. The WQ_v shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to the following equation:

$$WQ_v = C * P * A / 12$$

where:

WQ_v = water quality volume in acre-feet

C = runoff coefficient appropriate for storms less than 1 inch

(Either use the following formula: $C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$,

where i = fraction of post-construction impervious surface or use Table 1)

P = 0.75 inch precipitation depth

A = area draining into the BMP in acres

Table 1
Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2

Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35$.

An additional volume equal to 20 percent of the WQ_v shall be incorporated into the BMP for sediment storage. Ohio EPA recommends that BMPs be designed according to the methodology included in the most current edition of the Rainwater and Land Development manual or in another design manual acceptable for use by Ohio EPA.

The BMPs listed in Table 2 below shall be considered standard BMPs approved for general use. However communities with a regulated MS4 may limit the use of some of these BMPs. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage for successive rainfall events and avoid the creation of nuisance conditions. The outlet structure for the post-construction BMP shall not discharge more than the first half of the WQ_v or extended detention volume (ED_v) in less than one-third of the drain time. The ED_v is the volume of storm water runoff that must be detained by a structural post-construction BMP. The ED_v is equal to 75 percent of the WQ_v for wet extended detention basins, but is equal to the WQ_v for all other BMPs listed in Table 2.

Table 2
Structural Post-Construction BMPs & Associated
Drain (Drawdown) Times

Best Management Practice	Drain Time of WQv
Infiltration Basin or Trench ¹	48 hours
Permeable Pavement – Infiltration ¹	48 hours
Permeable Pavement – Extended Detention	24 hours
Dry Extended Detention Basin ²	48 hours
Wet Extended Detention Basin ³	24 hours
Constructed Wetland (above permanent pool) ⁴	24 hours
Sand & Other Media Filtration ⁵	24 hours
Bioretention Area/Cell ^{5,6}	24 hours
Pocket Wetland ⁷	24 hours

¹ Practices that are designed to fully infiltrate the WQv (basin, trench, permeable pavement) shall empty within 48 hours to provide storage for the subsequent storm events.

² Dry basins must include forebay and micropool each sized at 10% of the WQv.

³ Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 WQv.

⁴ Extended detention shall be provided for the WQv above the permanent water pool.

⁵ The surface ponding area (WQv) shall completely empty within 24 hours so that there is no standing water. Shorter drawdown times are acceptable as long as design criteria in Ohio's Rainwater and Land Development manual have been met.

⁶ This would include Grassed Linear Bioretention which was previously called Enhanced Water Quality Swale.

⁷ Pocket wetlands must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDv above the permanent pool must be equal to the WQv.

The permittee may request approval from Ohio EPA to use alternative structural post-construction BMPs if the permittee can demonstrate that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. Construction activities shall be exempt from this condition if it can be demonstrated that the WQv is provided within an existing structural post-construction BMP that is part of a larger common plan of development or if structural post-construction BMPs are addressed in a regional or local storm water management plan. A municipally operated regional storm water BMP can be used as a post-construction BMP provided that the BMP can detain the WQv from its entire drainage area and release it over a 24 hour period.

Transportation Projects. The construction of new roads and roadway improvement projects by public entities (i.e., the state, counties, townships, cities, or villages) may implement post-construction BMPs in compliance with the current version (as of the effective date of this permit) of the Ohio Department of Transportation's "Location and Design Manual, Volume Two Drainage Design" that has been accepted by Ohio EPA as an alternative to the conditions of this permit.

Offsite Mitigation of Post-Construction. Ohio EPA may authorize the offsite mitigation of the post-construction requirements of Part III.G.2.e of this permit on a case by case basis provided the permittee clearly demonstrates the BMPs listed in Table 2 are not feasible and the following criteria is met: (1) a maintenance agreement or policy is established to ensure operations and treatment in perpetuity; (2) the offsite location discharges to the same HUC-14 watershed unit; and (3) the mitigation ratio of the WQv is 1.5 to 1 or the WQv at the point of retrofit, whichever is greater. Requests for offsite mitigation must be received prior to receipt of the NOI applications.

Redevelopment Projects Sites that have been previously developed where no post-construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of green roofs. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage, with the new development at 100 percent WQv and redevelopment at 20 percent WQv.

Non-Structural Post-Construction BMPs The size of the structural post-construction can be reduced by incorporating non-structural post-construction BMPs into the design. Practices such as preserving open space will reduce the runoff coefficient and, thus, the WQv. Ohio EPA encourages the implementation of riparian and wetland setbacks. Practices which reduce storm water runoff include green roofs, rain barrels, conservation development, smart growth, low-impact development, and other site design techniques. For examples, see the Ohio Lake Erie Commission's Balanced Growth Program at <http://balancedgrowth.ohio.gov/>.

In order to promote the implementation of such practices, the Director may consider the use of non-structural practices to demonstrate compliance with Part III.G.2.e of this permit for areas of the site not draining into a common drainage system of the site, i.e., sheet flow from perimeter areas such as the rear yards of residential lots, for low density development scenarios, or where the permittee can demonstrate that the intent of pollutant removal and stream protection, as required in Part III.G.2.e of this permit is being addressed through non-structural post-construction BMPs based upon review and approval by Ohio EPA.

Use of Alternative Post-Construction BMPs This permit does not preclude the use of innovative or experimental post-construction storm water management technologies. However, the Director may require these practices to be tested using the protocol outlined in the Technology Acceptance Reciprocity Partnership's (TARP) Protocol for Stormwater Best Management Practice Demonstrations or other approvable protocol. For guidance, see the following:

- <http://www.njstormwater.org>
- <http://www.mastep.net/>

The Director may require discharges from such structures to be monitored to ensure compliance with Part III.G.2.e of this permit. Permittees shall request

approval from Ohio EPA to use alternative post-construction BMPs if the permittee can demonstrate that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. To demonstrate this equivalency, the permittee shall show that the alternative BMP has a minimum total suspended solids (TSS) removal efficiency of 80 percent under both laboratory and field conditions. Tests shall be conducted by an independent, third party tester. Also, the WQv discharge rate from the practice shall be reduced to prevent stream bed erosion and protect the physical and biological stream integrity unless there will be negligible hydrological impact to the receiving surface water of the state. The discharges will have a negligible impact if the permittee can demonstrate that one of the following four conditions exist:

- i. The entire WQv is recharged to groundwater;
- ii. The larger common plan of development or sale will create less than one acre of impervious surface;
- iii. The project is a redevelopment project within an ultra-urban setting (i.e., a downtown area or on a site where 100 percent of the project area is already impervious surface and the storm water discharge is directed into an existing storm sewer system); or
- iv. The storm water drainage system of the development discharges directly into a large river (fourth order or greater) or to a lake and where the development area is less than 5 percent of the watershed area upstream of the development site, unless a TMDL identified water quality problems into the receiving surface waters of the state.

The Director shall only consider the use of alternative BMPs on projects where the permittee can demonstrate that the implementation of the BMPs listed in Table 2 is infeasible due to physical site constraints that prevent the ability to provide functional BMP design. Alternative practices may include, but are not limited to, underground detention structures, vegetated swales and vegetated filter strips designed using water quality flow, natural depressions, rain barrels, green roofs, rain gardens, catch basin inserts, and hydrodynamics separators. The Director may also consider non-structural post-construction approaches where no local requirements for such practices exist.

Small Construction Activities For all small land disturbance activities (which disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWP3. Structural measures should be placed on upland soils to the degree attainable. Such practices may include, but are not limited to: storm water detention structures (including wet basins); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The SWP3 shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

- f. Surface Water Protection. If the project site contains any streams, rivers, lakes, wetlands or other surface waters, certain construction activities at the site may be regulated under the CWA and/or state isolated wetland permit requirements. Sections 404 and 401 of the Act regulate the discharge of dredged or fill material into surface waters and the impacts of such activities on water quality, respectively. Construction activities in surface waters which may be subject to CWA regulation and/or state isolated wetland permit requirements include, but are not limited to: sewer line crossings, grading, backfilling or culverting streams, filling wetlands, road and utility line construction, bridge installation and installation of flow control structures. If the project contains streams, rivers, lakes or wetlands or possible wetlands, the permittee shall contact the appropriate U.S. Army Corps of Engineers District Office. (CAUTION: Any area of seasonally wet hydric soil is a potential wetland - please consult the Soil Survey and list of hydric soils for your County, available at your county's Soil and Water Conservation District. If you have any questions about Section 401 water quality certification, please contact the Ohio Environmental Protection Agency, Section 401 Coordinator.)

U.S. Army Corps of Engineers (Section 404 regulation):

- Huntington, WV District (304) 399-5210 (Muskingum River, Hocking River, Scioto River, Little Miami River, and Great Miami River Basins)
- Buffalo, NY District (716) 879-4330 (Lake Erie Basin)
- Pittsburgh, PA District (412) 395-7155 (Mahoning River Basin)
- Louisville, KY District (502) 315-6686 (Ohio River)

Ohio EPA 401/404 and non-jurisdictional stream/wetland coordinator can be contacted at (614) 644-2001 (all of Ohio)

Concentrated storm water runoff from BMPs to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural BMPs may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod, and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether their construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain wetland hydrology.

- g. Other controls.

- i. **Non-Sediment Pollutant Controls.** In accordance with Part II.E, no solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff. The permittee must implement all necessary BMPs to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. Under

no circumstance shall wastewater from the washout of concrete trucks, stucco, paint, form release oils, curing compounds, and other construction materials be discharged directly into a drainage channel, storm sewer or surface waters of the state. Also, no pollutants from vehicle fuel, oils, or other vehicle fluids can be discharged to surface waters of the state. No exposure of storm water to waste materials is recommended. The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt. In accordance with Part II.D.3, the SWP3 shall include measures to prevent and respond to chemical spills and leaks. You may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses conditions of this permit condition and a copy of such plan is maintained on site.

- ii. **Off-site traffic.** Off-site vehicle tracking of sediments and dust generation shall be minimized. In accordance with Part II.D.1, the SWP3 shall include methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
- iii. **Compliance with other requirements.** The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations, including provisions prohibiting waste disposal by open burning and shall provide for the proper disposal of contaminated soils to the extent these are located within the permitted area.
- iv. **Trench and ground water control.** In accordance with Part II.C, there shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground water contains sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- v. **Contaminated Sediment.** Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (is not considered a Hazardous Waste, meeting VAP standards, etc.) may still result in storm water discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this permit. Appropriate BMPs include, but are not limited to:

- The use of berms, trenches, and pits to collect contaminated runoff and prevent discharges;
- Pumping runoff into a sanitary sewer (with prior approval of the sanitary sewer operator) or into a container for transport to an appropriate treatment/disposal facility; and
- Covering areas of contamination with tarps or other methods that prevent storm water from coming into contact with the material.

Operators should consult with Ohio EPA Division of Surface Water prior to seeking permit coverage.

- h. Maintenance. All temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all up slope areas they control are permanently stabilized. The SWP3 shall be designed to minimize maintenance requirements. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices.
- i. Inspections. At a minimum, procedures in an SWP3 shall provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented in the SWP3. Once a definable area is finally stabilized, the area may be marked on the SWP3 and no further inspection requirements apply to that portion of the site. The permittee shall assign "qualified inspection personnel" to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.g of this permit or whether additional control measures are required.

Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report shall include:

- i. the inspection date;
- ii. names, titles, and qualifications of personnel making the inspection;
- iii. weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- iv. weather information and a description of any discharges occurring at the time of the inspection;

- v. location(s) of discharges of sediment or other pollutants from the site;
- vi. location(s) of BMPs that need to be maintained;
- vii. location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- viii. location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- ix. corrective action required including any changes to the SWP3 necessary and implementation dates.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

The permittee shall maintain for three years following the submittal of a notice of termination form, a record summarizing the results of the inspection, names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3 and a certification as to whether the facility is in compliance with the SWP3 and the permit and identify any incidents of non-compliance. The record and certification shall be signed in accordance with Part V.G. of this permit.

- i. **When practices require repair or maintenance.** If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within 3 days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection.
 - ii. **When practices fail to provide their intended function.** If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within 10 days of the inspection.
 - iii. **When practices depicted on the SWP3 are not installed.** If the inspection reveals that a control practice has not been implemented in accordance with the schedule contained in Part III.G.1.g of this permit, the control practice shall be implemented within 10 days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.
3. **Approved State or local plans.** All dischargers regulated under this general permit must comply, except those exempted under state law, with the lawful requirements of municipalities, counties and other local agencies regarding discharges of storm water from construction activities. All erosion and sediment control plans and storm water

management plans approved by local officials shall be retained with the SWP3 prepared in accordance with this permit. Applicable requirements for erosion and sediment control and storm water management approved by local officials are, upon submittal of a NOI form, incorporated by reference and enforceable under this permit even if they are not specifically included in an SWP3 required under this permit. When the project is located within the jurisdiction of a regulated municipal separate storm sewer system (MS4), the permittee shall certify that the SWP3 complies with the requirements of the storm water management program of the MS4 operator.

4. **Exceptions.** If specific site conditions prohibit the implementation of any of the erosion and sediment control practices contained in this permit or site specific conditions are such that implementation of any erosion and sediment control practices contained in this permit will result in no environmental benefit, then the permittee shall provide justification for rejecting each practice based on site conditions. Exceptions from implementing the erosion and sediment control standards contained in this permit will be approved or denied on a case-by-case basis.

The permittee may request approval from Ohio EPA to use alternative methods to satisfy conditions in this permit if the permittee can demonstrate that the alternative methods are sufficient to protect the overall integrity of receiving streams and the watershed. Alternative methods will be approved or denied on a case-by-case basis.

PART IV. NOTICE OF TERMINATION REQUIREMENTS

A. Failure to notify.

The terms and conditions of this permit shall remain in effect until a signed Notice of Termination (NOT) form is submitted. Failure to submit an NOT constitutes a violation of this permit and may affect the ability of the permittee to obtain general permit coverage in the future.

B. When to submit an NOT.

1. Permittees wishing to terminate coverage under this permit shall submit an NOT form in accordance with Part V.G. of this permit. Compliance with this permit is required until an NOT form is submitted. The permittee's authorization to discharge under this permit terminates at midnight of the day the NOT form is submitted. Prior to submitting the NOT form, the permittee shall conduct a site inspection in accordance with Part III.G.2.i of this permit and have a maintenance agreement in place to ensure all post-construction BMPs will be maintained in perpetuity.
2. All permittees shall submit an NOT form within 45 days of completing all permit requirements. Enforcement actions may be taken if a permittee submits an NOT form without meeting one or more of the following conditions:
 - a. Final stabilization (see definition in Part VII) has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use);
 - b. Another operator(s) has assumed control over all areas of the site that have not been finally stabilized;

- c. For residential construction only, temporary stabilization has been completed and the lot, which includes a home, has been transferred to the homeowner. (Note: For individual lots without housing, which are sold by the developer, the individual lot permittee shall implement final stabilization prior to the individual lot permittee terminating permit coverage.); or
- d. An exception has been granted under Part III.G.4.

C. How to submit an NOT.

Permittees shall use Ohio EPA's approved NOT form. The form shall be completed and mailed according to the instructions and signed in accordance with Part V.G of this permit.

PART V. STANDARD PERMIT CONDITIONS.

A. Duty to comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORC Chapter 6111 and is grounds for enforcement action.

Ohio law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

B. Continuation of an 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 which 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 10 days of written request, any information which the director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or 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 NOI, SWP3, NOT or in any other report to the director, he or she shall promptly submit such facts or information.

G. Signatory requirements.

All NOIs, NOTs, SWP3s, reports, certifications or information either submitted to the director or that this permit requires to be maintained by the permittee, shall be signed.

1. These items 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:
 - i. 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
 - ii. The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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 U.S. EPA).
2. All reports required by the permits and other information requested by the director shall be signed by a person described in Part V.G.1 of this permit 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 in Part V.G.1 of this permit 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 of a well or well field, superintendent, 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); and
 - c. The written authorization is submitted to the director.
3. Changes to authorization. If an authorization under Part V.G.2 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 Part V.G.2 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.

H. 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."

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 CWA or 40 CFR Part 112. 40 CFR Part 112 establishes procedures, methods and equipment and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable surface waters of the state or adjoining shorelines.

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.

Ohio NPDES general permit coverage is transferable. Ohio EPA must be notified in writing sixty days prior to any proposed transfer of coverage under an Ohio NPDES general permit. The transferee must inform Ohio EPA it will assume the responsibilities of the original permittee transferor.

M. Environmental laws.

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

N. 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 SWP3s. 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.

O. Inspection and entry.

The permittee shall allow the director or an authorized representative of Ohio EPA, 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;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

P. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

Q. 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.

R. Bypass

The provisions of 40 CFR Section 122.41(m), relating to "Bypass," are specifically incorporated herein by reference in their entirety. For definition of "Bypass," see Part VII.C.

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 VII.GG.

T. Monitoring and Records

The provisions of 40 CFR Section 122.41(j), relating to "Monitoring and Records," are specifically incorporated herein by reference in their entirety.

U. Reporting Requirements

The provisions of 40 CFR Section 122.41(l), relating to "Reporting Requirements," are specifically incorporated herein by reference in their entirety.

PART VI. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with construction activity covered by this permit, the permittee of such discharge may be required to obtain coverage under 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.

Permit modification or revocation will be conducted according to ORC Chapter 6111.

PART VII. DEFINITIONS

- A. "Act" means 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.
- B. "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMP's also include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.
- C. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- D. "Commencement of construction" means the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

- E. "Concentrated storm water runoff" means any storm water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.
- F. "Director" means the director of the Ohio Environmental Protection Agency.
- G. "Discharge" means the addition of any pollutant to the surface waters of the state from a point source.
- H. "Disturbance" means any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- I. "Drainage watershed" means for purposes of this permit the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This would also include any off-site drainage.
- J. "Final stabilization" means that either:
 - 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or
 - 2. For individual lots in residential construction by either:
 - a. The homebuilder completing final stabilization as specified above or
 - b. The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or
 - 3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters of the state and which are not being returned to their pre-construction agricultural use, must meet the final stabilization criteria in (1) or (2) above.
- K. "Individual Lot NOI" means a Notice of Intent for an individual lot to be covered by this permit (see Part I of this permit).

- L. "Larger common plan of development or sale"- means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- M. "MS4" means municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:
1. Owned or operated by the federal government, state, municipality, township, county, district(s) or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts or similar entity or a designated and approved management agency under section 208 of the act that discharges into surface waters of the state; and
 2. Designed or used for collecting or conveying solely storm water,
 3. Which is not a combined sewer and
 4. Which is not a part of a publicly owned treatment works.
- N. "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."
- O. "NOI" means notice of intent to be covered by this permit.
- P. "NOT" means notice of termination.
- Q. "Operator" means any party associated with a construction project that meets either of the following two criteria:
1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).
- As set forth in Part I.F.1, there can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.
- R. "Ordinary high water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- S. "Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

- T. "Permanent stabilization" means the establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.
- U. "Percent imperviousness" means the impervious area created divided by the total area of the project site.
- V. "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 the 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.
- W. "Qualified inspection personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.
- X. "Rainwater and Land Development" is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
- Y. "Riparian area" means the transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.
- Z. "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
- AA. "Sediment settling pond" means a sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of the Rainwater and Land Development manual.
- BB. "State isolated wetland permit requirements" means the requirements set forth in Sections 6111.02 through 6111.029 of the ORC.
- CC. "Storm water" means storm water runoff, snow melt and surface runoff and drainage.
- DD. "Steep slopes" means slopes that are 15 percent or greater in grade. Where a local government or industry technical manual has defined what is to be considered a "steep slope," this permit's definition automatically adopts that definition.
- EE. "Surface waters of the state" or "water bodies" means all streams, lakes, reservoirs, ponds, marshes, wetlands or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters. Waters defined as

sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.

- FF. "SWP3" means storm water pollution prevention plan.
- GG. "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.
- HH. "Temporary stabilization" means the establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- II. "Water Quality Volume (WQ_v)" means the volume of storm water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQ_v is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

ATTACHMENT 2

Issuance Date: May 8, 2017
Effective Date: June 1, 2017
Expiration Date: May 31, 2022


OHIO ENVIRONMENTAL PROTECTION AGENCY**AUTHORIZATION TO DISCHARGE STORM WATER
ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM****MULTI-SECTOR GENERAL PERMIT**

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 1.1.1 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 1 through 8 of this permit. The Appendices contain additional permit conditions that apply to all operators covered under this permit.

It has been determined that a lowering of water quality of various waters of the State associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

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 3745-38-02(E).

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.



Craig W. Butler
Director

**NPDES MULTI-SECTOR GENERAL PERMITS FOR STORM WATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
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1. Coverage under this Permit.**1.1 Eligibility.****1.1.1 Facilities Covered.**

To be eligible to discharge under this permit, you shall (1) have a storm water discharge associated with industrial activity from your primary industrial activity, as defined in Appendix A, provided your primary industrial activity is included in Appendix D, or (2) be notified by Ohio EPA that you are eligible for coverage under Sector AD of this permit.

1.1.2 Allowable Storm Water Discharges.

Unless otherwise made ineligible under Part 1.1.4, the following discharges are eligible for coverage under this permit:

1.1.2.1 Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix A;

1.1.2.2 Discharges designated by Ohio EPA as needing a storm water permit as provided in Sector AD;

1.1.2.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are commingled with discharges that are authorized under this permit;

1.1.2.4 Discharges subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1; and

Table 1-1. Storm Water-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ^a

1.1.3 Allowable Non-Storm Water Discharges.

The following are the non-storm water discharges authorized under this permit, provided the non-storm water component of your discharge is in compliance with Part 2.1.2.10:

- Discharges from fire-fighting activities (not planned exercises);
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 5.1.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- Routine external building washdown/power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- 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).

1.1.4 Limitations on Coverage.

1.1.4.1 Discharges Mixed with Non-Storm Water. Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed in Part 1.1.3, are not eligible for coverage under this permit.

1.1.4.2 Storm Water Discharges Associated with Construction Activity. Storm water discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors I and J of this permit.

1.1.4.3 Discharges Currently or Previously Covered by Another Permit. Unless you received written notification from Ohio EPA specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Storm water discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;

- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by Ohio EPA (this does not apply to the routine reissuance of permits every five years).

1.1.4.4 Storm Water Discharges Subject to Effluent Limitations Guidelines. For discharges subject to storm water effluent limitation guidelines under 40 CFR, Subchapter N, only those storm water discharges identified in Table 1-1 are eligible for coverage under this permit. The following storm water discharges subject to effluent limitation guidelines under 40 CFR, Subchapter N are not eligible for coverage and shall obtain authorization under an individual NPDES permit:

- Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874) (40 CFR Section – Part 418, Subpart A).
- Runoff from hazardous waste and non-hazardous waste landfills (40 CFR Section – Part 445, Subparts A and B).
- Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures (40 CFR Section – Part 449).

1.1.4.5 (Reserved)

1.1.4.6 (Reserved)

1.1.4.7 (Reserved)

1.1.4.8 New Discharges to Waters for Antidegradation Purposes. Unless you were authorized to discharge storm water by an NPDES industrial storm water general permit prior to February 11, 1996, you are not eligible for coverage under this permit for discharges to outstanding state waters, superior high quality waters or outstanding national resource waters, other than Lake Erie, as defined by and identified in rule 3745-1-05 of the Ohio Administrative Code, or direct tributaries to these waters within one mile of these waters;

1.2 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part 3 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part 3.3.

1.3 Authorization under this Permit.

1.3.1 How to Obtain Authorization.

To obtain authorization under this permit, you shall:

- Meet the Part 1.1 eligibility requirements;
- Select, design, install, and implement control measures in accordance with Part 2.1 to meet the control measures/best management practices (BMPs) in Part 2.1.2 and the numeric effluent limits in Part 2.1.3;
- Develop a SWPPP according to the requirements in Part 5 of this permit; and
- Submit a complete and accurate Notice of Intent (NOI) application using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOI form through the agency eBusiness Center due to a demonstrated hardship, the NOI may be submitted on paper NOI forms provided by Ohio EPA. NOI information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOI form.

Ohio EPA will post on the Internet, at www.epa.ohio.gov/dsw/permits/gplist.aspx all approved NOIs. Late NOIs will be accepted but authorization to discharge will not be retroactive.

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date ¹
<u>Existing Dischargers</u>	Within 90 days after permittee receives notice from Ohio EPA on the issuance of this permit	When the Ohio EPA Director authorizes coverage under this permit
<u>New Dischargers or New Sources</u>	180 days prior to the planned commencement of storm water discharge ²	When the Ohio EPA Director authorizes coverage under this permit

¹ Based on a review of your NOI or other information, Ohio EPA may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.6. In these instances, Ohio EPA will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

² An NOI may be submitted less than 180 days prior to commencement of discharge upon showing of good cause.

1.3.2 Continuation of this Permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect until a new general permit is issued for those granted coverage under the permit prior to expiration. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility's discharges; or
- A formal permit decision by Ohio EPA not to reissue this general permit, at which time Ohio EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.4 Terminating Coverage.

1.4.1 Submitting a Notice of Termination.

To terminate permit coverage, you shall submit a complete and accurate Notice of Termination (NOT) form using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOT form through the agency eBusiness Center due to a demonstrated hardship, the NOT may be submitted on paper NOT forms provided by Ohio EPA. NOT

information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOT form.

Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.4.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

1.4.2 When to Submit a Notice of Termination.

You shall submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless Ohio EPA has required that you obtain such coverage under authority of Part 1.6.1, in which case coverage under this permit will terminate automatically.

1.5 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a no exposure exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification. You are no longer required to have a permit upon submission of a complete and accurate no exposure certification to Ohio EPA. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a No Exposure Certification form to Ohio EPA, you are not required to submit a Notice of Termination. You shall submit a No Exposure Certification to Ohio EPA once every five years. To file your No Exposure Certification, use Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the No Exposure Certification. Existing eBusiness Center account holders can access the No Exposure Certification form through their existing account and submit using their existing PIN. Please see the following link for guidance:

<http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the No Exposure Certification form through the agency eBusiness Center due to a demonstrated hardship, the No Exposure Certification may be submitted on paper No Exposure Certification forms provided by Ohio EPA. No Exposure Certification information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper No Exposure Certification form.

1.6 Alternative Permits.

1.6.1 Ohio EPA Requiring Coverage under an Alternative Permit.

Ohio EPA may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit in accordance with 40 CFR 122.64 and 124.5. Any interested person may petition Ohio EPA to take action under this paragraph. If Ohio EPA requires you to apply for an individual NPDES permit, Ohio EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an existing discharger authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. Ohio EPA may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application as required by Ohio EPA, then the applicability of this permit to you is terminated at the end of the day specified by Ohio EPA as the deadline for application submittal. Ohio EPA may take appropriate enforcement action for any unpermitted discharge.

1.6.2 Permittee Requesting Coverage under an Alternative Permit.

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you shall submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to Ohio EPA at the applicable Ohio EPA District Office listed in Part 7.6.2 of this permit. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are adequate to support the request.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.7 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. Ohio EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, Ohio EPA will advise the regulated community as to the effect of such invalidation.

2. Control Measures and Effluent Limits.

In Part 2.1 and in Part 8, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

2.1 Control Measures.

You shall select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 2.1.1, meet the control measures/best management practices in Part 2.1.2, and meet limits contained in applicable effluent limitations guidelines in Part 2.1.3. The selection, design, installation, and implementation of these control measures shall be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and

include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.1.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you shall modify these control measures as expeditiously as practicable. Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

2.1.1 Control Measure Selection and Design Considerations

You shall consider the following when selecting and designing control measures:

- preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your storm water discharge;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care shall be taken to avoid ground water contamination;
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- conserving and/or restoring of riparian buffers will help protect streams from storm water runoff and improve water quality; and
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.1.2 Control Measures/Best Management Practices (BMPs).

2.1.2.1 Minimize Exposure. You shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff

- and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the storm water drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters shall be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if storm water runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

2.1.2.2 Good Housekeeping. You shall keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

2.1.2.3 Maintenance. You shall regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. You shall maintain all control measures that are used to achieve the control measures/best management practices (BMPs) and numeric effluent limits required by this permit in effective operating condition. Nonstructural control measures shall also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you shall make the necessary repairs or modifications as expeditiously as practicable.

2.1.2.4 Spill Prevention and Response Procedures. You shall minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. At a minimum, you shall implement:

- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your storm water pollution prevention team (see Part 5.1.1); and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you shall notify the Ohio EPA Division of Emergency and Remedial Response at (800) 282-9378 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. Contact information shall be in locations that are readily accessible and available.

2.1.2.5 Erosion and Sediment Controls. You shall stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you shall take to meet this limit, you shall place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Ohio Department of Natural Resources (ODNR) Division of Soil and Water Conservation's Rainwater and Land Development manual (<http://www.dnr.state.oh.us/tabid/9186/Default.aspx>), U.S. EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific *Industrial Storm Water Fact Sheet Series*, (www.epa.gov/npdes/stormwater/msgp), *National Menu of Storm Water BMPs* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html).

2.1.2.6 Management of Runoff. You shall divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Ohio Department of Natural Resources (ODNR) Division of Soil and Water Conservation's Rainwater and Land Development manual (<http://www.dnr.state.oh.us/tabid/9186/Default.aspx>), U.S. EPA's internet-based resources relating to runoff management, including the sector-specific *Industrial Storm Water Fact Sheet Series*, (www.epa.gov/npdes/stormwater/msgp), *National Menu of Storm Water BMPs* (www.epa.gov/npdes/stormwater/menuofbmps), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/owow/nps/urbanmm/index.html).

2.1.2.7 Salt Storage Piles or Piles Containing Salt. You shall enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

2.1.2.8 Sector Specific Control Measures/Best Management Practices (BMPs). You shall achieve any additional control measures/best management practices (BMPs) stipulated in the relevant sector-specific section(s) of Part 8.

2.1.2.9 Employee Training. You shall train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training shall cover both the specific control measures used to achieve the conditions in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Ohio EPA requires that training be conducted at least annually (or more often if employee turnover is high).

2.1.2.10 Non-Storm Water Discharges. You shall eliminate non-storm water discharges not authorized by an NPDES permit. See Part 1.1.3 for a list of non-storm water discharges authorized by this permit.

2.1.2.11 Waste, Garbage and Floatable Debris. You shall ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

2.1.2.12 Dust Generation and Vehicle Tracking of Industrial Materials. You shall minimize generation of dust and off-site tracking of raw, final, or waste materials.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 6-1 (see Part 6.2.2.1), you shall meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines		
Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Water Quality Standards

Your discharge shall be controlled as necessary to meet applicable water quality standards.

Ohio EPA expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or Ohio EPA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you shall take corrective action as required in Part 3.1, document the corrective actions as required in Parts 3.4 and 5.4, and include in your annual report as required in Part 7.2.

Additionally, Ohio EPA may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

3. Corrective Actions

3.1 Conditions Requiring Review and Revision to Eliminate Problem

If any of the following conditions occur, you shall review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit) occurs at your facility;
- a discharge violates a numeric effluent limit;
- you become aware, or Ohio EPA determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- an inspection or evaluation of your facility by an Ohio EPA official or local MS4 operator determines that modifications to the control measures are necessary to meet the control measures/best management practices (BMPs) in this permit; or
- you find in your routine facility inspection or quarterly visual assessment that your control measures are not being properly operated and maintained.

3.2 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you shall review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the Part 2 conditions in this permit:

- construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in storm water from your facility, or significantly increases the quantity of pollutants discharged; or
- The average of your four quarterly sampling results exceeds an applicable benchmark (see Part 6.2.1.2). If less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly samples results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

3.3 Corrective Action Deadlines

You shall document your discovery of any of the conditions listed in Parts 3.1 and 3.2 within 24 hours of making such discovery. Subsequently, within 30 days of such discovery, you shall document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 30 days is detailed in Part 3.4. If you determine that changes are necessary following your review, any modifications to your control measures shall be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3.4 Corrective Action Report

Within 24 hours of discovery of any condition listed in Parts 3.1 and 3.2, you shall document the following information (i.e., questions 3-5 of the Corrective Actions section in the Annual Reporting Form, provided in Appendix I):

- Identification of the condition triggering the need for corrective action review;

- Description of the problem identified; and
- Date the problem was identified.

Within 30 days of discovery of any condition listed in Parts 3.1 and 3.2, you shall document the following information (i.e., questions 7-11 of the Corrective Actions section in the Annual Reporting Form):

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 3.2 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action initiated; and
- Date corrective action completed or expected to be completed.

You shall include this documentation in an annual report as required in Part 7.2 and retain onsite with your SWPPP as required in Part 5.4.

3.5 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. Ohio EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

3.6 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review shall assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls shall also be made before the next storm event if possible, or as soon as practicable following that storm event.

4. Inspections

You shall conduct the inspections in Parts 4.1 and 4.2 at your facility.

4.1 Routine Facility Inspections.

4.1.1 Routine Facility Inspection Procedures.

Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to storm water, and of all storm water control measures used to comply with Part 2 conditions contained in this permit. Routine facility inspections shall be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to storm water. Perform these inspections during periods when the facility is in operation. You shall specify the relevant inspection schedules in your SWPPP document as required in Part 5.1.5. These routine inspections shall be performed by qualified personnel

(for definition see Appendix A) with at least one member of your storm water pollution prevention team participating. At least once each calendar year, the routine facility inspection shall be conducted during a period when a storm water discharge is occurring.

4.1.2 Routine Facility Inspection Documentation.

You shall document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your routine facility inspection findings to Ohio EPA, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection shall include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection shall be performed consistent with Part 3 of this permit.

4.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. Such a facility is only required to conduct an annual site inspection in accordance with the requirements of Part 4.1. To invoke this exception, you shall maintain a statement in your SWPPP pursuant to Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement shall be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you shall immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you shall include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors D (Asphalt Paving and Roofing Materials and Lubricant Manufacturing), E (Glass, Clay, Cement, Concrete, and Gypsum Products) and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.D.3.1, 8.E.4.1 and 8.J.8.1.

Ohio EPA's Encouraging Environmental Excellence (E3) Program: If your facility has been recognized under the Gold and Platinum levels by Ohio EPA's Encouraging Environmental Excellence (E3) Program, you only need to conduct routine facility inspections for two quarters each year. If Part 8 of this permit requires your facility to conduct routine facility inspections on a monthly basis, you only need to conduct routine facility inspections on a quarterly basis.

4.2 Quarterly Visual Assessment of Storm Water Discharges.

4.2.1 Quarterly Visual Assessment Procedures.

Once each calendar quarter for the entire permit term, you shall collect a storm water sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but should be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment shall be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample shall be collected as soon as practicable after the first 30 minutes and you shall document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples shall be taken during a period with a measurable discharge from your site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. If it is not possible to collect the sample on discharges that occur at least 72 hours (3 days) from the previous discharge, the sample shall be collected as close to this storm interval as practicable and you shall document why it was not possible to take samples from a 72 hour (3 day) storm interval.

You shall visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity;
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

4.2.2 Quarterly Visual Assessment Documentation.

You shall document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your visual assessment findings to Ohio EPA, unless specifically requested to do so. At a minimum, your documentation of the visual

assessment shall include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes and/or from a 72 hour (3 day) storm interval.

Any corrective action required as a result of a quarterly visual assessment shall be performed consistent with Part 3 of this permit.

4.2.3 Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you shall take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter shall be included with your SWPPP records as described in Part 5.4. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Areas Subject to Snow: In areas subject to snow, at least one quarterly visual assessment shall capture snowmelt discharge, as described in Part 6.1.3.

Inactive and unstaffed sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, you shall maintain a statement in your SWPPP as required in Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement shall be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you shall immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you shall include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors D (Asphalt Paving and Roofing Materials and Lubricant Manufacturing), E (Glass, Clay, Cement, Concrete, and Gypsum Products) and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.D.3.1, 8.E.4.1 and 8.J.8.1.

Substantially identical outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.1.5.2, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If storm water contamination is identified through visual assessment performed at a substantially identical outfall, you shall assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

Ohio EPA's Encouraging Environmental Excellence (E3) Program: If your facility has been recognized under the Gold and Platinum levels by Ohio EPA's Encouraging Environmental Excellence (E3) Program, you only need to conduct quarterly visual assessment of storm water discharges for two quarters each year.

5. Storm Water Pollution Prevention Plan (SWPPP).

You shall prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage if you did not have coverage under a previous NPDES permit (e.g., OHR000005). If you prepared a SWPPP for coverage under a previous NPDES permit, you shall review and update the SWPPP to implement all provisions of this permit within 180 days after the effective date of this permit. The SWPPP does not contain effluent limitations; the limitations are contained in Part 2 of the permit, and for some sectors, Part 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures. As distinct from the SWPPP, the additional documentation requirements (see Part 5.4) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

5.1 Contents of Your SWPPP.

For coverage under this permit, your SWPPP shall contain all of the following elements:

- Storm water pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5); and
- Signature requirements (see Part 5.1.6).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, copies of the relevant portions of those documents shall be kept with your SWPPP.

5.1.1 Storm Water Pollution Prevention Team.

You shall identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities. Your storm water pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each

member of the storm water pollution prevention team shall have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

5.1.2 Site Description.

Your SWPPP shall include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your storm water discharges.
- *Site map.* Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of storm water flow (use arrows);
 - locations of all existing structural control measures;
 - locations of all receiving waters in the immediate vicinity of your facility;
 - locations of all storm water conveyances including ditches, pipes, and swales;
 - locations of potential pollutant sources identified under Part 5.1.3.2;
 - locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
 - locations of all storm water monitoring points;
 - locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 001, No. 002, etc), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
 - municipal separate storm sewer systems, where your storm water discharges to them;
 - locations and descriptions of all non-storm water discharges identified under Part 2.1.2.10;
 - 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 and storage areas;
 - 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;
 - transfer areas for substances in bulk; and
 - machinery; and
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.1.3 Summary of Potential Pollutant Sources.

You shall document areas at your facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released. *Industrial materials or activities* include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description shall include:

5.1.3.1 Activities in the area. A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.1.3.2 Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list shall include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to storm water in the 3 years prior to the date you prepare or amend your SWPPP.

5.1.3.3 Spills and Leaks. You shall document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You shall document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: 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 Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. 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.

5.1.3.4 Non-Storm Water Discharges. You shall document that you have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation shall include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge;

5.1.3.5 Salt Storage. You shall document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.1.3.6 Sampling Data. You shall summarize all storm water discharge sampling data collected at your facility during the previous permit term.

5.1.4 Description of Control Measures.

5.1.4.1 Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits. You shall document the location and type of control measures you have installed and implemented at your site to achieve the control measures/best management practices (BMPs) in Part 2.1.2, and where applicable in Part 8, the effluent limitations guidelines-based limits in Part 2.1.3, and the water quality-based effluent limits in Part 2.2 and describe how you addressed the control measure selection and design considerations in Part 2.1.1. This documentation shall describe how the control measures at your site address both the pollutant sources identified in Part 5.1.3 and any storm water run-on that commingles with any discharges covered under this permit.

5.1.5 Schedules and Procedures

5.1.5.1 Pertaining to Control Measures Used to Comply with the Control Measures/Best Management Practices (BMPs) and Effluent Limits in Part 2. The following shall be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite (hard copy or electronic) and make it available for review consistent with Part 5.3; and
- Employee Training (Part 2.1.2.9) – A schedule for all types of necessary training.

5.1.5.2 Pertaining to Monitoring and Inspection. You shall document in your SWPPP your procedures for conducting the three types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Effluent limitations guidelines monitoring (see Part 6.2.2); and
- Other monitoring as required by Ohio EPA (see Part 6.2.5).

For each type of monitoring, your SWPPP shall document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility (see Part 6.1.6);

- Any numeric control values (benchmarks, effluent limitations guidelines, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you shall include in your SWPPP the information to support this claim as required by Part 6.2.1.3.

You shall document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 4.2 or your benchmark monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

You shall document in your SWPPP your procedures for performing, as appropriate, the two types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1); and
- Quarterly visual assessment of storm water discharges (see Part 4.2).

For each type of inspection performed, your SWPPP shall identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections (see Part 4.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you shall include in your SWPPP the information to support this claim as required by Parts 4.1.3 and 4.2.3.

5.1.6 (Reserved)

5.1.7 Signature Requirements.

You must sign and date your SWPPP in accordance with Appendix B, Subsection 11, including the date of signature.

5.2 Required SWPPP Modifications.

You shall modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 3.2 indicates that changes to your control

measures are necessary to meet the control measures/best management practices (BMPs) and effluent limits in this permit. Changes to your SWPPP document shall be made in accordance with the corrective action deadlines in Parts 3.3 and 3.4, and shall be signed and dated in accordance with Appendix B, Subsection 11.

5.3 SWPPP Availability.

You shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to Ohio EPA; a local agency approving storm water management plans; and the operator of an MS4 receiving discharges from the site. Ohio EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within Ohio EPA. Your current SWPPP or certain information from your current SWPPP shall be made available to the public, except any confidential business information (CBI) or restricted information, but you must clearly identify those portions of the SWPPP that are being withheld from public access. See 40 CFR Part 2 for relevant definitions of CBI: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>.

5.4 Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to Ohio EPA along with any correspondence exchanged between you and Ohio EPA specific to coverage under this permit;
- A copy of the acknowledgment letter you receive from the Ohio EPA;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to surface waters of the State, through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.9);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1) and the Quarterly Visual Assessment Reports (see Part 4.2);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes and/or from a 72 hour (3 day) storm interval) (see Parts 4.2.1, 6.1.4, and 6.2.1.2);
- Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to

natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2;

- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.4.2); and
- Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.1.3), quarterly visual assessments (see Part 4.2.3), and/or benchmark monitoring (see Part 6.2.1.3).

6. Monitoring.

You shall collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix B, Subsections 10 – 12 and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." For monitoring purposes, an outfall can include a discrete conveyance (i.e., pipe, ditch, channel, tunnel or conduit) or a location where sheet flow leaves your facility's property. If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.1.5.2, your SWPPP shall identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 6.2.2.

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges shall be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring shall be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring shall be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you shall identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you shall identify the date of the sampling event.

6.1.4 Sample Type.

You shall take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. Samples shall be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample shall be collected as soon as practicable after the first 30 minutes and documentation shall be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples shall be taken during a period with a measurable discharge.

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 4.2.3 prevent the collection of samples according to the relevant monitoring schedule, you shall take a substitute sample during the next qualifying storm event. You shall report any failure to monitor as specified in Part 7.1 indicating the basis for not sampling during the usual reporting period.

6.1.6 (Reserved)

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin on your date of discharge authorization. Quarterly monitoring periods are as follows:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31

6.1.8 Monitoring for Allowable Non-Storm Water Discharges

You are only required to monitor allowable non-storm water discharges (as delineated in Part 1.1.3) when they are commingled with storm water discharges associated with industrial activity.

6.2 Required Monitoring.

This permit includes three types of required analytical monitoring, one or more of which may apply to your discharge:

- Benchmark monitoring (see Part 6.2.1)
- Annual effluent limitations guidelines monitoring (see Part 6.2.2); and
- Other monitoring as required by Ohio EPA (see Part 6.2.5).

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per year for an effluent limit and for a selected quarterly benchmark

monitoring event at a given outfall), you may use a single sample to satisfy both monitoring requirements.

All required monitoring shall be conducted in accordance with the procedures described in Appendix B, Subsection 10.D.

6.2.1 Benchmark Monitoring.

This permit stipulates pollutant benchmark concentrations that are applicable to certain sectors/subsectors. **The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation.** Benchmark monitoring data are for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the control measures/best management practices (BMPs) in Part 2.

At your discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

6.2.1.1 Applicability of Benchmark Monitoring. You shall monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to Ohio EPA with your first benchmark report a hardness value, established consistent with the procedures in Appendix J, which is representative of your receiving water.

Samples shall be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

6.2.1.2 Benchmark Monitoring Schedule. Benchmark monitoring shall commence no earlier than the effective date of this permit. During the first 12 quarterly monitoring periods of your permit coverage, you shall select a total of 4 quarterly monitoring periods (as identified in Part 6.1.7) and perform benchmark monitoring. Over this 3-year period, one benchmark sampling event shall be taken during each of the quarterly monitoring periods unless your facility is always inactive and unstaffed for a particular quarterly monitoring period. After collection of quarterly samples, you shall average your 4 monitoring values and compare to the benchmark concentration.

Based on the expiration date of this permit, if the effective date of your coverage under this permit occurs on a date which does not offer 12 quarterly monitoring periods, you shall complete benchmark monitoring requirements to the extent of remaining quarterly monitoring periods available before this permit expires. After collection of quarterly samples associated with the remaining quarterly monitoring periods, you shall average your monitoring values and compare to the benchmark concentration.

Data exceeding benchmarks: Based on the average of your monitoring results, if the monitoring values for any parameter exceeds the benchmark, you shall perform the following:

- In accordance with Part 3.2, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the Part 2 control measures/best management practices (BMPs) of this permit; or

- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the control measures/best management practices (BMPs) in Part 2 of this permit. You shall also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You shall also notify Ohio EPA of this determination in your next benchmark monitoring report.

Ideally your storm water samples will contain only runoff from your site. However, storm water from a neighboring facility can run-on and comeingle with your regulated storm water discharge, possibly adding contaminants not found at your facility. The SWPPP site description shall document the locations and sources of any run-on. If you feel your discharge is exceeding a benchmark value due to, run-on from neighboring properties, you may collect and analyze samples of the run-on. Determined contaminant concentrations of run-on from neighboring properties may be deducted from your storm water discharge when determining whether a benchmark has been exceeded. This information shall be documented within eDMR's comment section. All sample data and findings shall be maintained with your SWPPP.

If it is determined that a water quality standard is less restrictive than this permit's benchmark value, you may use the less restrictive value for benchmark monitoring purposes.

In accordance with Part 2, determined pollutant concentrations from your facility's structures (roofs, walls, fencing, etc.) can be considered to determine if it is technologically available and economically practical and achievable in light of best industry practice to implement additional control measures or not when a benchmark has been exceeded.

In accordance with Part 3.2, you shall review your control measures and perform any required corrective action immediately or document why no corrective action is required.

Natural background pollutant levels: If you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action provided that:

- The concentration of your benchmark monitoring result is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 5.4, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You shall include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge; and

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

6.2.1.3 Exception for Inactive and Unstaffed Sites. The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, you shall do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11; and
- If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies and you shall immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2. You shall indicate in your first benchmark monitoring report that your facility has materials or activities exposed to storm water or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you shall notify Ohio EPA of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified Ohio EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors D, E and J (see Part 8).

6.2.2 Effluent Limitations Monitoring.

6.2.2.1 Monitoring Based on Effluent Limitations Guidelines. Table 6-1 identifies the storm water discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Beginning on your date of discharge authorization, you shall monitor once per year at each outfall containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines			
Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab

6.2.2.2 Substantially Identical Outfalls. You shall monitor each outfall discharging runoff from any regulated activity identified in Table 6-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

6.2.3 (Reserved)

6.2.4 (Reserved)**6.2.5 Additional Monitoring Required by Ohio EPA.**

Ohio EPA may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

6.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limit.

You shall conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken pursuant to Part 3 in response to an exceedance of a numeric effluent limit contained in this permit. Monitoring shall be performed for any pollutant(s) that exceeds the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, you shall comply with both Parts 6.3.1 and 6.3.2.

6.3.1 Submit an Exceedance Report.

You shall submit an Exceedance Report consistent with Part 7.3.

6.3.2 Continue to Monitor.

You shall continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until Ohio EPA waives the requirement for additional monitoring.

7. Reporting and Recordkeeping**7.1 Reporting Monitoring Data to Ohio EPA.**

All monitoring data collected pursuant to Parts 6.2 and 6.3 shall be submitted to Ohio EPA using Ohio EPA's online electronic discharge monitoring report (eDMR) system (<https://ebiz.epa.ohio.gov/login.jsp>) no later than 30 days (email date or postmark date) after you have received your complete laboratory results for all monitored outfalls. If you cannot access eDMR, paper reporting forms shall be submitted by the same deadline to the appropriate address identified in Part 7.6.1. For additional information, visit the following Ohio EPA website address: <http://epa.ohio.gov/dsw/edmr/eDMR.aspx>.

7.2 Annual Report

You shall complete an annual report using the Annual Reporting Form (Appendix I of this permit) provided by Ohio EPA. You are not required to submit your annual report to Ohio EPA unless specifically requested. The timeframe to complete the report is at the discretion of the permittee but the same schedule to complete shall be maintained throughout this permit term. You shall keep the completed annual reports with your SWPPP.

7.3 Exceedance Report for Numeric Effluent Limits

If follow-up monitoring pursuant to Part 6.3 exceeds a numeric effluent limit, you shall submit an Exceedance Report to Ohio EPA no later than 30 days after you have received your lab results. Your report shall include the following:

- Ohio EPA Facility permit number;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation; and
- An appropriate contact name and phone number.

7.4 Additional Reporting.

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12.

Where applicable, you shall submit the following reports to the appropriate Ohio EPA District Office listed in Part 7.6.2, as applicable. If you discharge through an MS4, you shall also submit these reports to the MS4 operator when requested (identified pursuant to Part 5.1.2).

- 24-hour reporting (see Appendix B, Subsection 12.F) - You shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24-hour reporting (see Appendix B, Subsection 12.F) - A written submission shall also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills (see Part 2.1.2.4) - You shall provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

Where applicable, you shall submit the following reports to Ohio EPA Central Office at the appropriate address in Part 7.6.1:

- Planned changes (see Appendix B, Subsection 12.A) - You shall give notice to Ohio EPA as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection 12.B) - You shall give advance notice to Ohio EPA of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation - You shall submit a complete and accurate NPDES permit transfer application in accordance with the requirements of Appendix G of this permit;
- Compliance schedules (see Appendix B, Subsection 12.F) - Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date;

- Other noncompliance (see Appendix B, Subsection 12.G) - You shall report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information (see Appendix B, Subsection 12.H) - You shall promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.5 Recordkeeping.

You shall retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.

7.6 Addresses for Reports

7.6.1 Ohio EPA Central Office Addresses

Paper copies of any reports required in Part 6 and 7, not otherwise submitted electronically via Ohio EPA's eDMR, shall be sent to the following address:

Mailing Address for Other Forms/Reports:

Ohio EPA
Division of Surface Water
P.O. Box 1049
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

7.6.2 Ohio EPA District Office Addresses

7.6.2.1 Ohio EPA Southeast District Office:

<u>Adams</u>	<u>Athens</u>	<u>Belmont</u>	<u>Coshocton</u>	<u>Gallia</u>
<u>Guernsey</u>	<u>Harrison</u>	<u>Hocking</u>	<u>Jackson</u>	<u>Jefferson</u>
<u>Lawrence</u>	<u>Meigs</u>	<u>Monroe</u>	<u>Morgan</u>	<u>Muskingum</u>
<u>Noble</u>	<u>Perry</u>	<u>Pike</u>	<u>Ross</u>	<u>Scioto</u>
<u>Tuscarawas</u>	<u>Vinton</u>	<u>Washington</u>		

Attn: Storm Water Coordinator
2195 Front Street
Logan, Ohio 43138
Phone: (740) 385-8501
Fax: (740) 385-6490

7.6.2.2 Ohio EPA Southwest District Office:

<u>Brown</u>	<u>Butler</u>	<u>Champaign</u>	<u>Clark</u>	<u>Clermont</u>
<u>Clinton</u>	<u>Darke</u>	<u>Greene</u>	<u>Hamilton</u>	<u>Highland</u>
<u>Logan</u>	<u>Miami</u>	<u>Montgomery</u>	<u>Preble</u>	<u>Shelby</u>

Storm Water Discharges Associated With Industrial Activity

Warren

Attn: Storm Water Coordinator
401 East Fifth Street
Dayton, Ohio 45402
Phone: (937) 285-6357
Fax: (937) 285-6249

7.6.2.3 Ohio EPA Northwest District Office:

<u>Allen</u>	<u>Ashland</u>	<u>Auglaize</u>	<u>Crawford</u>	<u>Defiance</u>
<u>Erie</u>	<u>Fulton</u>	<u>Hancock</u>	<u>Hardin</u>	<u>Henry</u>
<u>Huron</u>	<u>Lucas</u>	<u>Marion</u>	<u>Mercer</u>	<u>Ottawa</u>
<u>Paulding</u>	<u>Putnam</u>	<u>Richland</u>	<u>Sandusky</u>	<u>Seneca</u>
<u>Van Wert</u>	<u>Williams</u>	<u>Wood</u>	<u>Wyandot</u>	

Attn: Storm Water Coordinator
347 North Dunbridge Road
Bowling Green, Ohio 43402
Phone: (419) 352-8461
Fax: (419) 352-8468

7.6.2.4 Ohio EPA Northeast District Office:

<u>Ashtabula</u>	<u>Carroll</u>	<u>Columbiana</u>	<u>Cuyahoga</u>	<u>Geauga</u>
<u>Holmes</u>	<u>Lake</u>	<u>Lorain</u>	<u>Mahoning</u>	<u>Medina</u>
<u>Portage</u>	<u>Stark</u>	<u>Summit</u>	<u>Trumbull</u>	<u>Wayne</u>

Attn: Storm Water Coordinator
2110 East Aurora Road
Twinsburg, Ohio 44087
Phone: (330) 963-1200
Fax: (330) 487-0769

7.6.2.5 Ohio EPA Central District Office:

<u>Delaware</u>	<u>Fairfield</u>	<u>Fayette</u>	<u>Franklin</u>	<u>Knox</u>
<u>Licking</u>	<u>Madison</u>	<u>Morrow</u>	<u>Pickaway</u>	<u>Union</u>

Attn: Storm Water Coordinator
50 West Town Street, Suite 700
Columbus, Ohio 43215
Phone: (614) 728-3778
Fax: (614) 728-3898

Part 8 – Sector-Specific Requirements for Industrial Activity

Storm Water Discharges Associated With Industrial Activity

Subpart A – Sector A – Timber Products.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.A.1 Covered Storm Water Discharges.

The requirements in Subpart A apply to storm water discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

8.A.2 Limitation on Coverage

- 8.A.2.1 *Prohibition of Discharges.* (See also Part 1.1.4) Not covered by this permit: storm water discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges shall be covered by a separate NPDES permit.
- 8.A.2.2 *Authorized Non-Storm Water Discharges.* (See also Part 1.1.3) Also authorized by this permit, provided the non-storm water component of the discharge is in compliance with the requirements in Part 2.1.2 (Control Measures/Best Management Practices (BMPs)): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

8.A.3 Additional Control Measures/Best Management Practices (BMPs).

- 8.A.3.1 *Good Housekeeping.* (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

8.A.4 Additional SWPPP Requirements.

- 8.A.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.
- 8.A.4.2 *Inventory of Exposed Materials.* (See also Part 5.1.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with storm water runoff.
- 8.A.4.3 *Description of Storm Water Management Controls.* (See also Part 5.1.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

8.A.5 Additional Inspection Requirements.

See also Part 4.1. If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges.

8.A.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.A-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc ¹	Hardness Dependent
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic	0.34 mg/L
	Total Copper ¹	Hardness Dependent
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0038	0.04
25-50 mg/L	0.0056	0.05

50-75 mg/L	0.0090	0.08
75-100 mg/L	0.0123	0.11
100-125 mg/L	0.0156	0.13
125-150 mg/L	0.0189	0.16
150-175 mg/L	0.0221	0.18
175-200 mg/L	0.0253	0.20
200-225 mg/L	0.0285	0.23
225-250 mg/L	0.0316	0.25
250-275 mg/L	0.0348	0.27
275-300 mg/L	0.0379	0.29
300-325 mg/L	0.0410	0.31
325-350 mg/L	0.0440	0.34
350-375 mg/L	0.0471	0.36
375-400 mg/L	0.0502	0.38
400+ mg/L	0.0517	0.39

8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.A-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 8.A-2 ¹		
Industrial Activity		
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.5 - 9.0 s.u
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round opening

¹ Monitor annually.

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart B – Sector B – Paper and Allied Products.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.B.1 Covered Storm Water Discharges.

The requirements in Subpart B apply to storm water discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

8.B.2 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.B-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.C.1 Covered Storm Water Discharges.

The requirements in Subpart C apply to storm water discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

8.C.2 Limitations on Coverage.

8.C.2.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) The following are not covered by this permit: non-storm water discharges containing inks, dyes, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwater from material handling and processing areas; and washwater from drum, tank, or container rinsing and cleaning. Also not covered by this permit is the discharge of leachate as defined by Ohio Administrative Code (OAC) 3745-27-01(L)(1).

8.C.3 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.C-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873, 2875 (non-composting) -2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Lead ¹	Hardness Dependent
	Total Zinc ¹	Hardness Dependent
	Phosphorus	2.0 mg/L
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Total Aluminum	0.75 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Zinc ¹	Hardness Dependent
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc ¹	Hardness Dependent
Subsector C6. Composting (SIC 2875)	Biochemical Oxygen Demand (BOD ₅)	30 mg/L
	Ammonia	3.1 mg/L
	pH	6.5 – 9.0 s.u.
	Total Suspended Solids (TSS)	100 mg/L

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-25 mg/L	0.021	0.04
25-50 mg/L	0.035	0.05
50-75 mg/L	0.067	0.08
75-100 mg/L	0.103	0.11
100-125 mg/L	0.142	0.13
125-150 mg/L	0.184	0.16
150-175 mg/L	0.227	0.18
175-200 mg/L	0.272	0.20
200-225 mg/L	0.320	0.23
225-250 mg/L	0.368	0.25
250-275 mg/L	0.418	0.27
275-300 mg/L	0.470	0.29
300-325 mg/L	0.522	0.31
325-350 mg/L	0.576	0.34
350-375 mg/L	0.631	0.36
375-400 mg/L	0.687	0.38
400+ mg/L	0.715	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.D.1 Covered Storm Water Discharges.

The requirements in Subpart D apply to storm water discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

8.D.2 Limitations on Coverage.

The following storm water discharges associated with industrial activity are not authorized by this permit (See also Part 1.1.4)

8.D.2.1 Discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining).

The following storm water discharges associated with industrial activity are not authorized under Sector D:

8.D.2.2 Discharges from oil recycling facilities, which are covered under Sector N (see Part 8.N); and

8.D.2.3 Discharges associated with fats and oils rendering, which are covered under Sector U (see Part 8.U).

8.D.3 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.D-1.		
Subsector	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

8.D.3.1 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector D facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites

(including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 4.2.3 and 6.2.1.3, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you shall immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2, and the quarterly visual assessment requirements; and
- Ohio EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You shall still conduct an annual site inspection in accordance with Part 4.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.D-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 8.D-2 ¹		
Industrial Activity	Parameter	Effluent Limit
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.5 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.

¹Monitor annually.

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.E.1 Covered Storm Water Discharges.

The requirements in Subpart E apply to storm water discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

8.E.2 Additional Control Measures/Best Management Practices (BMPs).

- 8.E.2.1. *Good Housekeeping Measures.* (See also Part 2.1.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Consider sweeping regularly or using other equivalent measures to minimize the presence of these materials. Indicate in your SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation. You shall also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to storm water, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.

8.E.3 Additional SWPPP Requirements.

- 8.E.3.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.
- 8.E.3.2 *Certification.* (See also Part 5.1.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-storm water discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES requirements or are recycled.

8.E.4 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.E-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L

8.E.4.1 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector E facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Parts 4.2.3 and 6.2.1.3, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you shall immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2, and the quarterly visual assessment requirements; and
- Ohio EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You shall still conduct an annual site inspection in accordance with Part 4.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.E-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 8.E-2¹

Industrial Activity	Parameter	Effluent Limit
Discharges from material storage piles at cement manufacturing facilities	Total Suspended Solids (TSS)	50 mg/L, daily maximum
	pH	6.5 - 9.0 s.u.

¹Monitor annually.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart F – Sector F – Primary Metals.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.F.1 Covered Storm Water Discharges.

The requirements in Subpart F apply to storm water discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

8.F.2 Additional Control Measures/Best Management Practices (BMPs).

8.F.2.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2) As part of your good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, consider using storm water management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment.

8.F.3 Additional SWPPP Requirements.

8.F.3.1 *Drainage Area Site Map.* (See also Part 5.1.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to surface waters of the State.

8.F.3.2 *Inventory of Exposed Material.* (See also Part 5.1.3.2) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible

8.F.4 **Additional Inspection Requirements.** (See also Part 4.1) As part of conducting your quarterly routine facility inspections (Part 4.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of

material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or storm water runoff.

8.F.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.F-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc ¹	Hardness Dependent
Subsector F2. Iron and Steel Foundries (SIC 3321-3325)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Copper ¹	Hardness Dependent
	Total Zinc ¹	Hardness Dependent
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Copper ¹	Hardness Dependent
	Total Zinc ¹	Hardness Dependent
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Copper ¹	Hardness Dependent
	Total Zinc ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0038	0.04
25-50 mg/L	0.0056	0.05
50-75 mg/L	0.0090	0.08
75-100 mg/L	0.0123	0.11
100-125 mg/L	0.0156	0.13
125-150 mg/L	0.0189	0.16
150-175 mg/L	0.0221	0.18
175-200 mg/L	0.0253	0.20
200-225 mg/L	0.0285	0.23
225-250 mg/L	0.0316	0.25
250-275 mg/L	0.0348	0.27
275-300 mg/L	0.0379	0.29
300-325 mg/L	0.0410	0.31
325-350 mg/L	0.0440	0.34
350-375 mg/L	0.0471	0.36
375-400 mg/L	0.0502	0.38
400+ mg/L	0.0517	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart G – Sector G – (Reserved)

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart H – Sector H (Reserved)

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart I – Sector I – Oil and Gas Extraction.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.I.1 Covered Storm Water Discharges.

The requirements in Subpart I apply to storm water discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

Discharges of storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from NPDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or
- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a water quality standard.

Any storm water discharges that require permit coverage as a result of meeting one of the conditions of 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an alternative NPDES general permit or an individual NPDES permit as specified in Part 1.6.1.

8.I.2 Limitations on Coverage.

8.I.2.1 *Storm Water Discharges Subject to Effluent Limitation Guidelines.* (See also Part 1.1.4.4) This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

8.I.2.2 *Non-Storm Water Discharges.* Discharges of vehicle and equipment washwater, including tank cleaning operations, are not authorized by this permit. Alternatively, washwater discharges shall be authorized under a separate NPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

8.I.3 Additional Control Measures/Best Management Practices (BMPs).

8.I.3.1 *Vegetative Controls.* Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Consider the following (or equivalent measures): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

8.I.4 Additional SWPPP Requirements.

- 8.I.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for "No Discharge" in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the "No Discharge" requirements.
- 8.I.4.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).
- 8.I.4.3 *Erosion and Sedimentation Control.* (See also Part 2.1.2.5) Unless covered by the current Construction General Permit (CGP), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:
- 8.I.4.3.1 *Site Description.* Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.
- 8.I.4.3.2 *Vegetative Controls.* Document vegetative practices used consistent with Part 8.I.3.1 in the SWPPP.

8.I.5 Additional Inspection Requirements.

All erosion and sedimentation control measures shall be inspected every 7 days.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.J.1 Covered Storm Water Discharges.

The requirements in Subpart J apply to storm water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

8.J.1.1 *Covered Discharges from Inactive Facilities.* All storm water discharges.

8.J.1.2 *Covered Discharges from Active and Temporarily Inactive Facilities.* All storm water discharges, except for most storm water discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities are covered by this permit.

8.J.1.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All storm water discharges.

8.J.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All storm water discharges.

8.J.2 Limitations on Coverage.

Most storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.1 *Mining operations* - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

8.J.3.2 *Exploration phase* - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

8.J.3.3 *Construction phase* - Includes the building of site access roads and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations".

8.J.3.4 *Active phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a

desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

- 8.J.3.5 *Reclamation phase* - Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of "mining operations".

NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.J.3.6 *Active Mineral Mining Facility* - A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

- 8.J.3.7 *Inactive Mineral Mining Facility* - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

- 8.J.3.8 *Temporarily Inactive Mineral Mining Facility* - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

- 8.J.3.9 *Final Stabilization* - a site or portion of a site is "finally stabilized" when it has implemented all applicable Federal and State reclamation requirements.

- 8.J.3.10 *Uncontaminated* - Free from the presence of pollutants attributable to industrial activity.

8.J.4 Control Measures/Best Management Practices (BMPs) for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.J.4.1 Management Practices for Clearing, Grading, and Excavation Activities.

- 8.J.4.1.1 *Selecting and installing control measures.* For all areas affected by clearing, grading, and excavation activities, you shall select, design, install, and implement control measures that meet applicable Part 2 control measures/best management practices (BMPs).
- 8.J.4.1.2 *Good Housekeeping.* (See also Part 2.1.2.2) Litter, debris, and chemicals shall be prevented from becoming a pollutant source in storm water discharges.
- 8.J.4.1.3 *Retention and Detention of Storm Water Runoff.* For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a

minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.

8.J.4.2 *Inspection of Clearing, Grading, and Excavation Activities.* (See also Part 4)

8.J.4.2.1 *Inspection Frequency.* Inspections shall be conducted either at least once every 7 calendar days or at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.J.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal arid periods in arid areas and semi-arid areas.

8.J.4.2.2 *Location of Inspections.* Inspections shall include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented shall be observed to ensure proper operation. Discharge locations shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to surface waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of significant off-site sediment tracking.

8.J.4.2.3 *Inspection Reports.* (See also Part 4.1) For each inspection required above, you shall complete an inspection report. At a minimum, the inspection report shall include the information required in Part 4.1.

8.J.4.3 *Requirements for Cessation of Clearing, Grading, and Excavation Activities.*

8.J.4.3.1 *Inspections and Maintenance.* Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation shall continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining

8.J.4.3.2 *Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures shall be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers shall be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures shall be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

- 8.J.4.3.3 *Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In arid, semiarid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures shall be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers shall be used.

8.J.5 Additional Control Measures/Best Management Practices (BMPs).

- 8.J.5.1 *Employee Training.* Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.9)
- 8.J.5.2 *Storm Water Controls.* Apart from the control measures you implement to meet your Part 2 control measures, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected.
- 8.J.5.2.1 *Storm Water Diversions:* Consider diverting storm water away from potential pollutant sources. Following are some control measure options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
- 8.J.5.2.2 *Capping:* When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
- 8.J.5.2.3 *Treatment:* If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water runoff is encouraged. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).
- 8.J.5.2.4 *Reclamation for facilities with initial NPDES coverage on or after effective date of OHR000005:* The permittee shall reclaim all dams, dikes, diversions, drainage channels, and impoundments unless specified as permanent structures in the Mining and Reclamation Plan approved by the Division of Mineral Resources Management which is consistent with the Ohio Administrative Code 1501:14-3-11, administered by Ohio Department of Natural Resources.
- 8.J.5.3 *Certification of Discharge Testing:* (See also Part 5.1.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP.

8.J.6 Additional SWPPP Requirements.

The requirements in Part 8.J.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 8.J.6 are not applicable to inactive mineral mining facilities.

- 8.J.6.1 *Nature of Industrial Activities.* (See also Part 5.1.2) Document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.
- 8.J.6.2 *Site Map.* (See also Part 5.1.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
- 8.J.6.3 *Potential Pollutant Sources.* (See also Part 5.1.3) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.
- 8.J.6.4 *Storm Water Controls.* To the extent that you use any of the control measures in Part 8.J.5.2, document them in your SWPPP pursuant to Part 5.1.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.
- 8.J.6.4 *Employee Training.* All employee training(s) conducted in accordance with Part 8.J.5.1 shall be documented with the SWPPP.
- 8.J.6.5 *Certification of Permit Coverage for Commingled Non-Storm Water Discharges.* If you determine that you are able to certify, consistent with Part 8.J.5.3, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate NPDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, you shall retain such certification with your SWPPP. This certification shall identify the non-storm water discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

8.J.7 Additional Inspection Requirements.

Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 8.J.4.2.1, you shall inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters or waters which are impaired for sediment shall be inspected monthly. See Part 8.J.8.1 for inspection requirements for inactive and unstaffed sites. (See also Part 4.1 and 8.J.4.2.)

8.J.8 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.J-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

8.J.8.1 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Parts 4.2.3 and 6.2.1.3, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you shall immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- Ohio EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You shall still conduct an annual site inspection in accordance with Part 4.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit)

Table 8.J-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 8.J-2		
Industrial Activity	Parameter	Effluent Limit ¹
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.5 - 9.0
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.5 - 9.0
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.5 - 9.0

¹Monitor annually.

8.J.10 Termination of Permit Coverage

8.J.10.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed.

8.J.10.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.K.1 Covered Storm Water Discharges.

The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

8.K.2 Industrial Activities Covered by Sector K.

This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA.

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

8.K.3 Limitations on Coverage.

8.K.3.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.3.2 *Limitations on Coverage for Facilities with Active Landfills.* Facilities with active landfills cannot obtain coverage under this permit.

8.K.4 Definitions.

8.K.4.1 *Contaminated Storm Water* - Storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.5. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.K.4.2 *Drained free liquids* - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.K.4.3 *Landfill* - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.

- 8.K.4.4 *Landfill wastewater* - as defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 8.K.4.5 *Leachate* - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 8.K.4.6 *Non-contaminated storm water* - storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.K.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.K-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code "HZ." Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	3.1 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic	0.34 mg/L
	Total Cadmium ¹	Hardness Dependent
	Total Cyanide	0.022 mg/ L
	Total Lead ¹	Hardness Dependent
	Total Mercury	0.0017 mg/ L
	Total Selenium	0.005 mg/L
	Total Silver ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)
0-25 mg/L	0.0009	0.021	0.0001
25-50 mg/L	0.0015	0.035	0.0003
50-75 mg/L	0.0027	0.067	0.0007
75-100 mg/L	0.0039	0.103	0.0013
100-125 mg/L	0.0052	0.142	0.0020
125-150 mg/L	0.0065	0.184	0.0028
150-175 mg/L	0.0078	0.227	0.0037
175-200 mg/L	0.0092	0.272	0.0047
200-225 mg/L	0.0106	0.320	0.0058
225-250 mg/L	0.0120	0.368	0.0071
250-275 mg/L	0.0134	0.418	0.0084
275-300 mg/L	0.0149	0.470	0.0098
300-325 mg/L	0.0163	0.522	0.0113
325-350 mg/L	0.0178	0.576	0.0129
350-375 mg/L	0.0193	0.631	0.0146
375-400 mg/L	0.0208	0.687	0.0164
400+ mg/L	0.0216	0.715	0.0173

Storm Water Discharges Associated With Industrial Activity ;

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart L – Sector L – Closed Landfills, Land Application Sites, and Open Dumps.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.L.1 Covered Storm Water Discharges.

The requirements in Subpart L apply to storm water discharges associated with industrial activity from closed landfills, land application sites, and open dumps as identified by the Activity Code specified under Sector L in Table D-01 of Appendix D of the permit that were closed in accordance with 40 CFR 258.60 and/or subject to 40 CFR 257, as appropriate.

8.L.2 Industrial Activities Covered by Sector L.

This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at closed landfills, land application sites, and open dumps that received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that only received municipal wastes.

8.L.3 Limitations on Coverage.

8.L.3.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.L.4 Definitions.

- 8.L.4.1 *Contaminated storm water* – storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.
- 8.L.4.2 *Drained free liquids* - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- 8.L.4.3 *Landfill wastewater* - as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

- 8.L.4.4 *Leachate* - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 8.L.4.5 *Non-contaminated storm water* - storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.
- 8.L.5 Additional Control Measures/Best Management Practices (BMPs).**
- 8.L.5.1 *Preventive Maintenance Program.* (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 8.L.5.2 *Erosion and Sedimentation Control.* (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.
- 8.L.5.3 *Unauthorized Discharge Test Certification.* (See also Part 5.1.3.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.
- 8.L.6 Additional SWPPP Requirements.**
- 8.L.6.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: closed landfill cells or trenches, closed land application areas, locations where open dumping has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.
- 8.L.6.2 *Summary of Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.
- 8.L.7 Additional Inspection Requirements. (See also Part 4)**
- 8.L.7.1 (Reserved)
- 8.L.7.2 *Inspections of Inactive Sites.* Inspect closed landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.L.8 Additional Post-Authorization Documentation Requirements.

8.L.8.1 *Recordkeeping and Internal Reporting.* Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

8.L.9 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.L-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector L1. All Closed Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L

Part 8 – Sector-Specific Requirements for Industrial Activity

Storm Water Discharges Associated With Industrial Activity

Subpart M – Sector M – Automobile Salvage Yards.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.M.1 Covered Storm Water Discharges.

The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

8.M.2 Additional Control Measures/Best Management Practices (BMPs).

- 8.M.2.1 *Spill and Leak Prevention Procedures.* (See also Part 2.1.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks.
- 8.M.2.2 *Employee Training.* (See also Part 2.1.2.9) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- 8.M.2.3 *Management of Runoff.* (See also Part 2.1.2.6) Consider the following management practices: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

M.3 Additional SWPPP Requirements.

- 8.M.3.1 *Drainage Area Site Map.* (See also Part 5.1.2) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.
- 8.M.3.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.
- 8.M.4 **Additional Inspection Requirements.** (See also Part 4.1) Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

8.M.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Storm Water Discharges Associated With Industrial Activity

Table 8.M-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/L
	Total Lead ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)
0-25 mg/L	0.021
25-50 mg/L	0.035
50-75 mg/L	0.067
75-100 mg/L	0.103
100-125 mg/L	0.142
125-150 mg/L	0.184
150-175 mg/L	0.227
175-200 mg/L	0.272
200-225 mg/L	0.320
225-250 mg/L	0.368
250-275 mg/L	0.418
275-300 mg/L	0.470
300-325 mg/L	0.522
325-350 mg/L	0.576
350-375 mg/L	0.631
375-400 mg/L	0.687
400+ mg/L	0.715

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.N.1 Covered Storm Water Discharges.

The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

8.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

8.N.2.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 8.N.3.2.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit.

8.N.3 Additional Control Measures/Best Management Practices (BMPs).

8.N.3.1 *Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials).* Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

8.N.3.1.1 *Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.N.3.2.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-

leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

- 8.N.3.1.2 *Scrap and Waste Material Stockpiles and Storage (Outdoor)*. Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).
- 8.N.3.1.3 *Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage)*. Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas shall be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You shall regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.
- 8.N.3.1.4 *Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage)*. Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.
- 8.N.3.1.5 *Scrap and Recyclable Waste Processing Areas*. Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps,

and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.

8.N.3.1.6 *Scrap Lead-Acid Battery Program.* Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) provide employee training for the management of scrap batteries.

8.N.3.1.7 *Spill Prevention and Response Procedures.* (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on stationary outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

8.N.3.1.8 *Supplier Notification Program.* As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

8.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

8.N.3.2.1 *Waste Material Storage (Indoor).* Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

8.N.3.2.2 *Waste Material Storage (Outdoor).* Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil shall also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

8.N.3.2.3 *Trucks and Rail Car Waste Transfer Areas.* Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact

with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.

8.N.3.3 *Recycling Facilities (Source-Separated Materials).* The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

8.N.3.3.1 *Inbound Recyclable Material Control.* Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting nonrecyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of nonrecyclable material.

8.N.3.3.2 *Outdoor Storage.* Minimize exposure of recyclables to precipitation and runoff. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert surface water runoff away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day's volume of recyclable material indoors.

8.N.3.3.3 *Indoor Storage and Material Processing.* Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.

8.N.3.3.4 *Vehicle and Equipment Maintenance.* Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever possible, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert runoff from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

8.N.4 Additional SWPPP Requirements.

8.N.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

8.N.4.2 *Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities.* If you are subject to Part 8.N.3.1.3,

your SWPPP shall identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

8.N.5 Additional Inspection Requirements.

8.N.5.1 *Inspections for Waste Recycling Facilities.* The inspections shall be performed quarterly, pursuant to Part 4.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

8.N.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.N-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	0.75 mg/L
	Total Recoverable Copper ¹	Hardness Dependent
	Total Recoverable Lead ¹	Hardness Dependent
	Total Recoverable Zinc ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0038	0.021	0.04
25-50 mg/L	0.0056	0.035	0.05
50-75 mg/L	0.0090	0.067	0.08
75-100 mg/L	0.0123	0.103	0.11
100-125 mg/L	0.0156	0.142	0.13
125-150 mg/L	0.0189	0.184	0.16
150-175 mg/L	0.0221	0.227	0.18
175-200 mg/L	0.0253	0.272	0.20
200-225 mg/L	0.0285	0.320	0.23
225-250 mg/L	0.0316	0.368	0.25
250-275 mg/L	0.0348	0.418	0.27
275-300 mg/L	0.0379	0.470	0.29
300-325 mg/L	0.0410	0.522	0.31
325-350 mg/L	0.0440	0.576	0.34
350-375 mg/L	0.0471	0.631	0.36
375-400 mg/L	0.0502	0.687	0.38
400+ mg/L	0.0517	0.715	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart O – Sector O – Steam Electric Generating Facilities.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.O.1 Covered Storm Water Discharges.

The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

8.O.2 Industrial Activities Covered by Sector O.

This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

- 8.O.2.1 steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas (does not include geothermal power);
- 8.O.2.2 coal pile runoff, including effluent limitations established by 40 CFR Part 423; and
- 8.O.2.3 dual fuel facilities that could employ a steam boiler.

8.O.3 Limitations on Coverage.

8.O.3.1 *Prohibition of Non-Storm Water Discharges.* Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit.

8.O.3.2 *Prohibition of Storm Water Discharges.* Storm water discharges from the following are not covered by this permit:

- 8.O.3.2.1 ancillary facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;
- 8.O.3.2.2 gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and
- 8.O.3.2.3 cogeneration (combined heat and power) facilities utilizing a gas turbine.

8.O.4 Additional Control Measures/Best Management Practices (BMPs). The following good housekeeping measures are required in addition to Part 2.1.2.2:

- 8.O.4.1 *Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.

- 8.O.4.2 *Delivery Vehicles.* Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
- 8.O.4.3 *Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 8.O.4.4 *Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
- 8.O.4.5 *Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 8.O.4.6 *Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
- 8.O.4.7 *Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You shall also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.
- 8.O.4.8 *Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.
- 8.O.4.9 *Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Consider using level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.
- 8.O.4.10 *Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- 8.O.4.11 *Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.

8.O.4.12 *Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.

8.O.4.13 *Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas.

8.O.5 Additional SWPPP Requirements.

8.O.5.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

8.O.5.2 *Documentation of Good Housekeeping Measures.* You shall document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.O.4.

8.O.6 Additional Inspection Requirements.

8.O.6.1 As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

8.O.7 (Reserved)

8.O.8 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.O-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other wastestreams that may be covered under this permit.

Table 8.O-2 ¹		
Industrial Activity	Parameter	Effluent Limit
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l ²
	pH	6.5 min - 9.0 max

¹ Monitor annually.

² If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart P – Sector P – Land Transportation and Warehousing (Except Petroleum Bulk Terminals – SIC code 5171).**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.P.1 Covered Storm Water Discharges.

The requirements in Subpart P apply to storm water discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

8.P.2 Limitation on Coverage

8.P.2.1 *Prohibited Discharges* (see also Parts 1.1.4 and 8.P.3.6) This permit does not authorize the discharge of storm water from petroleum bulk storage terminal facilities (SIC code 5171) and vehicle/equipment/surface wash water, including tank cleaning operations. Storm water discharges from petroleum bulk storage facilities may be authorized by Ohio EPA's NPDES Bulk Fuel Storage general permit. Such discharges shall be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

8.P.3 Additional Control Measures/Best Management Practices (BMPs).

8.P.3.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you shall do the following. Recommended control measures are discussed as indicated:

8.P.3.1.1 *Vehicle and Equipment Storage Areas.* Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Consider the following (or other equivalent measures): use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

8.P.3.1.2 *Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Consider the following (or other equivalent measures): Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

8.P.3.1.3 *Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., "Used Oil," "Spent Solvents," etc.). Consider the following (or other equivalent measures): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

- 8.P.3.1.4 *Vehicle and Equipment Cleaning Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning. Consider the following (or other equivalent measures): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected washwater, or other equivalent measures.
- 8.P.3.1.5 *Vehicle and Equipment Maintenance Areas.* Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance. Consider the following (or other equivalent measures): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff, minimizing run on/runoff of storm water to maintenance areas.
- 8.P.3.1.6 *Locomotive Sanding (Loading Sand for Traction) Areas.* Consider the following (or other equivalent measures): covering sanding areas; minimizing storm water run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.
- 8.P.3.2 *Employee Training.* (See also Part 2.1.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.
- 8.P.4 Additional SWPPP Requirements.**
- 8.P.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.
- 8.P.4.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.
- 8.P.4.3 *Description of Good Housekeeping Measures.* You shall document in your SWPPP the good housekeeping measures you implement consistent with Part 8.P.3.
- 8.P.4.4 *Vehicle and Equipment Washwater Requirements.* If applicable, attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment washwater or, if an NPDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, attach a copy to your SWPPP. In any case, implement all non-storm water discharge permit conditions or pretreatment conditions in your SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the plan.

8.P.5 Additional Inspection Requirements. (See also Part 4.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart Q – Sector Q – Water Transportation.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Q.1 Covered Storm Water Discharges.

The requirements in Subpart Q apply to storm water discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

8.Q.2 Limitations on Coverage.

8.Q.2.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) Not covered by this permit: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

8.Q.3 Additional Control Measures/Best Management Practices (BMPs).

8.Q.3.1 *Good Housekeeping Measures.* You shall implement the following good housekeeping measures in addition to the requirements of part 2.1.2.2:

8.Q.3.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharge water shall be permitted by a separate NPDES permit. Collect or contain the discharges from the pressures washing area so that they are not comingled with storm water discharges authorized by this permit.

8.Q.3.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Consider containing all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.Q.3.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.Q.3.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using

dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area.

8.Q.3.1.5 *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of storm water to material handling areas.

8.Q.3.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

8.Q.3.2 *Employee Training.* (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

8.Q.3.3 *Preventive Maintenance.* (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), 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.

8.Q.4 Additional SWPPP Requirements.

8.Q.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

8.Q.4.2 *Summary of Potential Pollutant Sources.* (See also Part 5.1.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

8.Q.5 Additional Inspection Requirements.

(See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.Q.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.Q-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Lead ¹	Hardness Dependent
	Total Zinc ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-25 mg/L	0.021	0.04
25-50 mg/L	0.035	0.05
50-75 mg/L	0.067	0.08
75-100 mg/L	0.103	0.11
100-125 mg/L	0.142	0.13
125-150 mg/L	0.184	0.16
150-175 mg/L	0.227	0.18
175-200 mg/L	0.272	0.20
200-225 mg/L	0.320	0.23
225-250 mg/L	0.368	0.25
250-275 mg/L	0.418	0.27
275-300 mg/L	0.470	0.29
300-325 mg/L	0.522	0.31
325-350 mg/L	0.576	0.34
350-375 mg/L	0.631	0.36
375-400 mg/L	0.687	0.38
400+ mg/L	0.715	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart R – Sector R – Ship and Boat Building and Repair Yards.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.R.1 Covered Storm Water Discharges.

The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

8.R.2 Limitations on Coverage.

8.R.2.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) Discharges containing bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels are not covered by this permit.

8.R.3 Additional Control Measures/Best Management Practices (BMPs).

8.R.3.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2)

8.R.3.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharged water shall be permitted as a process wastewater by a separate NPDES permit.

8.R.3.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. Consider containing all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.R.3.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.R.3.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the maintenance area.

8.R.3.1.5 *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent

mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing storm water run-on to material handling areas.

- 8.R.3.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and having absorbent materials and oil containment booms readily available to clean up and contain any spills.
- 8.R.3.2 *Employee Training.* (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.
- 8.R.3.4 *Preventive Maintenance.* (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), 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.
- 8.R.4 Additional SWPPP Requirements.**
- 8.R.4.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
- 8.R.4.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).
- 8.R.4.3 *Documentation of Good Housekeeping Measures.* Document in your SWPPP any good housekeeping measures implemented to meet the control measures/best management practices (BMPs) in Part 8.R.3.
- 8.R.4.3.1 *Blasting and Painting Areas.* Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).
- 8.R.4.3.2 *Storage Areas.* Specify in your SWPPP which materials are stored indoors, and consider containment or enclosure for those stored outdoors.

8.R.5 Additional Inspection Requirements.

(See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart S – Sector S – Air Transportation.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.S.1 Covered Storm Water Discharges.

The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit.

8.S.2 Limitation on Coverage

8.S.2.1 *Limitations on Coverage.* This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: “deicing” will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made regarding anti-icing and/or deicing activities.

8.S.2.2 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4 and Part 8.S.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment washwaters; nor the dry weather discharge of deicing chemicals. Such discharges shall be covered by separate NPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

8.S.3 Additional Control Measures/Best Management Practices (BMPs).

8.S.3.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2)

8.S.3.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following practices (or their equivalents): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

8.S.3.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas. (See also Part 8.S.3.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.

8.S.3.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas. Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of storm water runoff from these storage areas. Consider the

following control measures, including any BMPs (or their equivalents): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

- 8.S.3.1.4 **Material Storage Areas.** Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A," etc.). Minimize contamination of precipitation/runoff from these areas. Consider the following control measures (or their equivalents): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.
- 8.S.3.1.5 **Airport Fuel System and Fueling Areas.** Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures (or their equivalents): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting storm water runoff.
- 8.S.3.1.6 **Source Reduction.** Minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.
- 8.S.3.1.6.1 **Runway Deicing Operation:** Minimize contamination of storm water runoff from runways as a result of deicing operations. Evaluate whether over-application of deicing chemicals occurs by analyzing application rates, and adjust as necessary, consistent with considerations of flight safety. Also consider these control measure options (or their equivalents): metered application of chemicals; pre-wetting dry chemical constituents prior to application; installing a runway ice detection system; implementing anti-icing operations as a preventive measure against ice buildup.
- 8.S.3.1.6.2 **Aircraft Deicing Operations.** Minimize contamination of storm water runoff from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. This evaluation should be carried out by the personnel most familiar with the particular aircraft and flight operations in question (versus an outside entity such as the airport authority). Consider using alternative deicing/anti-icing agents as well as containment measures for all applied chemicals. Also consider these control measure options (or their equivalents) for reducing deicing fluid use: forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems.

8.S.3.1.7 **Management of Runoff.** (See also 2.1.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Consider these control measure options (or their equivalents): a dedicated deicing facility with a runoff collection/recovery system; using vacuum/collection trucks; storing contaminated storm water/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; collecting contaminated runoff in a wet pond for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); and directing runoff into vegetative swales or other infiltration measures. Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains, etc.) to prevent these materials from later becoming a source of storm water contamination. Used deicing fluid should be recycled whenever possible.

8.S.3.2 **Deicing Season.** You shall determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring shall be conducted with particular emphasis throughout the defined deicing season. If you meet the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season you identified is the timeframe during which you shall obtain the required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH. See also Part 8.S.6.

8.S.4 **Additional SWPPP Requirements.**

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from his own areas of the airport, prior to authorization, that SWPPP shall be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity.

8.S.4.1 **Drainage Area Site Map.** (See also Part 5.1.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

8.S.4.2 **Potential Pollutant Sources.** (See also Part 5.1.3) In your inventory of exposed materials, describe in your SWPPP the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If you use deicing chemicals, you shall maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of your knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations shall provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.

8.S.4.3 *Vehicle and Equipment Washwater Requirements.* Attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment washwater or, if an NPDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, include a copy in your SWPPP. In any case, if you are subject to another permit, describe your control measures for implementing all non-storm water discharge permit conditions or pretreatment requirements in your SWPPP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in your SWPPP.

8.S.4.4 *Documentation of Control Measures Used for Management of Runoff:* Document in your SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

8.S.5 Additional Inspection Requirements.

8.S.5.1 *Inspections.* (See also Part 4.1) At a minimum conduct routine facility inspections at least monthly during the deicing season (e.g., October through April for most mid-latitude airports). If your facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Director may specifically require you to increase inspection frequencies.

8.S.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Monitor per the requirements in Table 8.S-1.

Table 8.S-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD ₅) ¹	30 mg/L
	Chemical Oxygen Demand (COD) ¹	120 mg/L
	Ammonia ¹	3.1 mg/L
	pH ¹	6.5 - 9.0 s.u.

¹ These are deicing-related parameters. Collect the benchmark samples during the timeframe defined in Part 8.S.3.2 when deicing activities are occurring.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart T – Sector T – Treatment Works.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.T.1 Covered Storm Water Discharges.

The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

8.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source storm water discharges associated with the following activities:

8.T.2.1 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 a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

8.T.2.2 The following are not required to have permit coverage: farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

8.T.3 Limitations on Coverage.

8.T.3.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

8.T.4 Additional Control Measures/Best Management Practices (BMPs).

8.T.4.1 *Control Measures.* (See also the control measures/best management practices (BMPs) in Part 2.1.2) In addition to the other control measures, consider the following: routing contaminated storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

8.T.4.2 *Employee Training.* (See also Part 2.1.2.9) At a minimum, training shall address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

8.T.5 Additional SWPPP Requirements.

8.T.5.1 *Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or

disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

8.T.5.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

8.T.5.3 *Wastewater and Washwater Requirements.* Keep a copy of all your current NPDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an NPDES permit has not yet been issued, a copy of the pending application(s) with your SWPPP. If the washwater is handled in another manner, the disposal method shall be described and all pertinent documentation shall be retained onsite.

8.T.6 Additional Inspection Requirements.

(See also Part 4.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart U – Sector U – Food and Kindred Products.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.U.1 Covered Storm Water Discharges.

The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.U.2 Limitations on Coverage.

8.U.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

8.U.3 Additional Control Measures/Best Management Practices (BMPs).

8.U.3.1 Employee Training. (See also Part 2.1.2.9) Address pest control in your employee training program.

8.U.4 Additional SWPPP Requirements.

8.U.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

8.U.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

8.U.5 Additional Inspection Requirements.

(See also Part 4.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

8.U.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.U-1.		
Subsector (You may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD ₅)	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.V.1 Covered Storm Water Discharges.

The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

8.V.2 Limitations on Coverage.

8.V.2.1 *Prohibition of Non-Storm Water Discharges.* (See also Part 1.1.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If you have these types of discharges from your facility, you shall cover them under a separate NPDES permit.

8.V.3 Additional Control Measures/Best Management Practices (BMPs).**8.V.3.1 Good Housekeeping Measures.** (See also Part 2.1.2.2)

- 8.V.3.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of washwater from these cleanings properly.
- 8.V.3.1.2 *Material Handling Areas.* Minimize contamination of storm water runoff from material handling operations and areas. Consider the following (or their equivalents): use of spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.
- 8.V.3.1.3 *Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing run-on of storm water to the fueling areas, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the fueling area.
- 8.V.3.1.4 *Above-Ground Storage Tank Area.* Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regular cleanup of these areas;

including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of storm water from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

- 8.V.3.2 *Employee Training.* (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

8.V.4 Additional SWPPP Requirements.

- 8.V.4.1 *Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

- 8.V.4.2 *Description of Good Housekeeping Measures for Material Storage Areas.* Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.V.3.1.1 above.

8.V.5 Additional Inspection Requirements.

(See also Part 4.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart W – Sector W – Furniture and Fixtures.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.W.1 Covered Storm Water Discharges.

The requirements in Subpart W apply to storm water discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

8.W.2 Additional SWPPP Requirements.

- 8.W.2.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart X – Sector X – Printing and Publishing.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.X.1 Covered Storm Water Discharges.

The requirements in Subpart X apply to storm water discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

8.X.2 Additional Control Measures/Best Management Practices (BMPs).

8.X.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.X.2.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

8.X.2.1.2 *Material Handling Area.* Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Consider the following (or their equivalents): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

8.X.2.1.3 *Fueling Areas.* Minimize contamination of storm water runoff from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing runoff of storm water to the fueling areas, using dry cleanup methods, and treating and/or recycling storm water runoff collected from the fueling area.

8.X.2.1.4 *Above Ground Storage Tank Area.* Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regularly cleaning these areas, explicitly addressing tanks, piping and valves in the SPCC program, minimizing storm water runoff from adjacent areas, restricting access to the area, inserting filters in adjacent catch basins, providing absorbent booms in unbermed fueling areas, using dry cleanup methods, and permanently sealing drains within critical areas that may discharge to a storm drain.

8.X.2.2 *Employee Training.* (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

Storm Water Discharges Associated With Industrial Activity

8.X.3 Additional SWPPP Requirements.

- 8.X.3.1 *Description of Good Housekeeping Measures for Material Storage Areas.* In connection with Part 8.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Y.1 Covered Storm Water Discharges.

The requirements in Subpart Y apply to storm water discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

8.Y.2 Additional Control Measures/Best Management Practices (BMPs).

- 8.Y.2.1 *Controls for Rubber Manufacturers.* (See also Part 2.1.2) Minimize the discharge of zinc in your storm water discharges. Parts 8.Y.2.1.1 to 8.Y.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be considered for implementation (or their equivalents). Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened, and using automatic dispensing and weighing equipment.
- 8.Y.2.1.1 *Zinc Bags.* Ensure proper handling and storage of zinc bags at your facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.
 - 8.Y.2.1.2 *Dumpsters.* Minimize discharges of zinc from dumpsters. Following are some control measure options: covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.
 - 8.Y.2.1.3 *Dust Collectors and Baghouses.* Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.
 - 8.Y.2.1.4 *Grinding Operations.* Minimize contamination of storm water as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.
 - 8.Y.2.1.5 *Zinc Stearate Coating Operations.* Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.
- 8.Y.2.2 *Controls for Plastic Products Manufacturers.* Minimize the discharge of plastic resin pellets in your storm water discharges. Control measures to be considered for implementation (or their equivalents) include minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

Storm Water Discharges Associated With Industrial Activity

8.Y.3 Additional SWPPP Requirements.

8.Y.3.1 *Potential Pollutant Sources for Rubber Manufacturers.* (See also Part 5.1.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in storm water runoff.

8.Y.4 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.Y-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc ¹	Hardness Dependent

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0-25 mg/L	0.04
25-50 mg/L	0.05
50-75 mg/L	0.08
75-100 mg/L	0.11
100-125 mg/L	0.13
125-150 mg/L	0.16
150-175 mg/L	0.18
175-200 mg/L	0.20
200-225 mg/L	0.23
225-250 mg/L	0.25
250-275 mg/L	0.27
275-300 mg/L	0.29
300-325 mg/L	0.31
325-350 mg/L	0.34
350-375 mg/L	0.36
375-400 mg/L	0.38
400+ mg/L	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart Z – Sector Z – Leather Tanning and Finishing.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Z.1 Covered Storm Water Discharges.

The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

8.Z.2 Additional Control Measures/Best Management Practices (BMPs).

8.Z.2.3 Good Housekeeping Measures. (See also Part 2.1.2.2)

- 8.Z.2.3.1 *Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.* Minimize contamination of storm water runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Consider indoor storage or protection with polyethylene wrapping, tarpaulins, roofed storage, etc. Consider placing materials on an impermeable surface and enclosing or putting berms (or equivalent measures) around the area to prevent storm water run-on and runoff.
- 8.Z.2.3.2 *Material Storage Areas.* Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with storm water.
- 8.Z.2.3.3 *Buffing and Shaving Areas.* Minimize contamination of storm water runoff with leather dust from buffing and shaving areas. Consider dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.
- 8.Z.2.3.4 *Receiving, Unloading, and Storage Areas.* Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, consider the following (or their equivalents): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent storm water runoff.
- 8.Z.2.3.5 *Outdoor Storage of Contaminated Equipment.* Minimize contact of storm water with contaminated equipment. Consider the following (or their equivalents): covering equipment, diverting drainage to the process sewer, and cleaning thoroughly prior to storage.
- 8.Z.2.3.6 *Waste Management.* Minimize contamination of storm water runoff from waste storage areas. Consider the following (or their equivalents): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, and minimizing storm water runoff by enclosing the area or building berms around the area.

8.Z.3 Additional SWPPP Requirements.

- 8.Z.3.1 *Drainage Area Site Map.* (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.
- 8.Z.3.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart AA – Sector AA – Fabricated Metal Products**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AA.1 Covered Storm Water Discharges.

The requirements in Subpart AA apply to storm water discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

8.AA.2 Additional Control Measures/Best Management Practices (BMPs).**8.AA.2.1 Good Housekeeping Measures.** (See also Part 2.1.2.2)

8.AA.2.1.1 *Raw Steel Handling Storage.* Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

8.AA.2.1.2 *Paints and Painting Equipment.* Minimize exposure of paint and painting equipment to storm water.

8.AA.2.2 *Spill Prevention and Response Procedures.* (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed

8.AA.2.2.1 *Metal Fabricating Areas.* Maintain clean, dry, orderly conditions in these areas. Consider using dry clean-up techniques.

8.AA.2.2.2 *Storage Areas for Raw Metal.* Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Consider the following (or their equivalents): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

8.AA.2.2.3 *Metal Working Fluid Storage Areas.* Minimize the potential for storm water contamination from storage areas for metal working fluids.

8.AA.2.2.4 *Cleaners and Rinse Water.* Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

8.AA.2.2.5 *Lubricating Oil and Hydraulic Fluid Operations.* Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Consider using monitoring equipment or other devices to detect and control leaks and overflows. Consider installing perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures.

8.AA.2.2.6 *Chemical Storage Areas.* Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

8.AA.2.3 *Spills and Leaks.* (See also Part 5.1.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

8.AA.3 Additional SWPPP Requirements.

8.AA.3.1 *Drainage Area Site Map.* (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

8.AA.3.2 *Potential Pollutant Sources.* (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

8.AA.4 Additional Inspection Requirements

8.AA.4.1 *Inspections.* (See also Part 4.1) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, drainage from roof and vehicle fueling and maintenance areas. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

8.AA.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.AA-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Zinc ¹	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc ¹	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

¹ The benchmark values of some metals are dependent on water hardness. For these parameters, permittees shall determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0-25 mg/L	0.04
25-50 mg/L	0.05
50-75 mg/L	0.08
75-100 mg/L	0.11
100-125 mg/L	0.13
125-150 mg/L	0.16
150-175 mg/L	0.18
175-200 mg/L	0.20
200-225 mg/L	0.23
225-250 mg/L	0.25
250-275 mg/L	0.27
275-300 mg/L	0.29
300-325 mg/L	0.31
325-350 mg/L	0.34
350-375 mg/L	0.36
375-400 mg/L	0.38
400+ mg/L	0.39

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart AB – Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AB.1 Covered Storm Water Discharges.

The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

8.AB.2 Additional SWPPP Requirements.

8.AB.2.1 *Drainage Area Site Map.* (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart AC– Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AC.1 Covered Storm Water Discharges.

The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

Part 8 – Sector-Specific Requirements for Industrial Activity**Subpart AD – Sector AD – Storm Water Discharges Designated by the Director as Requiring Permits.**

You shall comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AD.1 Covered Storm Water Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a storm water permit, and any discharges of storm water associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

8.AD.1.1 *Eligibility for Permit Coverage.* Because this sector is primarily intended for use by discharges designated by the Director as needing a storm water permit (which is an atypical circumstance), and your facility may or may not normally be discharging storm water associated with industrial activity, you shall obtain the Director's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.2.

8.AD.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part 6 of the permit.)

The Director will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your storm water discharges.

9. (Reserved)

Storm Water Discharges Associated With Industrial Activity

Appendix A
Definitions, Abbreviations and Acronyms

Storm Water Discharges Associated With Industrial Activity

Appendix A. Definitions, Abbreviations, and Acronyms (for the purposes of this permit).

Action Area – all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to surface waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

Bypass – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

Co-located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Appendix D.

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to surface waters of the State.

Director – the Director of the Ohio Environmental Protection Agency (Ohio EPA).

Discharge – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

Discharge of a pollutant – any addition of any "pollutant" or combination of pollutants to "surface waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into surface waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

Discharge-related activities – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-stricken area – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils.

U.S. EPA Approved or Established Total Maximum Daily Loads (TMDLs) – "U.S. EPA Approved TMDLs" are those that are developed by a State and approved by U.S. EPA. "U.S. EPA Established TMDLs" are those that are developed by U.S. EPA.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Storm Water Discharges Associated With Industrial Activity

Facility or Activity – any NPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

Federal Facility – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

Illicit Discharge – is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by a State or U.S. EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Industrial Activity – the 10 categories of industrial activities included in the definition of “storm water discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Storm Water – storm water runoff from industrial activity.

Municipal Separate Storm Sewer – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source – any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or

Storm Water Discharges Associated With Industrial Activity

- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

Ohio EPA – the Ohio Environmental Protection Agency.

Operator – any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

- (i) The entity has operational control over industrial activities, including the ability to modify those activities; or
- (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

Point source – 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. See 40 CFR 122.2.

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

Pollutant of concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Primary industrial activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application

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sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Run-On – sources of storm water that drain from land located upslope or upstream from the regulated facility in question.

Semi-Arid Climate – areas where annual rainfall averages from 10 to 20 inches.

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. See 40 CFR 122.26(b)(12).

Special Aquatic Sites – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Storm Water – storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Storm Water Discharges Associated with Construction Activity – a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Storm Water Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying storm water and that 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 under Part 122. For the categories of industries identified in this section, 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 part 401 of this chapter); 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

Storm Water Discharges Associated With Industrial Activity

areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final 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 include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14).

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.

Total Maximum Daily Loads (TMDLs) - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and shall include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Water Quality Impaired - See 'Impaired Water'.

Water Quality Standards - A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and U.S. EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994).

"You" and "Your" - as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you shall submit" means the permittee shall submit something for that particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

A.2. ABBREVIATIONS AND ACRONYMS

BAT - Best Available Technology Economically Achievable

BOD5 - Biochemical Oxygen Demand (5-day test)

BMP - Best Management Practice

BPJ - Best Professional Judgment

BPT - Best Practicable Control Technology Currently Available

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

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CGP – Construction General Permit

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

CWT – Centralized Waste Treatment

DMR – Discharge Monitoring Report

U.S. EPA – U. S. Environmental Protection Agency

FWS – U. S. Fish and Wildlife Service

LA – Load Allocations

MDMR – MSGP Discharge Monitoring Report

MGD – Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NTU – Nephelometric Turbidity Unit

OMB – U. S. Office of Management and Budget

ORW – Outstanding Resource Water

OSM – U. S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

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RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPCC – Spill Prevention, Control, and Countermeasures

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSDf – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

Appendix B
Standard Permit Conditions

Storm Water Discharges Associated With Industrial Activity

Appendix B. Standard Permit Conditions.

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 40 CFR 122.41.

B.1 Duty To Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and is grounds for enforcement action; for permit coverage, revocation or for denial of a permit renewal application.

- A. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.
- B. Penalties for Violations of Permit Conditions: Ohio Revised Code Chapter 6111 provides for civil and administrative enforcement of permit violations.
 - 1. Criminal.
 - 1.1 Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions is subject to a fine or imprisonment.
 - 1.2. False Statement. Ohio Revised Code (ORC) 6111.07 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, shall upon conviction be punished by a fine or by imprisonment for not more than six months, or both.
 - 1.3. Where the permittee becomes aware that it failed to submit any relevant facts in a NOI or submitted incorrect information in a NOI or in any report to the Director, it shall promptly submit such corrected facts or information.
 - 2. *Civil Penalties.* Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B.2 Duty to Reapply.

Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued for those granted coverage under the permit prior to expiration provided an NOI application has been submitted within 90 days after the effective date of the renewed general permit.

B.3 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.

B.4 Duty to Mitigate.

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

B.5 Proper Operation and Maintenance.

You 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 you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6 Revocation of Permit Coverage.

- A. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:
- a. Violation of any terms or conditions of this permit;
 - b. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
 - d. Obtaining coverage under an individual or alternative general permit is required (see Appendix B, Subsection B.15).
- B. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part 1.4 for requirements regarding NOT.

B.7 Property Rights.

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

B.8 Duty to Provide Information.

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying or revoking this permit or 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.

B.9 Inspection and Entry.

The permittee shall allow the Director or an authorized representative of Ohio EPA or other designated representative upon the presentation of credentials and other documents as may be required by law, to:

- A. At reasonable times to enter upon the permittees premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;

- B. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Ohio Revised Code Chapter 6111 or the Clean Water Act, any substances or parameters at any location.

B.10 Monitoring and Records.

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.
- B. You 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 all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of Ohio EPA at any time.
- C. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements (time of sampling not required on DMR);
 - 2. The individual(s) who performed the sampling or measurements;
 - 3. The date(s) analyses were performed
 - 4. The individual(s) who performed the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- D. Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
- E. Availability of Reports. Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Ohio EPA Central Office. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

B.11 Signatory Requirements.

- A. All NOIs, NOTs, reports, certifications or information either submitted to the Director (and/or the operator of a MS4), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs A through B. NOIs and NOTs shall be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- B. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part 3.1, and all reports, shall be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A;
 2. 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 plant manager, operator of a well or a well field, superintendent, 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); and
 3. The signed and dated written authorization is included in the SWPPP. A copy shall be submitted to Ohio EPA, if requested.
- C. All other changes to your SWPPP, and other compliance documentation required under Part 5.4, shall be signed and dated by the person preparing the change or documentation.
- D. Changes to Authorization. If an authorization under Appendix B, Subsection 11.B 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 Subsection 11.B must be submitted

to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

- E. Any person signing documents in accordance with Appendix B, Subsections 11.A or 11.B above shall include 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 contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

B.12 Reporting Requirements.

- A. Planned changes. You shall give notice to Ohio EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
- B. Anticipated noncompliance. You shall give advance notice to Ohio EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers of permit coverage. This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility until the following requirements are met:
1. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to Ohio EPA Central Office. The copy of that letter shall serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA Central Office at least 30 days prior to the proposed date of transfer;
 2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the current permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date) shall be submitted to Ohio EPA Central Office within 30 days after receipt by the Central Office of the copy of the letter from the permittee to the succeeding owner;
 3. The Director does not exercise his right within 30 days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to revoke coverage under the permit and to require that a new NOI application be filed; and
 4. The new owner or successor receives written confirmation and approval of the transfer from the

Director of the Ohio EPA.

At any time during the 30-day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

- D. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
1. Pursuant to Part 7.1, all monitoring data collected pursuant to Part 6.2 and 6.3 shall be reported on the Ohio EPA 4500 Discharge Monitoring Report (DMR) using the electronic Discharge Monitoring Report (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is found at the following web page:

<https://ebiz.epa.ohio.gov/>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed or hand-written on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive paper DMR forms.

The person signing and submitting the e-DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<http://www.epa.ohio.gov/dsw/edmr/edmrpin.aspx>

2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the e-DMR.
3. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean. For averaging purposes, use a value of zero for any individual sample parameter, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.
- E. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Twenty-four hour reporting.
1. You shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission shall also be provided within five days of the time you become aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and

if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which shall be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)
3. Ohio EPA may waive the written report on a case-by-case basis for reports under Appendix B, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You shall report all instances of noncompliance not reported under Appendix B, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports shall contain the information listed in Appendix B, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you shall promptly submit such facts or information.

B.13 Bypass.

- A. Definitions.
 1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).
 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix B, Subsections 13.C and 13.D. See 40 CFR 122.41(m)(2).
- C. Notice.
 1. Anticipated bypass. If you know in advance of the need for a bypass, you shall submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).
 2. Unanticipated bypass. You shall submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.F (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

- D. Prohibition of bypass. See 40 CFR 122.41(m)(4).
1. Bypass is prohibited, and Ohio EPA may take enforcement action against you for bypass, unless:
- Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - You submitted notices as required under Appendix B, Subsection 13.C.
2. Ohio EPA may approve an anticipated bypass, after considering its adverse effects, if Ohio EPA determines that it will meet the three conditions listed above in Appendix B, Subsection 13.D.1.

B.14 Upset.

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. 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. See 40 CFR 122.41(n)(1).
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).
- C. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- An upset occurred and that you can identify the cause(s) of the upset;
 - The permitted facility was at the time being properly operated; and
 - You submitted notice of the upset as required in Appendix B, Subsection 12.F.2.b (24 hour notice).
 - You complied with any remedial measures required under Appendix B, Subsection 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

B.15 Requiring an individual permit or an alternative general permit.

- A. The Director may require a permittee to apply for an/or obtain either an individual NPDES permit or coverage under an alternative NPDES general permit. Any interested person may petition the

Director to take action under this paragraph. The Director may notify the operator in writing that an application for an individual permit 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 permit shall be revoked. Individual permit applications shall be submitted to the appropriate Ohio EPA district office, Division of Surface Water. The Director may grant additional time to submit the application upon request of the permittee and good cause shown. 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 last day of the period specified for application submittal (see Appendix B, Subsection 16). Any discharge past this date is illegal and subject to enforcement.

- B. Any operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The operator shall submit an individual application (Form 1 and Form 2C, 2D, 2E, or 2F) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA District Office, Division of Surface Water. 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 (see Part 1.1).
- C. 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 general permit, the applicability of this permit to the permittee is automatically revoked 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.
- D. If an individual permit holder believes the discharge could be covered by this permit, the owner or operator must submit a NOI (see Part 1.3) for coverage under this permit and request the appropriate Ohio EPA District Office, Division of Surface Water, to either revoke the existing individual permit or approve No Permit Requirement (NPR) for the existing individual permit.

B.16 Environmental Laws

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

B.17 Oil and Hazardous Substance Liability

With the exception of full compliance with the effluent limitations found in this permit, 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.

B.18 Solids Disposal

Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

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B.19 Construction Affecting Navigable Waters

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

B.20 State Laws and Regulations

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

B.21 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.

B.22 Applicable Federal Rules

All references to Parts and sections of 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit, with such Parts and sections hereby incorporated by reference as if fully written herein.

B.23 Penalties for Violations of Permit Conditions

- A. ORC Section 6111.99 provides that persons who purposely violate this permit or purposely submit false information or records or fail to submit information or records pertaining to discharges of sewage, industrial wastes, or other wastes or to sludge management required as a condition of a permit or render inaccurate any monitoring device or other method required to be maintained by the director is guilty of a felony and shall be fined not more than twenty-five thousand dollars or imprisoned not more than four years, or both. Each day of violation is a separate offense.
- B. ORC Section 6111.99 provides that persons who knowingly violate this permit or knowingly submit false information or records or fail to submit information or records pertaining to discharges of sewage, industrial wastes, or other wastes or to sludge management required as a condition of a permit or render inaccurate any monitoring device or other method required to be maintained by the director is guilty of a misdemeanor and shall be fined not more than ten thousand dollars or imprisoned not more than one year, or both. Each day of violation is a separate offense.

B.24 Pollution Prevention

It is suggested that, if applicable, the permittee evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to

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recycle or reuse them in an environmentally sound manner.

You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and the Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual, please contact the Ohio EPA, Office of Pollution Prevention at (614) 644-3949.

Appendix C
(Reserved)

Storm Water Discharges Associated With Industrial Activity

Appendix D
Activities Covered

Storm Water Discharges Associated With Industrial Activity

Appendix D. Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity Covered by This Permit		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code ¹	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873, 2875 (non- composting) - 2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances

Storm Water Discharges Associated With Industrial Activity

Table D-1. Sectors of Industrial Activity Covered by This Permit		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
C6	2875	Composting
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: RESERVED		
SECTOR H: RESERVED		
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		

Storm Water Discharges Associated With Industrial Activity

Table D-1. Sectors of Industrial Activity Covered by This Permit		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: CLOSED LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Closed Landfill, Land Application Sites and Open Dumps
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		

Storm Water Discharges Associated With Industrial Activity

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code ¹	Activity Represented
T1	TW	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 Part 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 section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting

Storm Water Discharges Associated With Industrial Activity

Table D-1. Sectors of Industrial Activity Covered by This Permit

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571- 3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other storm water discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging storm water associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System™ (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

**Appendix E
(Reserved)**

Storm Water Discharges Associated With Industrial Activity

**Appendix F
(Reserved)**

Storm Water Discharges Associated With Industrial Activity

Appendix G
Notice of Intent (NOI) Form

To obtain coverage under this permit, you shall submit a complete and accurate Notice of Intent (NOI) application and \$350 application fee using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOI. Existing eBusiness Center account holders can access the NOI form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOI form through the agency eBusiness Center due to a demonstrated hardship, the NOI may be submitted on paper NOI forms provided by Ohio EPA. NOI information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOI form.

Appendix H
Notice of Termination (NOT) Form

To terminate coverage under this permit, you shall submit a complete and accurate Notice of Termination (NOT) form using Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the NOT. Existing eBusiness Center account holders can access the NOT form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the NOT form through the agency eBusiness Center due to a demonstrated hardship, the NOT may be submitted on paper NOT forms provided by Ohio EPA. NOT information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper NOT form.

**Appendix I
Annual Reporting Form**

Part 7.2 requires you to complete an annual report using the Annual Reporting Form (Appendix I of this permit) provided by Ohio EPA. You are not required to submit your annual report to Ohio EPA unless specifically requested. The timeframe to complete the report is at the discretion of the permittee, but the same schedule to complete shall be maintained throughout this permit term. You shall keep the completed annual reports with your SWPPP.

A Word version of the Annual Reporting Form can be found at the following website address:

http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx

1. Provide a summary of your past year's routine facility inspection documentation (see Part 4.1 of the permit).

2. Provide a summary of your past year's quarterly visual assessment documentation (see Part 4.2 of the permit).

3. For any four-sample (minimum) average benchmark monitoring exceedance, if after reviewing the selection, design, installation, and implementation of your control measures and considering whether any modifications are necessary to meet the effluent limits in the permit, you determine that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice, provide your rationale for why you believe no further reductions are achievable (see Part 6.2.1.2 of the permit). Enter "NA" if not applicable.

4. Provide a summary of your past year's corrective action documentation (See Part 3.4 of the permit). (Note: If corrective action is not yet completed at the time of submission of this annual report, you must describe the status of any outstanding corrective action(s).) Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

D. Certification Information

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.

First Name, Middle Initial, Last Name:

Title:

Signature: Date: / /

E-mail:

Appendix J
Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Storm Water Discharges Associated With Industrial Activity

Appendix J. Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Overview

To determine which hardness range to use, you shall collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table 1.

Table 1. Hardness Ranges to Be Used to Determine Benchmark Values for Beryllium, Cadmium, Copper, Lead, Nickel, Silver, and Zinc.

All Units mg/L	Benchmark Values (mg/L, total)						
	Beryllium	Cadmium	Copper	Lead	Nickel	Silver	Zinc
0-25 mg/L	0.01	0.0009	0.0038	0.021	0.15	0.0001	0.04
25-50 mg/L	0.02	0.0015	0.0056	0.035	0.20	0.0003	0.05
50-75 mg/L	0.04	0.0027	0.0090	0.067	0.32	0.0007	0.08
75-100 mg/L	0.08	0.0039	0.0123	0.103	0.42	0.0013	0.11
100-125 mg/L	0.11	0.0052	0.0156	0.142	0.52	0.0020	0.13
125-150 mg/L	0.16	0.0065	0.0189	0.184	0.61	0.0028	0.16
150-175 mg/L	0.20	0.0078	0.0221	0.227	0.71	0.0037	0.18
175-200 mg/L	0.26	0.0092	0.0253	0.272	0.80	0.0047	0.20
200-225 mg/L	0.31	0.0106	0.0285	0.320	0.89	0.0058	0.23
225-250 mg/L	0.38	0.0120	0.0316	0.368	0.98	0.0071	0.25
250-275 mg/L	0.44	0.0134	0.0348	0.418	1.06	0.0084	0.27
275-300 mg/L	0.51	0.0149	0.0379	0.470	1.15	0.0098	0.29
300-325 mg/L	0.58	0.0163	0.0410	0.522	1.23	0.0113	0.31
325-350 mg/L	0.66	0.0178	0.0440	0.576	1.31	0.0129	0.34
350-375 mg/L	0.74	0.0193	0.0471	0.631	1.39	0.0146	0.36
375-400 mg/L	0.83	0.0208	0.0502	0.687	1.48	0.0164	0.38
400+ mg/L	0.87	0.0216	0.0517	0.715	1.52	0.0173	0.39

How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to Ohio EPA so that the Agency can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You shall retain all report and monitoring data in accordance with Part 7.5 of the permit. The three options for determining hardness are described in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples of the receiving water and submitting them to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness shall be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during storm water discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Storm Water Discharges Associated With Industrial Activity

Hardness shall be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water shall be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements shall be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previous stream surveys, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting U.S. EPA or Ohio EPA. U.S. EPA's data system STORET, short for STORage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by Ohio EPA, U.S. EPA and other federal agencies, universities, private citizens, and many others. Similarly, Ohio EPA and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\text{mg/L CaCO}_3 = 2.497 (\text{Ca mg/L}) + 4.118 (\text{Mg mg/L})$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Appendix K
Industrial No Exposure Certification Form

To file your No Exposure Certification, use Ohio EPA's electronic application form which is available through the Ohio EPA eBusiness Center at: <https://ebiz.epa.ohio.gov/>. Submission through the Ohio EPA eBusiness Center will require establishing an Ohio EPA eBusiness Center account and obtaining a unique Personal Identification Number (PIN) for final submission of the No Exposure Certification. Existing eBusiness Center account holders can access the No Exposure Certification form through their existing account and submit using their existing PIN. Please see the following link for guidance: <http://epa.ohio.gov/dsw/ebs.aspx#170669803-streams-guidance>. Alternatively, if you are unable to access the No Exposure Certification form through the agency eBusiness Center due to a demonstrated hardship, the No Exposure Certification may be submitted on paper No Exposure Certification forms provided by Ohio EPA. No Exposure Certification information shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2001 if you wish to receive a paper No Exposure Certification form.

ATTACHMENT 3

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

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

M. P. Shagrin
In the Matter of: Date: 2/7/2017

Rover Pipeline, LLC
3738 Oak Lawn Ave.
Dallas, TX 75225

Director's Final
Findings and Orders

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Rover Pipeline, LLC ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03, 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and bind Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6111 and 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a person, as defined by ORC 3704.01 and ORC 6111.01 and owns and operates horizontal directional drilling operations in numerous counties throughout Ohio.

Cooperative Federalism: the Relationship between Relevant Federal and State Law

2. Ohio EPA, through delegation of U.S. EPA, implements the federal National Pollutant Discharge Elimination System (NPDES) permitting program in the State of Ohio.

Ohio EPA No. 117
Entered in the Ohio Journal

3. Ohio EPA, pursuant to congressional mandate, adopts water quality standards for the State of Ohio that are approved by U.S. EPA pursuant to 33 U.S.C § 1313. Ohio EPA also issues water quality certifications for federal permits that propose a discharge into federally regulated waters, providing that the proposed discharge will comply with the state's water quality standards.
4. That federal Water Pollution Control Act (Clean Water Act) states that "[i]t is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources * * *." 33 U.S.C. § 1251(b).
5. That Act preserves the states' authority by confirming that "nothing * * * shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution * * *." 33 U.S.C. §1370.
6. This Act shall not "be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States." 33 U.S.C. § 1370.
7. Consistent with the federal Act, Ohio has enacted laws and adopted rules to protect water quality by prohibiting actions and mandating requirements that are above and beyond requirements found in the federal Act.
8. The federal Clean Air Act provides that "[a]ir pollution control at its source is the primary responsibility for State and local governments." 42 U.S.C. § 7401(a)(3).
9. The United States Environmental Protection Agency ("U.S. EPA") promulgates national ambient air quality standards for certain pollutants, and each state must develop a state implementation plan, for U.S. EPA's approval, that provides for the implementation, maintenance and enforcement of these air quality standards. 42 U.S.C. §§ 7409, 7410(a)(1), (k).
10. Upon the approval of U.S. EPA, the state implementation plan becomes federally enforceable. 42 U.S.C. §§ 7413(a)(1).
11. The Clean Air Act also reserves to the states the authority to enforce state air pollution standards or requirements in a state implementation plan or standards or limitations at least as stringent as the state implementation plan. 42 U.S.C. §§ 7416, 7604(e).

12. The State of Ohio has regulated with an approved state implementation plan since at least 1976, and the plan has been published in the federal register since at least 1978 (43 Fed. Reg. 4611 (February 3, 1978)).
13. Ohio's State Implementation Plan incorporated Ohio EPA's open burning rules, including but not limited to—Ohio Adm.Code (OAC) 3745-19-01; OAC 3745-19-04; and OAC 3745-19-05—as enforceable conditions.
14. Federal law, specifically the federal Natural Gas Act (NGA), regulates "the transportation of natural gas in interstate commerce." 15 U.S.C. § 717(b). However, the NGA does not supersede federal environmental laws and must yield to any state right reserved under the Clean Air Act, 42 U.S.C. § 7401, *et seq.*, or the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.*, also known as the Clean Water Act, to ensure that the construction of an interstate natural gas pipeline complies with those federal environmental laws. 15 U.S.C. § 717b(d).

Inadvertent Returns

Inadvertent Return 1704-79-0701

15. While conducting horizontal directional drilling activities on April 8, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return (IR) of approximately 1,000 gallons of bentonite slurry in a wetland area near the crossing of Indian Fork River, near Dawn and Miller Hill Roads, Warren Township, Tuscarawas County (lat. 40 31.06" N/ long. 81 17.173" W).
16. The release was located approximately 100 yards west of an operating directional boring rig. The drilling fluids accumulated within an estimated 2,500 square foot area of the wetland.
17. Ohio EPA Emergency Response arrived on site and observed drilling fluids that included bentonite and cuttings from the natural formation coating the area with a layer of mud that impacted water quality. Respondent had installed silt fence and straw bales as containment around the release location.
18. The wetland area near the crossing of Indian Fork River is a water of the state as that term is defined in ORC § 6111.01.

Inadvertent Return 1704-07-0711

19. While conducting horizontal directional drilling activities on April 10, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 600 gallons of bentonite slurry. The drilling fluids entered into an

unnamed stream, wetland, and pond in Richland Township, Belmont County (lat. 40.03.59.9 N/ long. 80.58.36.4 W).

20. The unnamed stream, wetland, and pond are waters of the state as that term is defined in ORC § 6111.01.

Inadvertent Return 1704-76-0751

21. While conducting horizontal directional drilling activities on April 13, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return that Ohio EPA later determined to be several million gallons of bentonite slurry. The break out point for the drilling fluids was located within a Category 3 wetland adjacent to the Tuscarawas River in Navarre Township, Stark County (lat. 40.40 270 N/ long. 81.29 098 W)(the "Stark County Site.")
22. The drilling fluids accumulated within an area estimated to be 6.5 acres in size. Drilling fluids that included bentonite and cuttings from the natural formation coated the area with a layer of mud and affected water quality.
23. The wetland area near the Tuscarawas River is a water of the state as that term is defined in ORC § 6111.01.
24. Additional inadvertent returns continue to occur at this Site, as set forth in a Notice of Violation letter dated May 25, 2017 issued to Respondent. As of the May 18, 2017 inspection, Ohio EPA inspectors observed that the cleanup of the initial release that occurred on April 13, 2017 was ongoing and incomplete.
25. In the course of investigating these inadvertent return, Ohio EPA received two complaints of diesel fuel being added to the drilling mud at this Site. Ohio EPA conducted two separate sampling initiatives on May 12, 2017 and May 19, 2017. The May 12th results indicated the presence of "Diesel Range Organics" ("DRO") in all 5 samples. Based on the DRO data, supplemental sampling was initiated on May 19th to determine the presence of petroleum hydrocarbons. Petroleum hydrocarbons were found in 6 of 7 samples, with only the sample of new mud showing no traces of hydrocarbons. Ohio EPA continues to investigate the allegations within the two complaints.
26. Spent drilling fluids containing refined oil-based substances, including diesel fuel, or any other commercially produced additives, are defined as "industrial waste" under ORC Chapter 6111 and must be disposed of at a licensed municipal solid waste landfill or other location authorized by Ohio EPA.

Inadvertent Return 1704-70-0756

27. While conducting horizontal directional drilling activities on April 14, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 50,000 gallons of bentonite slurry during a pilot hole drilling operation. The breakout point for the drilling fluid entered a wetland near Amoy Pavonia Road, Mifflin Township, Richland County (lat. 40.49.759 N long 82.25.071 W), and affected water quality.
28. The wetland is a water of the state as that term is defined in ORC § 6111.01

Inadvertent Return 1704-34-0777

29. While conducting horizontal directional drilling activities on April 17, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 200 gallons of bentonite slurry while drilling. The breakout point surfaced on a pond located at Highway 151 and Caldwell Road, Monroe Township, Harrison County, and affected water quality.
30. The pond is a water of the state as that term is defined in ORC § 6111.01.

Inadvertent Return 1704-85-0827

31. While conducting horizontal directional drilling activities on April 22, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 200 gallons of bentonite slurry while drilling. The breakout point for the drilling fluid entered an unnamed ditch located at 4489 Prairie Lane Road, Wooster Township, Wayne County, and affected water quality.
32. The unnamed ditch is a water of the state as that term is defined in ORC § 6111.01.

Inadvertent Return 1704-34-0972

33. While conducting horizontal drilling activities on May 8, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 10,000 gallons of bentonite slurry during the installation of a natural gas pipeline. The breakout point for the drilling fluids surfaced in a pond and a stream in Monroe Township, Harrison County, and affected water quality.
34. The pond and stream are waters of the state as that term is defined in ORC § 6111.01.

Inadvertent Return 1707-EPA-0477

35. While conducting horizontal drilling activities on July 2, 2017, Respondent discovered and reported to Ohio EPA an inadvertent return of approximately 5,000 gallons of drill slurry within the already impacted area of the Stark County Site where remediation work is ongoing. The IR occurred in two breakout locations during the horizontal direction drilling of a 60-inch borehole under the Tuscarawas River for the installation of a 42-inch natural gas pipeline.

Inadvertent Return 1707-EPA-0486

36. While on scene for Incident 1707EPA0477, a new IR occurred on July 3, 2017, outside of the containment area and within ten feet of the river bank of the Tuscarawas river. The IR accumulated in a trough that ran parallel to the river. Initial volume was estimated between 1500-2500 gallons of bentonite slurry was released. Additional personnel, materials and equipment to expand the containment and recovery operations were brought in and drilling was suspended. Ohio EPA recommended to Respondent that they prepare for and have equipment on site for potential release to the waterway which would entail using boats or other platforms to both observe and respond to a release.

Contingency Plan

37. In an effort to better respond to inadvertent returns, Respondent submitted a revised Release Prevention and Emergency Response Contingency Plan ("Contingency Plan") on April 29, 2017 that identified measures to protect public health and the environment from these events. Ohio EPA provided recommendations to Respondent in a letter dated May 3, 2017. On May 5, 2017, Respondent submitted a revised Contingency Plan incorporating some but not all of Ohio EPA's comments and recommendations.
38. In a letter dated July 7, 2017, Ohio EPA provided further comments on the Contingency Plan with a specific focus on addressing potential inadvertent returns to larger water bodies such as the Tuscarawas River.

Storm Water Violations

39. On April 5, 2017 and again on April 10, 2017, while Respondent was constructing the Rover Pipeline in Monroe County, Ohio EPA staff observed storm water run-off containing sediment and turbid discharges related to trench dewatering entered unnamed tributaries to Woodsfield Reservoir and impacts to the reservoir itself.

40. On April 11, 2017, while Respondent was constructing the Rover Pipeline in Wood, Richland and Crawford Counties, Ohio EPA staff noted excessive vehicle tracking of mud onto public roads from the active construction of Rover Pipeline.
41. On April 11, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed discharges of sediment laden water from a filter bag designed specifically to treat contaminated storm water. The treatment system and associated discharges were noted in Wood County near the intersection of Pelton Road and Portage View Road, Bloomdale, Ohio.
42. On April 12, 2017, while Respondent conducted trench dewatering activities in Wood County, southeast of the Village of Cygnet (lat. 41° 13' 19" N/ long. 83° 35' 43" W), Ohio EPA staff observed turbid discharges to Bull Creek at Tank Farm Road.
43. On May 2, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed discharges of sediment laden water from a filter bag designed specifically to treat contaminated storm water. The treatment system and associated discharges were noted in Wood County near the intersection of Pelton Road and Portage View Road, Bloomdale, Ohio.
44. On May 3, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed Respondent conducting trench de-watering activities which resulted in turbid discharges directly into Brushy Fork Creek in the location of 77960 Slater Road in Cadiz, Ohio.
45. On May 4, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA observed dewatering bags with operating pumps discharging sediment to waters of the state on Cloverdale Road, north of Oil Center Road, Wood County.
46. On May 4, 2017, while Respondent was constructing the Rover Pipeline in Belmont County, Ohio EPA staff observed storm water run-off containing sediment entered an unnamed tributary to Pea Vine Creek. Ohio EPA noted impacts to the stream bottom and streambanks of the unnamed tributary.
47. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Respondent conducted dewatering activities which resulted in turbid discharges to waters of the state near the Village of Cadiz, Harrison County.
48. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA observed sediment laden storm water discharges entering waters of the state southwest of the intersection of County Road 2 and County Road H, Henry County.

49. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA observed sediment laden storm water discharges entering waters of the state at County Road 11, south of County Road J, Harrison County.
50. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed storm water run-off containing sediment entering an unnamed tributary of Sandy Creek and Wetland W3H-TU-223 at Access 15- Sandyville Road in Sandy Township, Tuscarawas County.
51. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed storm water run-off containing sediment entering Huff Run and Wetland W8H-TU-225 at Access 12- Lindentree Road in Sandy Township, Tuscarawas County.
52. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed storm water run-off containing sediment entering Wetland W4ES-TU-217, at Access 6- Dawn Road in Warren Township, Tuscarawas County.
53. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed the placement of dewatering bags and the deposition of sediment from dewatering activities within Wetland W4ES-TU-217, which was to be avoided.
54. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed dewatering bags with operating pumps discharging sediment to the wetland and an unnamed tributary of Conotton Creek at Access 6- Dawn Road in Warren Township, Tuscarawas County.
55. On May 5, 2017, while Respondent was constructing the Rover Pipeline, Ohio EPA staff observed a dewatering bag placed near an unnamed tributary to Conotton Creek to dewater groundwater. The discharge from the dewatering bag was rust colored, causing discoloration of the receiving waterbody.
56. On May 8, 2017, while Respondent was constructing the Rover Pipeline in Tuscarawas County, storm water run-off containing sediment entered an unnamed tributary to Sandy Creek. Ohio EPA noted impacts to the stream bottom and streambanks of the unnamed tributary.
57. Pursuant to 33 U.S.C. §1342(l)(2) of the Clean Water Act and 40 C.F.R. 122.26(c)(1)(iii), Respondent is required to obtain a NPDES permit for storm water runoff from construction activities, if the storm water runoff is contaminated by contact with any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of oil and gas exploration, or contributes to a water quality standard violation.

58. ORC 6111.03(J)(1) provides that the Director may issue permits in compliance with all requirements of the Federal Water Pollution Control Act and mandatory regulations adopted thereunder. That section further provides that permit terms and conditions set by the Director shall be designed to achieve and maintain full compliance with mandatory requirements of the Federal Water Pollution Control Act that are imposed by regulation of the Administrator of the United States Environmental Protection Agency. Pursuant to 40 C.F.R. 122.26 and Ohio Administrative Code Rule (OAC) 3745-39-04, dischargers of storm water associated with construction activity that disturbs more than one (1) acre of land to obtain an individual NPDES permit or coverage under a storm water general permit.
59. Because Respondent disturbed more than one (1) acre of land and because Respondent has repeatedly caused water quality standards to be violated based on its construction activities, Respondent was required to obtain a construction storm water individual NPDES permit or submit a Notice of Intent ("NOI") to obtain coverage under Ohio's NPDES Construction Storm Water General Permit and to develop and implement a Storm Water Pollution Prevention Plan ("SWP3"). Respondent's failure to obtain a permit is a violation of OAC 3745-39-04 and ORC 6111.07.

401 Violations

60. Ohio EPA received a complete 401 water quality certification application for the Rover Pipeline Project from Respondent on August 9, 2016.
61. The 401 certification was issued to Respondent on February 24, 2017.
62. Respondent commenced construction activities requiring the 401 certification on/or around February 24, 2017.
63. Ohio Administrative Code ("OAC") Rule 3745-32-02(B) states that no person shall engage in an activity requiring a 401 certification prior to obtaining that certification from Ohio EPA.
64. OAC Rule 3745-32-02(C) states that no 401 certification issued pursuant to this chapter shall be effective until all applicable fees have been paid.
65. An invoice was sent to Respondent on February 24, 2017, with a due date of March 26, 2017. Payment was not received until May 15, 2017. Respondent's dredge and fill activities occurring before May 15, 2017 were in violation of OAC Rule 3745-32-02(B) and (C) and ORC 6111.07.

Industrial Waste Disposal Violation

66. Respondent has deposited spent drilling mud containing diesel fuel residuals at the Oster Sand and Gravel Disposal Pit located near the City of Massillon's public water system's drinking water intake and the Beach City Quarry located in proximity to the City of Canton's Sugarcreek drinking water wellfield ("Sugarcreek Wellfield").
67. Pursuant to ORC § 6111.45, no corporation, or officer or employee thereof or other person shall establish any industrial establishment, process, trade, or business in the operation of which an industrial waste is produced, or make a change in or enlargement of any industrial establishment, process, trade, or business whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of the waste have been submitted to and approved by the director of environmental protection. "Industrial waste" means sludge or sludge materials or a water-carried or liquid waste resulting from any process of industry, manufacture, trade, or business or development of any natural resource.
68. Spent drilling mud containing diesel fuel residuals and/or petroleum hydrocarbons is an "industrial waste".
69. Respondent's disposal of industrial waste without a plan approved by the Director violates ORC § 6111.45.

Unauthorized Discharges and Water Quality Violations

70. Pursuant to ORC § 6111.04, no person shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes without a valid, unexpired permit.
71. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
72. OAC Rule 3745-1-04 provides, in part, that the following general water quality criteria shall apply to all surface waters of the state including mixing zones: To every extent practical and possible as determined by the Director, these waters shall be: (A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life; and (C) Free

from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.

73. OAC Rule 3745-1-51 provides, in part, that in addition to the criteria listed in OAC 3745-1-04, the following narrative criteria shall apply to wetlands: (A) Hydrology necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent significant adverse impacts on: (1) water currents, erosion, or sedimentation patterns; (3) Chemical, nutrient, and dissolved oxygen regimes of the wetland; (4) The movement of aquatic fauna; and (6) water levels or elevations, including those resulting from ground water recharge and discharge; (B) water quality necessary to support existing habitats of wetland flora and fauna, including food supplies for fish and wildlife and reproductive and nursery areas; and (C) conditions shall not occur that will have a significant adverse impact on the ability of the wetland to be used for wetland-dependent recreational opportunities in or on the water.
74. Respondent discharged pollutants, as detailed in Findings 15-36 from point sources into waters of the state without obtaining an Ohio NPDES permit or Section 401 water quality certification or obtaining authorization to discharge under a general NPDES or Section 401 nationwide permit, in violation of ORC §§ 6111.04 and 6111.07, and OAC Rules 3745-33-02(A), 3745-38-02(A), and 3745-32-02(B).
75. Respondent's discharges violated OAC Rule 3745-1-04(A) by depositing substances into waters of the state and adjacent wetlands as a result of human activity that settled to form objectionable sludge deposits and that adversely affected aquatic life.
76. Respondent's discharges violated OAC Rule 3745-1-04(C) by discharging substances into waters of the state and adjacent wetland as a result of human activity that altered the natural color or other conditions of waters of the state and adjacent wetland in such a degree as to create a nuisance.
77. Respondent's discharges violated OAC Rule 3745-1-51(A) by causing significant adverse impacts on the waters of the state and adjacent wetland's sedimentation patterns, dissolved oxygen regimes, movement of fauna, water elevations, and adverse impacts to food supplies for fish and wildlife.
78. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
79. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the

State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

Open Burning Violation

80. OAC Rule 3745-19-04(A) prohibits any person or property owner from allowing or causing open burning, as defined in OAC Rule 3745-19-01(K), in an unrestricted area except as allowed by rule or law.
81. OAC Rule 3745-19-04(C)(4) allows, after written permission from Ohio EPA, open burning of land clearing waste disposal provided that certain conditions are observed. These conditions include, but are not limited to, a requirement that the fire be located at a point no less than one thousand feet from any inhabited building not located on the premises where the open burning is to occur.
82. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Chapter 3745-19 was adopted by the Director pursuant to ORC Chapter 3704.
83. Pursuant OAC Rule 3745-19-04(C)(4), on March 13, 2017, Ohio EPA received a written application for permission to open burn from Excel Mulching. The application requested permission to use open burning as the method of disposing land clearing waste generated by the installation of the Burgettstown Lateral pipelines which are part of the Rover Pipeline Project. Specifically, Excel Mulching requested to open burn at 49 sites along the pipeline in Jefferson County, Ohio. The 49 sites are located in unrestricted areas as defined in OAC Rule 3745-19-01(N).
84. On March 29, 2017, Ohio EPA granted permission to open burn the land clearing waste material at the 49 sites provided that Excel Mulching complied with the written permission and OAC Rule 3745-19-04(C). This included the requirement that all fire sites be at least one thousand feet from any inhabited building.
85. On April 11, 2017, Ohio EPA received a complaint regarding open burning being conducted on the pipeline's right of way, near Township Road 240, Toronto, Ohio. An investigation conducted by Ohio EPA on April 12, 2017, revealed that the open burning fire site was located within thousand feet of an inhabited building, in violation of the March 29, 2017 written permission, OAC Rule 3745-19-04(C)(4)(c) and ORC § 3704.05(G).
86. As part of the construction project, Respondent contracted with Excel Mulching to open burn the land cleaning waste generated as part of the pipeline construction and therefore, caused or allowed the illegal open burning incident which occurred on or around April 11, 2017.

87. OAC Rule 3745-19-05(A)(5) states that a violation of a condition set forth by Ohio EPA in granting permission to open burn may be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law. This includes the assessment of civil penalties.
88. Based on the above Findings, the Director of Ohio EPA finds that Respondent allowed burning within a thousand feet of an inhabited building, in violation of OAC Rule 3745-19-05(A) and ORC § 3704.05(G).

V. ORDERS

1. Respondent shall immediately implement the Release Prevention and Emergency Response Contingency Plan ("Contingency Plan") that identifies measures to protect public health and the environment, that was submitted for review on May 5, 2017. Within seven days of the effective date of these Orders, Respondent shall submit a revised Contingency Plan addressing comments provided in Ohio EPA's letter of July 7, 2017 for Ohio EPA's review and approval.
2. Within seven (7) days of Ohio EPA's approval of the Contingency Plan, Respondent shall discontinue using the initial plan submitted and implement the approved Contingency Plan.
3. Within seven (7) days from the effective date of these Orders, Respondent shall submit a plan for approval to the Ohio EPA pursuant to the requirements of ORC 6111.45 for the removal of all spent drilling mud that was deposited into the Oster Sand and Gravel Disposal Pit and the Beach City Quarry and dispose of it in accordance with the plan approved by the Director of Ohio EPA.
4. Within seven (7) days from the effective date of these Orders, Respondent shall submit a plan for approval to the Ohio EPA pursuant to the requirements of ORC 6111.45 for the proper disposal of spent drilling mud contaminated with petroleum hydrocarbons that was deposited into the Category 3 wetland adjacent to the Tuscarawas River as described in Findings 21 through 26 above.
5. Within fourteen (14) days from the effective date of these Orders, Respondent shall submit a sampling plan to Ohio EPA for approval, to determine the presence of diesel range organics and petroleum hydrocarbons in drilling mud utilized throughout HDD projects in Ohio. If the sample results indicate the presence of these constituents, Respondent shall manage the drilling fluid from these sites in accordance with the requirements of ORC 6111.45.
6. Within thirty (30) days from the effective date of these Orders, Respondent shall submit to Ohio EPA, 401/Wetland/Environmental Mitigation Section, for review and

approval, a Wetland Restoration Plan ("WRP") for the restoration of the impacted acres of Category 3 wetland outlined in the above listed Findings. In addition to the restoration, Respondent shall include in the WRP, the mitigation of an additional 19.5 acres of Category 3 wetland to be preserved, enhanced, or restored either onsite or offsite.

7. Ohio EPA will review the WRP and may establish additional requirements to the WRP if the plan is deemed deficient. After review of the plan, Ohio EPA may approve the plan as submitted, or approve the plan with additional conditions. Upon the approval of the WRP by Ohio EPA, Respondent shall implement the plan and complete all necessary remediation requirements required by the plan within six (6) months from the date Ohio EPA approves the WRP or an alternate deadline approved by Ohio EPA.
8. Within seven (7) days from the effective date of these orders, Respondent shall submit a NOI to obtain coverage under Ohio's NPDES Construction Storm Water General Permit and a Construction Storm Water Pollution Prevention Plan ("SWP3") consistent with Ohio's General NPDES Construction Storm Water Permit No. OHC00004 for Ohio EPA's approval. Upon approval, Respondent shall implement the SWP3 and it shall become an enforceable part of these Orders.

Ground Water Monitoring Program – Stark County Spill Site

9. Respondent shall implement and conduct a ground water monitoring program to determine the impact of the inadvertent return of bentonite drilling mud and constituents at the Stark County Site on ground water quality in the area of the inadvertent returns, residential wells, and ground water monitoring wells in accordance with the requirements and timeframes set forth in these Orders. The ground water monitoring program as conducted per these Orders shall be in accordance with Ohio EPA's Technical Guidance Manual for Hydrogeologic Investigation and Ground Water Monitoring and shall produce analytical results that are representative of the quality of ground water in the area of the inadvertent return.
10. Within fifteen (15) days from the effective date of these Orders, Respondent shall submit a ground water sampling and analysis plan ("Stark County Plan") for sampling ground water monitoring wells and residential wells. The Stark County Plan shall include a detailed description of techniques for well purging, extraction of the sample, sample preservation, chain of custody, sample transport and analysis. Residential samples shall be collected prior to any home treatment system if reasonably accessible. The Stark County Plan shall require that samples be analyzed for the following constituents: volatile organic compounds using USEPA method 8260, semi-volatile organic compounds using USEPA method 8270 and diesel fuel compounds

using USEPA method 8015c. The Stark County Plan shall also include procedures for determining pH, temperature, specific conductance and turbidity in the field during sampling.

11. Within thirty (30) days from the effective date of these Orders, Respondent shall sample three residential wells at: 9980 Riverland Ave.; 9834 Riverland Ave.; and 9236 Riverland Ave. Samples shall be collected following the procedures included in the Stark County Plan submitted pursuant to Order 10.
12. Within sixty (60) days from the effective date of these Orders, Respondent shall install, and develop monitoring wells located approximately in the four locations indicated on Figure 1. The Director may approve alternative locations and require additional monitoring well locations. Two monitoring wells shall be installed at each location. All monitoring wells shall be constructed with a screen length of 10 feet. The screen of the deepest well shall be at a depth consistent with the depth of the pipeline boring beneath the Tuscarawas River. The shallow well shall have a screen interval consistent with the water table.
13. Within sixty (60) days from the effective date of these Orders, Respondent shall sample the monitoring wells installed per Order 12 using the Stark County Plan submitted pursuant to Order 10.
14. Respondent shall submit all analysis results to Ohio EPA within thirty (30) days from the date any well was sampled pursuant to these Orders.
15. Respondent shall submit with the first analytical results for ground water samples from the monitoring wells sampled, a report describing the construction of the monitoring wells installed per Order 12. This report shall include stratigraphic boring logs and construction logs for the monitoring wells. The report shall include locational information with accuracy of one meter in both latitude and longitude. The report shall include the elevation relative to mean sea level of the top of casing to a surveyed mark with an accuracy to within one hundredth of a foot. All locational and elevation data shall be certified by a Registered Surveyor with the State of Ohio.
16. The residential wells and monitoring wells required to be sampled under these Orders shall be sampled every ninety (90) days after the first sampling events required pursuant to Orders 11 and 13 for a total of four sampling events during the first year after the effective date of these Orders. All residential and monitoring wells may be sampled during the same sampling event beginning ninety (90) days after first sampling the monitoring wells. After the first year of sampling the residential well and monitoring wells required to be sampled per these orders shall be sampled every 180 days for two years. The Director may extend the monitoring period and change the frequency of sampling.

17. All documents submitted to Ohio EPA under these orders shall contain the notarized signature of a qualified ground water scientist and shall contain the following statement: "I certify that I am a qualified ground water scientist as defined in rule 3745-400-01 of the Administrative Code, and that I have prepared the information submitted in this document, and that to the best of my knowledge the information is true, accurate, and complete."
18. If there is any release of contamination to ground water due to activities performed by Respondent, Respondent shall perform a ground water assessment. This assessment shall include determining the concentration of contaminants in ground water, the extent of the contaminants and the rate of movement of the contaminants.
19. If sampling shows that ground water quality has been impacted by Respondent, Respondent shall perform ground water corrective measures. The Director may select from the corrective measure recommendations submitted by Respondent or the Director may require that Respondent conduct an alternative corrective measure remedy as selected by the Director.
20. If sampling shows that Respondent is contaminating a water supply well downgradient of the facility, Respondent shall provide relief to nearby residents. The relief to any affected party shall include, as necessary: connection to a public water supply (including running the water line and potential expansion of the public water system), or drilling of a new well, such that the affected party is assured a sustainable, adequate, and uncontaminated source of drinking water.

Ground Water Monitoring of Aqua Massillon/ Oster Sand and Gravel Area

21. Respondent will implement and conduct a ground water monitoring program to determine the impact of the disposal of bentonite drilling mud and constituents, and waste soil from drilling activities at the Oster Sand and Gravel Disposal Pit on ground water quality in accordance with these Orders. The ground water monitoring program as conducted per these orders shall be in accordance with Ohio EPA's Technical Guidance Manual for Hydrogeologic Investigation and Ground Water Monitoring and shall produce analytical results that are representative of the quality of ground water in the area of the Pit.
22. Within fifteen (15) days from the effective date of these Orders, Respondent shall submit a ground water sampling and analysis plan ("Aqua Massillon Plan") for sampling ground water monitoring wells, residential wells, production wells, and water supply wells. The Aqua Massillon Plan shall include a detailed description of techniques for well purging, extraction of the sample, sample preservation, chain of

custody, sample transport and analysis. Municipal and production well samples shall be collected raw at the well head prior to treatment, and residential samples shall be collected prior to any home treatment system if reasonably assessable. The samples shall be analyzed for the following constituents: volatile organic compounds using USEPA method 8260, semi-volatile organic compounds using USEPA method 8270 and diesel fuel compounds using USEPA method 8015c. The Aqua Massillon Plan shall also include procedures for determining pH, temperature, specific conductance and turbidity in the field during sampling.

23. Within thirty (30) days from the effective date of these Orders, Respondent shall sample the well at 3241 Riverside Ave. and the four Oster Sand and Gravel Inc. production wells and Aqua Ohio Wells #5 and # 14 (See attached map). Samples shall be collected following the procedures included in the Aqua Massillon Plan submitted pursuant to Order 22.
24. Within sixty (60) days from the effective date of these Orders, Respondent shall install, and develop monitoring wells located in at least two locations between the Oster Sand and Gravel Disposal Pit and the well located at 3241 Riverside Ave. and between the Oster Sand and Gravel Disposal Pit and Aqua Ohio Well #14 as shown on the attached map. The Director may approve alternative locations and require additional monitoring well locations. Two monitoring wells shall be installed at each location. All monitoring wells shall be constructed with screen length of 10 feet. The screen of the deepest well at each location shall be at a depth consistent with the depth of the water supply well that the monitoring well is associated with. The shallow well shall have a screen interval consistent with the water table.
25. Within sixty (60) days from the effective date of these Orders, Respondent will sample the monitoring wells installed per Order 24 using the Aqua Massillon Plan submitted pursuant to Order 22.
26. All analysis results shall be submitted to Ohio EPA within thirty (30) days from the date any well was sampled pursuant to these Orders.
27. Respondent shall submit with the first analytical results for ground water samples from the monitoring wells sampled per Order 25, a report describing the construction of the monitoring wells installed per Order 24. This report shall include stratigraphic boring logs and construction logs for the monitoring wells. The report shall include locational information with an accuracy of one meter in both latitude and longitude. The report shall include the elevation relative to mean sea level of the top of casing to a surveyed mark with an accuracy to a hundredth of a foot. All locational and elevation data shall be certified by a Registered Surveyor with the State of Ohio.
28. The wells required to be sampled under Orders 23 and 25 shall be sampled every

ninety (90) days after the first sampling events required pursuant to Orders 23 and 25 for a total of four sampling events during the first year after the effective date of these Orders. After the first year of sampling the monitoring wells required to be sampled per these Orders shall be sampled every 180 days for two years. The Director may extend the monitoring period and change the frequency.

29. All documents submitted to Ohio EPA under these orders shall contain the notarized signature of a qualified ground water scientist and shall contain the following statement: "I certify that I am a qualified ground water scientist as defined in rule 3745-400-01 of the Administrative Code, and that I have prepared the information submitted in this document, and that to the best of my knowledge the information is true, accurate, and complete."
30. If there is any release of contamination to ground water due to activities performed by Respondent, Respondent shall perform a ground water assessment. This assessment shall include determining the concentration of contaminants in ground water, the extent of the contaminants and the rate of movement of the contaminants.
31. If sampling shows that ground water quality has been impacted by Respondent, Respondent shall perform ground water corrective measures. The Director may select from the corrective measure recommendations submitted by Rover or the Director may require that Respondent conduct an alternative corrective measure remedy as selected by the Director.
32. If sampling shows that the Respondent is contaminating any Aqua Massillon water supply well downgradient of the Pit, Respondent shall provide relief to Aqua Massillon. The relief to Aqua Massillon shall include, as necessary: drilling of a new drinking water well, or the siting and development of a new drinking water well field including assuming the costs for design, permitting and installation of drinking water supply wells in the new well field such that Aqua Massillon is assured a sustainable or adequate, and uncontaminated source of ground water.

Ground Water Monitoring of City of Canton's Sugar Creek Wellfield/Beach City Quarry Area

33. Respondent will implement and conduct a ground water monitoring program to determine the impact of the disposal of bentonite drilling mud and constituents, and waste soil from drilling activities at the Beach City Quarry ("Quarry") on ground water quality in accordance with these Orders. The ground water monitoring program as conducted per these orders shall be in accordance with Ohio EPA's Technical Guidance Manual for Hydrogeologic Investigation and Ground Water Monitoring and shall produce analytical results that are representative of the quality of ground

water in the area of the Quarry.

34. Within fifteen (15) days from the effective date of these Orders, Respondent shall submit a ground water sampling and analysis plan ("Quarry Plan") for sampling ground water monitoring wells, residential wells, and municipal wells. This Quarry Plan shall include a detailed description of techniques for well purging, extraction of the sample, sample preservation, chain of custody, sample transport and analysis. Municipal well samples shall be collected raw at the well head prior to treatment, and residential samples shall be collected prior to any home treatment system if reasonably assessable. The samples shall be analyzed for the following constituents: volatile organic compounds using USEPA method 8260, semi-volatile organic compounds using USEPA method 8270 and diesel fuel compounds using USEPA method 8015c. The plan shall also include procedures for determining pH, temperature, specific conductance and turbidity in the field during sampling.
35. Within thirty (30) days from the effective date of these Orders, Respondent shall conduct sampling at: City of Canton's Sugar Creek Water Treatment Plant (WTP) Wells #2, #7 and #9; City of Canton's Sugar Creek WTP Entry Point; 5449 State Route 250 NW; 5378 State Route 212; 5342 State Route 212; 5510 State Route 212; 5364 State Route 212; 10335 Dolphin Street SW; 10321 Dolphin Street SW; 10249 Dolphin Street SW; 10431 Dolphin Street SW; and 10199 Dolphin Street SW. Samples shall be collected following the procedures included in the Quarry Plan submitted pursuant to Order 34.
36. Within sixty (60) days from the effective date of these Orders, Respondent shall install, and develop monitoring wells located in at least two locations between the Quarry and the nearest production wells for City of Canton's Sugar Creek Wellfield. The Director may approve alternative locations and require additional monitoring well locations. Two monitoring wells shall be installed at each location. All monitoring wells shall be constructed with screen length of 10 feet. The screen of the deepest well shall be at a depth consistent with the depth of the production well the monitoring well is associated with. The shallow well shall have a screen interval consistent with the water table.
37. Within sixty (60) days from the effective date of these Orders, Respondent will sample the monitoring wells installed per Order 36 using the Quarry Plan submitted per Order 34.
38. All analysis results shall be submitted to Ohio EPA within thirty (30) days from the date any well was sampled pursuant to these Orders.
39. Respondent shall submit with the first analytical results for ground water samples from the monitoring wells sampled per Order 37, a report describing the

construction of the monitoring wells installed per Order 36. This report shall include stratigraphic boring logs and construction logs for the monitoring wells. The report shall include locational information with an accuracy of one meter in both latitude and longitude. The report shall include the elevation relative to mean sea level of the top of casing to a surveyed mark with an accuracy to a hundredth of a foot. All locational and elevation data shall be certified by a Registered Surveyor with the State of Ohio.

40. The wells required to be sampled under Orders 35 and 37 shall be sampled every ninety (90) days after the first sampling events required pursuant to Orders 35 and 37 for a total of four sampling events during the first year after the effective date of these Orders. After the first year of sampling the monitoring wells required to be sampled per these Orders shall be sampled every 180 days for two years. The Director may extend the monitoring period and change the frequency.
41. All documents submitted to Ohio EPA under these orders shall contain the notarized signature of a qualified ground water scientist and shall contain the following statement: "I certify that I am a qualified ground water scientist as defined in rule 3745-400-01 of the Administrative Code, and that I have prepared the information submitted in this document, and that to the best of my knowledge the information is true, accurate, and complete."
42. If there is any release of contamination to ground water due to activities performed by Respondent, Respondent shall perform a ground water assessment. This assessment shall include determining the concentration of contaminants in ground water, the extent of the contaminants and the rate of movement of the contaminants.
43. If sampling shows that ground water quality has been impacted by Respondent, Respondent shall perform ground water corrective measures. The Director may select from the corrective measure recommendations submitted by Rover or the Director may require that Respondent conduct an alternative corrective measure remedy as selected by the Director.
44. If sampling shows that the Respondent is contaminating any of the City of Canton's Sugar Creek Wellfield water supply wells downgradient of the Quarry, Respondent shall provide relief to the City of Canton. The relief to City of Canton shall include, as necessary: drilling of a new drinking water well, or the siting and development of a new drinking water well field including assuming the costs for design, permitting and installation of drinking water supply wells in the new well field such that the City of Canton is assured a sustainable or adequate, and uncontaminated source of ground water.
45. If sampling shows that Respondent is contaminating a water supply well downgradient

of the facility, Respondent shall provide relief to nearby residents. The relief to any affected party shall include, as necessary: connection to a public water supply (including running the water line and potential expansion of the public water system), or drilling of a new well, such that the affected party is assured a sustainable, adequate, and uncontaminated source of drinking water.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chiefs of Ohio EPA's Division of Surface Water and Division of Drinking and Ground Waters acknowledge, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(D).

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central Office
Division of Surface Water and/or
Division of Drinking and Ground Waters
50 W Town Street., Suite 700
Columbus, Ohio 43215
Attn: Enforcement Manager

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapters 6109 and 6111 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XII. APPEAL RIGHTS

Respondent is hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to R.C. § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals

Commission at the following address:

Environmental Review Appeals Commission
30 E. Broad Street, 4th Floor
Columbus, Ohio 43215

IT IS SO ORDERED:

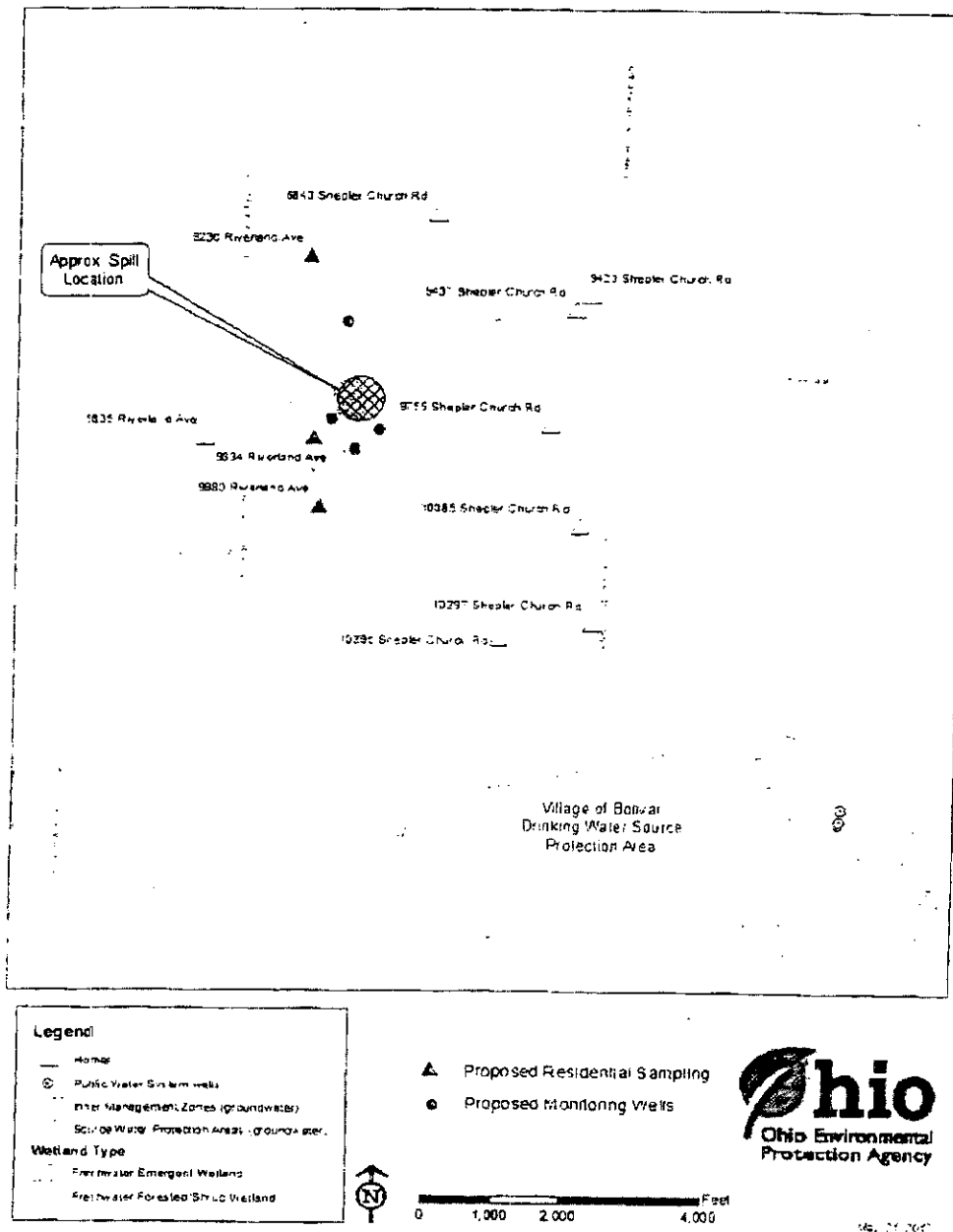
Ohio Environmental Protection Agency

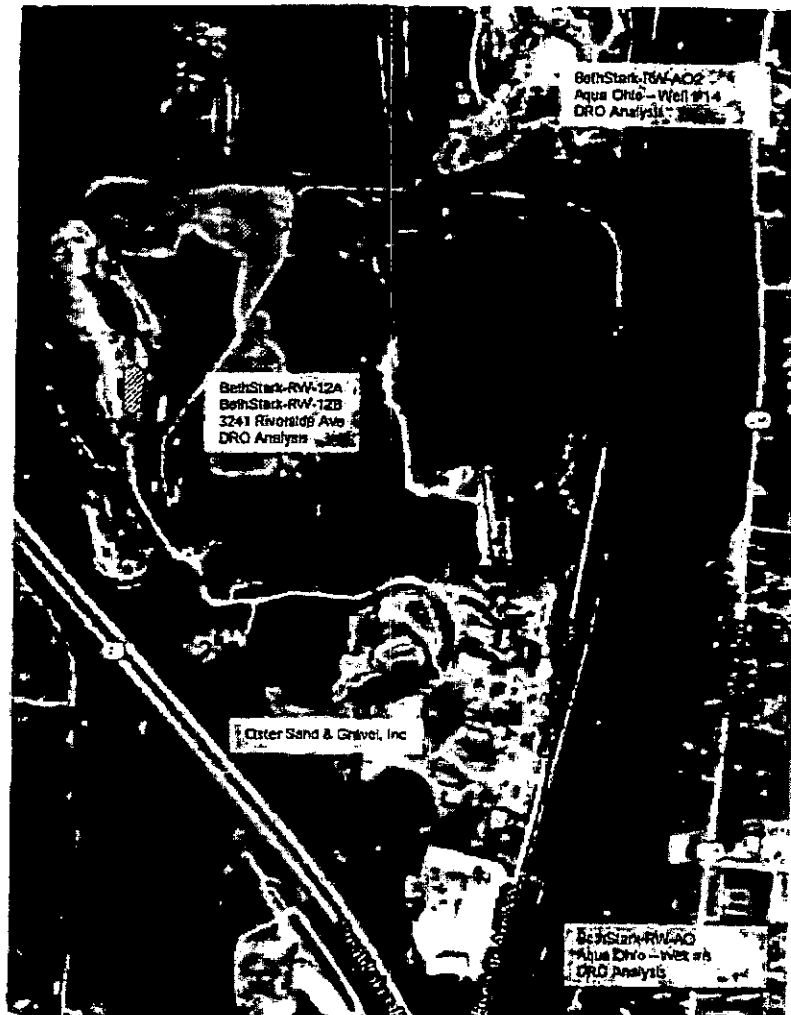


Craig W. Butler, Director

7/7/2017
Date

Figure 1





**ROVER PIPELINE
 OSTER SAND & GRAVEL
 DUMP SITE**

Perry Township, Stark County

Legend

- Project Sample (Residential and PWS)
- Oster Sand & Gravel and Shelly Materials Wells (Locations Approximated)
- Proposed Well Cluster Location
- Area of Dumping (Location Approximated)

ATTACHMENT 4

OHIO E.P.A.

OCT 31 2012

Issue Date: October 31, 2012
Effective Date: November 1, 2012
Expiration Date: October 31, 2017

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY

~~GENERAL PERMIT~~ AUTHORIZATION TO DISCHARGE HYDROSTATIC TEST
WATER


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 wastewater, 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 outfalls at the sites and to the receiving waters identified in the applicant's Notice of Intent application (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through VI of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

Granting of permit coverage is conditioned upon payment of applicable fees and submittal of the Notice of Intent application form. Permit coverage does not become effective until the permittee receives written notification from the Director that coverage is granted.

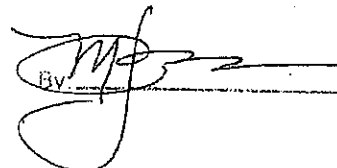
This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA (see Part II).



Scott J. Nally
Director

Total Pages: 27

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


By: _____ Date: 10.31.2012

Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit covers the entire state of Ohio.

B. Applicability. Ohio Revised Code Chapter 6111 provides that discharges resulting from hydrostatic test water for a limited duration from a point source to waters of the state are unlawful, unless authorized by an NPDES permit. Entities with a wastewater discharge associated with hydrostatic test water (as defined in Part VI of this permit) that is discharged via a point source (including discharges through a municipal separate storm sewer system) to waters of the state are required to submit a permit application in accordance with Ohio EPA regulations. Entities that are eligible for coverage under this permit and that submit a Notice of Intent application (NOI) in accordance with the requirements of Part II of this permit are in compliance with the NPDES application requirements for such wastewater discharges.

C. Eligibility.

1. This permit may cover point source discharges of wastewater associated with hydrostatic test water to waters of the state, except as limited in paragraph 2 below.

2. Limitations on Coverage. The following wastewater discharges associated with hydrostatic test water are not authorized by this permit:

- a. wastewater discharges that are mixed with any other discharges that are not associated with hydrostatic test water. Storm water that is not related to but is mixed with the discharge from the hydrostatic test water, during wet weather conditions, is not covered by this general permit. Storm water discharges are authorized separately by a storm water general permit;
- b. wastewater discharges that the Director has determined to be contributing to a potential violation of Ohio's surface Water Quality Standards;
- c. wastewater discharges that are discharged to combined or sanitary sewer systems;
- d. wastewater discharges that take place within five-hundred yards upstream of a public water supply surface water intake and cannot meet Ohio's public water supply standards.
- e. wastewater discharges that are commingled with hazardous wastes or hazardous substances;
- f. wastewater discharges associated with petroleum-related corrective actions;
- g. wastewater discharges associated with temporary discharges;
- h. wastewater discharges containing pollutants classified as bioaccumulative chemicals of concern such as mercury;
- i. discharges to any receiving water designated Outstanding National Resource Water (ONRW), Outstanding State Water (OSW), Superior High Quality Water (SHQW) or Category 3 wetland, or to receiving waters that discharge into a water with one of these designations within two stream miles of the discharge point;
- j. wastewater discharges containing pollutants classified as biocides (except chlorine) and any other added chemicals.

3. Facilities that discharge for a period of less than one month are still required to submit one set of monitoring data.

D. Authorization.

1. To be authorized to discharge under this general permit, dischargers of wastewater associated with hydrostatic test water must submit an NOI in accordance with the requirements of Part II and Part III of this permit, using an NOI application form provided by the Director.

Coverage under this permit shall not be effective until the director notifies the person submitting a notice of intent that the discharge is authorized under the general permit.

2. After the requirements in the NOI form are reviewed by the Ohio EPA, Ohio EPA will notify the person who submitted the NOI whether coverage under this general permit is granted or denied.

3. The Director may require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

4. The authorization to discharge under this permit is conditioned on payment of applicable annual fees listed in paragraph 3745-11(L)(4)(c) of the Ohio Revised Code.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. No NOIs will be accepted prior to the effective date of this permit.
2. An operator of a facility with a wastewater discharge associated with hydrostatic test water may submit an NOI in accordance with the requirements of this part after the effective date of this general permit.

B. Contents of Notice of Intent. The applicant shall complete and submit an approvable NOI form as provided by Ohio EPA. The Notice of Intent shall include the information required by the NOI form and its instruction sheet. An NOI which is incomplete or deficient will be returned to the applicant.

C. Where to Submit. NOIs must be signed in accordance with Part V.D of this permit. A check in the amount designated on the form, payable to "Treasurer, State of Ohio," must accompany the NOI form. NOIs are to be submitted to the Ohio EPA at the following address:

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

D. Additional Notification. Facilities with a hydrostatic test water that discharge wastewater through a municipal separate storm sewer system (see definition in Part VI of this permit) shall, in addition to filing copies of the NOI in accordance with paragraph II.C, also submit signed copies of the NOI to the operator of the municipal separate storm sewer system through which they discharge.

E. Renotification for Permit Renewal. In order to receive authorization to discharge beyond the date of expiration of the general permit when the permit has been replaced by a new general permit, the permittee shall notify the Director of its intent to be covered by the new general permit (submit a new NOI) within 45 days after the effective date of the renewed general permit.

F. Notice of Termination (NOT). When all wastewater discharges associated with the hydrostatic test water that are authorized by this permit are eliminated, the operator of the facility must submit a Notice of Termination that is signed in accordance with Part V.D of this permit.

1. The Notice of Termination shall include the information required by the NOT form and its instruction sheet.
2. All Notices of Termination are to be sent, using the form provided by Ohio EPA's website, to the following address:

Ohio Environmental Protection Agency
General NPDES Permit NOT
P.O. Box 1049
Columbus, Ohio 43216-1049

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Hydrostatic test water discharge from new/unused pipes and tanks.

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Parameter	Concentration Specified		Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
		Maximum	Minimum				
00056 - Flow Rate - GPD		-	-	-	1/Month	24hr Total Estimate	All
00300 - Dissolved Oxygen - mg/l		-	-	-	1/Month	Grab	All
00400 - pH - S.U.		9.0	6.5	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l		45	-	30	1/Month	Composite	All
00550 - Oil and Grease, Total - mg/l		10	-	-	1/Month	Grab	All
00980 - Iron, Total Recoverable - ug/l		-	-	-	1/Month	Composite	All
50060 - Chlorine, Total Residual - mg/l		0.019	-	-	1/Month	Grab	All

Notes for this effluent table:

- No monitoring for dissolved oxygen will be required if anti-corrosion chemicals are not used.
- Monitoring of total residual chlorine is required only when using treated public water or other chlorinated water source.
- The permittee must obtain samples during a discharge event.. If there are NO DISCHARGES DURING THE ENTIRE MONTH:
1) eDMR users should select the "No Discharge" check box on the data entry form. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- This discharge shall not contribute oil and grease to the receiving stream in amounts sufficient to cause a floating scum or visible sheen.
- The permittee must submit a brief description of Best Management Practices (BMP) to be employed, a sketch showing how the discharge would take place and treatment of the hydrostatic test water discharges, if necessary, while submitting the NOI to the agency.
- The test water shall be discharged in a proper way to prevent erosion of soil or other materials into surface water or cause infiltration into ground water. Barriers such as splash pads, straw bales, silt fences and vegetated buffer zones shall be used.

Part III - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
B. Hydrostatic test water discharge from used pipes and tanks

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

Table - Final Outfall - 002 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Maximum	Minimum	Specified Units	Monthly	Daily	Weekly	kg/day
00056 - Flow Rate - GPD	-	-	-	-	-	-	-
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-
00530 - Total Suspended Solids - mg/l	45	-	-	30	-	-	-
00550 - Oil and Grease, Total - mg/l	10	-	-	-	-	-	-
00980 - Iron, Total Recoverable - ug/l	-	-	-	-	-	-	-
34010 - Toluene - ug/l	5	-	-	-	-	-	-
34030 - Benzene - ug/l	5	-	-	-	-	-	-
34371 - Ethylbenzene - ug/l	5	-	-	-	-	-	-
50060 - Chlorine, Total Residual - mg/l	0.019	-	-	-	-	-	-
81551 - Xylene, Total - ug/l	10	-	-	-	-	-	-

Notes for this effluent table:

- No monitoring for dissolved oxygen will be required if anti-corrosion chemicals are not used.
 - Monitoring of total residual chlorine is required only when using treated public water or other chlorinated water source.
 - The permittee must obtain samples during a discharge event. If there are NO DISCHARGES DURING THE ENTIRE MONTH:
- 1) eDMR users should select the "No Discharge" check box on the data entry form. PIN the eDMR.
 - 2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.
- The permittee must submit a brief description of Best Management Practices (BMP) to be employed, a sketch showing how the discharge would take place and treatment of the hydrostatic test water discharges, if necessary, while submitting the NOI to the agency.
 - The test water shall be discharged in a proper way to prevent erosion of soil or other materials into surface water or cause infiltration into ground water. Barriers such as splash pads, straw bales, silt fences and vegetated buffer zones shall be used.

Part IV. SPECIAL CONDITIONS

- A. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable standards or regulations.
- B. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- C. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's monitored wastestream during the monitoring period.
- D. Samples taken in compliance with the effluent monitoring requirements shall be collected following treatment (if provided) and prior to either direct or via storm sewer discharge to the receiving stream.

E. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING

All analytical results, even those below the OEPA PQL, (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the PQL: Report the analytical result for the parameter of concern.
2. Results above the Method Detection Level (MDL), but below the PQL: Report the analytical result, even though it is below the PQL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table will be used to determine compliance with NPDES permit limit:

Parameter	PQL
Total Residual Chlorine	0.050 mg/l

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Ohio Revised Code Chapter 6111 and Ohio Administrative Code Chapter 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 conditions is subject to a fine or imprisonment.

(2) Falsification. Ohio Revised Code Section 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 by imprisonment.

b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates permit terms and conditions is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued provided the NOI has been submitted within 45 days after the effective date of the renewed general permit.

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. Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Director (and/or the operator of a large or medium municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed as provided in the following paragraphs 1 through 2a.

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 and who has authority to sign documents on behalf of 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 county, 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 in paragraph 1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if all of the following apply:

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 V.D.2. 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 V.D.2. 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."

E. Transfers. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part V.F.

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility until the following requirements are met:

1. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the Ohio EPA central office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the Ohio EPA central office sixty days prior to the proposed date of transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the Ohio EPA central office within sixty days after receipt by the central office of the copy of the letter from the permittee to the succeeding owner;
3. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to revoke the permit and to require that a new NOI be filed; and
4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

At any time during the 60 day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

F. 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 notify the owner or operator in writing that a permit application is required. This notice may 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 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. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

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 2C, 2D, 2E, or 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 (see Part I.C).

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. If an individual permit holder believes the discharge could be covered by this general permit, the owner or operator must submit a NOI (see Part II.C) for coverage under this general permit and request appropriate Ohio EPA district office to either revoke the existing individual permit or approve No Permit Requirement (NPR) for the existing individual permit.

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

H. Inspection and Entry. The permittee shall allow the Director or an authorized representative of Ohio EPA or other designed representative or, in the case of a facility that 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;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Ohio Revised Code Chapter 6111, any substances or parameters at any location.

Upset.

1. For definition of "upset," see Part VI., Definitions.
2. An upset constitutes an affirmative defense to an action brought for non-compliance with a technology-based permit effluent limit if the requirements of paragraph I.3. of this permit are met. No determination made during administrative review of claims that non-compliance was caused by upset, and before an action for non-compliance, is a final action subject to judicial review.
3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. the permitted facility was at the time being properly operated;
 - c. the permittee submitted notice of the upset as required by Part V., paragraph S of this permit; and,
 - d. the permittee complied with any remedial measures required under Part V., paragraph T of this permit.
4. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of paragraphs I.3.a through I.3.d.

J. General Effluent Limitations. The effluent from hydrostatic test water shall, at all times, be free of substances:

1. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
2. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
3. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
4. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

5. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

6. In amounts that will impair designated instream or downstream water uses.

K. Facility Operation and Quality Control.

1. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

2. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

3. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA as specified in the Paragraph in this PART V. entitled, "UNAUTHORIZED DISCHARGES".

L. Reporting.

1. Monitoring data required by this permit shall be reported on the Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign and submit DMRs on the internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is found on the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

2. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official as specified in Paragraph D of this Part.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMRpin.aspx>

3. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest.

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Regardless of the submission method, a copy of the submitted Ohio EPA 4500 DMR must be signed by a Responsible Official or a Designated Responsible Official and maintained onsite for records retention purposes (see paragraph O of this Part - Records Retention). For e-DMR users, a copy of the DMR can be printed from e-DMR.

5. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

6. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500), but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION."

M. Sampling and Analytical Methods. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

- N. Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The exact place and date of sampling (time of sampling not required on EPA 4500);
2. The person(s) who performed the sampling or measurements;
3. The date the analyses were performed on those samples;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses and measurements.

O. Records Retention. The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

1. All sampling and analytical records (including internal sampling data not reported);
2. All original recordings for any continuous monitoring instrumentation;
3. All instrumentation, calibration and maintenance records;
4. All plant operation and maintenance records;
5. All reports required by this permit; and
6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation with the Ohio EPA or US EPA, or when requested by the Regional Administrator or the Ohio EPA. The three-year period for retention of records shall start from the date of sample, measurement, report, or application.

P. Availability of Reports. Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Ohio EPA central office. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

Q. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or 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.

R. Unauthorized Discharges.

1. Bypassing or diverting of wastewater from the treatment works is prohibited unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under paragraph S of this section.
2. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
3. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph R.1. of this section.
4. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if the bypass is for essential maintenance to assure efficient operation. The permittee shall monitor the effluent quality during these episodes at any frequency necessary to accurately and fully characterize the event.

S. Noncompliance Notification.

1. Exceedance of a Daily Maximum Discharge Limit

- a. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within 24 hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- . The name of the permittee, and a contact name and telephone number;
- . The limit(s) that has been exceeded;
- . The extent of the exceedance(s);
- . The cause of the exceedance(s);
- . The period of the exceedance(s) including exact dates and times;
- . If uncorrected, the anticipated time the exceedance(s) is expected to continue; and
- . Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

2. Other Permit Violations

a. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limitation in the permit by e-mail or telephone within 24 hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hourmpdes@epa.state.oh.us
Southwest District Office: swdo24hourmpdes@epa.state.oh.us
Northwest District Office: nwdo24hourmpdes@epa.state.oh.us
Northeast District Office: nedo24hourmpdes@epa.state.oh.us
Central District Office: cdo24hourmpdes@epa.state.oh.us
Central Office: co24hourmpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

b. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health of the environment within 30 minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within 24 hours of discovery in accordance with paragraph S.2.a. above.

3. When the telephone option is used for the non-compliance reports required by paragraphs S.1 and 2 above, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

4. The permittee shall report all instances of noncompliance not reported under paragraphs 1, 2, or 3 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs 2 and 3 of this section.

5. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information.

T. 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.

U. Discharge Changes. The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable.

1. For all treatment works, any significant change in character of the discharge that the permittee knows or has reason to believe has occurred or will occur which would constitute cause for termination. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

2. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, a determination will be made as to whether the permit should remain unchanged or be terminated. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

3. In addition to the reporting requirements under 40 CFR 122.41(1) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

V. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

W. Permit Revocation.

1. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:
 - a. violation of any terms or conditions of this permit;
 - b. obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
 - d. obtaining coverage under an individual or alternative general permit is required (see Part V.F of this permit).
2. The filing of a request by the permittee for general permit coverage revocation does not stay any permit condition. See Part II.F for requirements regarding Notice of Termination (NOT).

X. Oil and Hazardous Substance Liability. With the exception of full compliance with the effluent limitations found in this general permit, 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.

Y. Solids Disposal. Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state.

Z. Construction Affecting Navigable Waters. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

AA. Civil and Criminal Liability. Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

AB. State Laws and Regulations. Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

AC. Property Rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

AD. 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.

AE. Applicable Federal Rules. All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

AF. Pollution Prevention.

Ohio EPA suggests that, if applicable, the permittee should evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

The permittee can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and the Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual, please contact the Ohio EPA, Office of Pollution Prevention at (614) 644-3949.

AG. Permit-to-Install Required

A Permit-to-Install (PTI) is required by OAC 3745-31-02 in order to install or modify treatment/disposal systems, including systems to treat water from petroleum-related corrective actions. The approval of coverage under this general permit shall in no way be construed as approval of detail plans or a PTI. The approval of a PTI does not release a facility from any applicable requirement to obtain an NPDES permit. Discharges to surface waters require an effective NPDES permit, including those discharges from systems for which a PTI was obtained.

Part VI - DEFINITIONS

"Absolute Limitations" means limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum". Compliance with absolute limitations shall be determined from any single value for effluent samples and/or measurements collected.

"Act" means the Clean Water Act 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. 100-433 U.S.C. 1251 et seq.

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

"Composite Sample" is a sample that contains discrete samples taken at equal time intervals over the compositing period, or proportional to the flow rate over the compositing period. All composite samples should be identified as to the method of sampling collection, duration of composite (e.g. 24 hours), and frequency of the sampling (e.g. every 2 hours).

"Daily load limitations" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"Daily concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration.

"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.

"Grab sample" means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

"Hydrostatic test water" means water placed in tanks, pipelines, etc. (new/unused or used) and raised to greater than atmospheric pressure, in order to check for leaks and/or the structural integrity of these facilities. Hydrostatic test water also includes water placed in tanks, pipelines, etc. to test for leaks without raising pressure to above atmospheric pressure.

"Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is:

- (a) owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Act that discharges into surface waters of the state;
- (b) designated or used for collecting or conveying solely storm water;
- (c) not a combined sewer; and
- (d) not part of a publicly owned treatment works.

"MGD" means million gallons per day.

"mg/kg" means milligrams per kilogram dry weight.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"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".

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substance in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

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

"NOT" means notice of termination (see Part II.F. of this permit).

"Petroleum-related corrective actions" includes, but is not limited to, the discharge of one or more of the following: ground and/or surface water from remediation systems; surface and/or ground water accumulating as a result of excavation activity; surface water and ground water contaminated by spills; ground water resulting from pumping and/or monitoring aquifer(s). All of the previously mentioned discharges are resulting from any corrective actions involving above-ground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, or heating oil, or the transportation of these materials.

"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 discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Quarterly sampling frequency" means the sampling shall be done in the months of March, June, August, and December.

"Receiving waters" means the waters of the state into which point and non-point sources flow.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Semi-annual sampling frequency" means the sampling shall be done during the months of June and December.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Summer" shall be considered to be the period from May 1 through October 31.

"Temporary discharge" means a wastewater discharge authorized under the general permit which is limited in duration to no more than 60 days. Temporary discharges under the general permit include emergency discharges, discharges related to environmental cleanup activity, discharges required for restoring conditions affecting aquatic life, and discharges necessary to protect human health and safety.

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

"Tributary" means a stream flowing into a larger body of water.

"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.

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

"Winter" shall be considered to be the period from November 1 through April 30.

"Yearly sampling frequency" means the sampling shall be done in the month of September.

"7-day load limitation" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"7-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration limitation for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"30-day load limitation" is the total discharge by weight during any 30-day period divided by the number of days in the 30-day period that the facility was in operation. If only one sample is taken in a 30-day period, the weight of pollutant discharge calculated from it is the 30-day load. If more than one sample is taken during one-day period, the 30-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 30-day period and dividing by the number of days sampled.

"30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"85 percent removal limitations" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.