

## Ohio EPA's New Industrial Storm Water General Permit (OHR000005)

### What is the purpose of this fact sheet?

This fact sheet includes the following information about Ohio EPA's new industrial storm water general permit (OHR000005).

- Background information and Ohio EPA's rationale to use U.S. EPA's Multi-Sector General Permit (MSGP) as the framework for this general permit.
- Description of the discharges authorized under this general permit.
- Application procedures and overview of the general permit requirements.
- Comparison of OHR000005 to Ohio EPA's previous general permit (OHR000004) and to U.S. EPA's MSGP.
- Where to get additional help and information.

### Background

Ohio EPA initially issued a general industrial storm water permit in 1992 that was modeled after U.S. EPA's industrial general permit. At that time, both general permits contained very broad, non-industry specific permit requirements.

U.S. EPA issued the first nationwide MSGP on September 29, 1995 (60 Fed. Reg. 50804). One reason U.S. EPA developed the MSGP was because sampling data showed the conditions affecting the presence of pollutants in storm water discharges vary among industries.

In addition, U.S. EPA wanted to reduce confusion about compliance requirements by providing more specificity to industry on requirements applicable to their sector. This has helped industry more easily identify Storm Water Pollution Prevention Plan (SWP3) requirements and effective best management practices (BMPs) for their specific operations.

U.S. EPA has developed extensive guidance associated with the federal MSGP, including sector-specific fact sheets. The MSGP is currently used as the framework for industrial storm water general permitting in at least 29 states.

Throughout the past several years, Ohio EPA's storm water program has frequently responded to questions from industry about implementation of BMPs and monitoring, due to ambiguities in the previous permits. Therefore, Ohio EPA is adopting the framework of the federal MSGP in the state's new general permit (OHR000005) to provide more clarity and certainty to regulated entities regarding their compliance responsibilities. In addition, the implementation of monitoring and other BMPs under the permit will help protect water resources and enhance the Agency's ability to monitor compliance with the permit.

OHR000005 replaces Ohio EPA's previous industrial storm water general permit (OHR000004), which expired on May 31, 2011.

### Who is required to apply for the permit and what discharges are covered?

Only industrial activities/facilities within 29 different Standard Industrial Classification (SIC) code categories are required to get an industrial storm water permit. A listing of SIC<sup>1</sup> codes/categories subject to storm water permitting requirements is online at [www.epa.gov/npdes/pubs/msgp2008\\_appendixd.pdf](http://www.epa.gov/npdes/pubs/msgp2008_appendixd.pdf)

OHR000005 covers new and existing point source discharges of storm water associated with industrial activity (as defined in Ohio Administrative Code (OAC) 3745-39-04(B)(15)) to surface waters of the state. This permit **does not** cover the following:

- storm water discharges associated with construction activity;
- storm water discharges that the Ohio EPA director has determined to be contributing to a violation of a water quality standard;
- storm water discharges from petroleum bulk stations and terminals (SIC code 5171);
- storm water discharges from marinas (SIC code 4493);
- storm water discharges from phosphatic fertilizer manufacturers (SIC code 2874);
- metal mining (SIC code 10xx)
- coal surface mining (SIC code 1221); and
- active landfills

<sup>1</sup> A complete list of SIC Codes (and conversions from the newer North American Industry Classification System (NAICS)) can be obtained from [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html).

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Facilities with industrial storm water discharges not eligible for coverage under this renewal permit must apply for an individual National Pollutant Discharge Elimination System (NPDES) permit or alternative general permit from Ohio EPA.

## How does a facility apply for the permit?

**For new facilities seeking coverage:** To obtain industrial storm water general permit coverage, each discharger submits a one page Industrial Storm Water Notice of Intent (NOI) application form. New facilities that plan to initiate a storm water discharge are required to submit an NOI application form 180 days prior to commencing discharge.

**For entities that had coverage under general permit OHR000004, and intend to continue coverage under OHR000005:** Ohio EPA will notify existing facilities in writing with instructions on how to re-notify. You must submit a new NOI application form within 90 days of the date of Ohio EPA's written instructions to re-notify.

## Are there any exemptions from the permitting requirements?

Yes. The storm water regulations provide an exemption from permitting to facilities that can demonstrate their industrial materials and activities are entirely sheltered from storm water. To apply, a facility must submit a No Exposure Certification (NOE) to Ohio EPA. The facility is obligated to maintain the conditions outlined in the NOE and resubmit a new NOE certification once every five years.

## What are the basic requirements of the OHR000005 permit?

OHR000005 mostly mirrors U.S. EPA's current MSGP. The permit requires a facility to implement BMPs and develop an SWP3 to minimize or eliminate the potential for storm water contamination. OHR000005's framework consists of the following:

- Parts 1-5. General requirements and SWP3 conditions.
- Part 6. Analytical monitoring requirements applicable to facilities subject to benchmark and/or annual effluent limitation guideline monitoring requirements.
- Part 7. Reporting and Recordkeeping requirements.
- Part 8. Sector-specific requirements.

Because the permit is a multi-sector permit, this means that several industrial categories are included in the permit. However, Ohio EPA has designed the permit so that a facility can pull out sections of the permit that are specifically applicable to them. Appendix D of the permit should be viewed to determine which sector requirements (Part 8) apply to a facility's operations.

Throughout the permit, there are sections that are listed as "Reserved." In order to maintain the federal MSGP's numbering system, Ohio EPA labeled sections of the permit that are not applicable to Ohio as "Reserved." Retention of the federal numbering system supports the use of federal guidance information and makes comparing the two permits easier.

## OHR000005 vs. OHR000004

The table at the end of this fact sheet summarizes the key differences between Ohio EPA's previous industrial storm water general permit (OHR000004), Ohio EPA's new permit (OHR000005) and U.S. EPA's MSGP.

## Why is Ohio EPA requiring visual assessments of samples and benchmark monitoring under the new permit?

**Quarterly visual assessments:** The purpose of the quarterly visual assessments is to provide a useful and inexpensive means for permittees to evaluate the effectiveness of their control measures. It consists of collecting a sample in a clear bottle and visually assessing the appearance (i.e. color, odor, clarity, solids, oil sheen and foam).

Although the visual examination cannot assess the chemical properties of storm water discharged from the site, the examination will provide meaningful results upon which the permittee may act quickly.

**Benchmark monitoring:** Approximately the same number of industrial sectors will be subject to the benchmark monitoring requirements of OHR000005 as were required under OHR000004.

Ohio EPA's storm water program has frequently responded to industry questions on what to compare analytical monitoring results. The benchmark monitoring requirements are not effluent limitations; they simply represent a value to which a permittee's analytical monitoring results can be compared to gauge SWP3 effectiveness. OHR000005 requires comparison of your results to benchmark concentrations in permit year 4 only.

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## Where can I get more help?

Several guidance documents are available at [www.epa.ohio.gov/dsw/permits/GP\\_IndustrialStormWater.aspx](http://www.epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx)

- Industrial Sector Fact Sheets
- Industrial SWP3 Guidance
- Sample SWP3 Template
- Sample Recordkeeping Templates
- Industrial Storm Water Monitoring and Sampling Guide
- Comparison of Monitoring Requirements of OHR000005 vs. OHR000004
- No Exposure Certification

Your Ohio EPA district office or central office storm water staff are also available to answer your specific questions about storm water permitting and compliance.

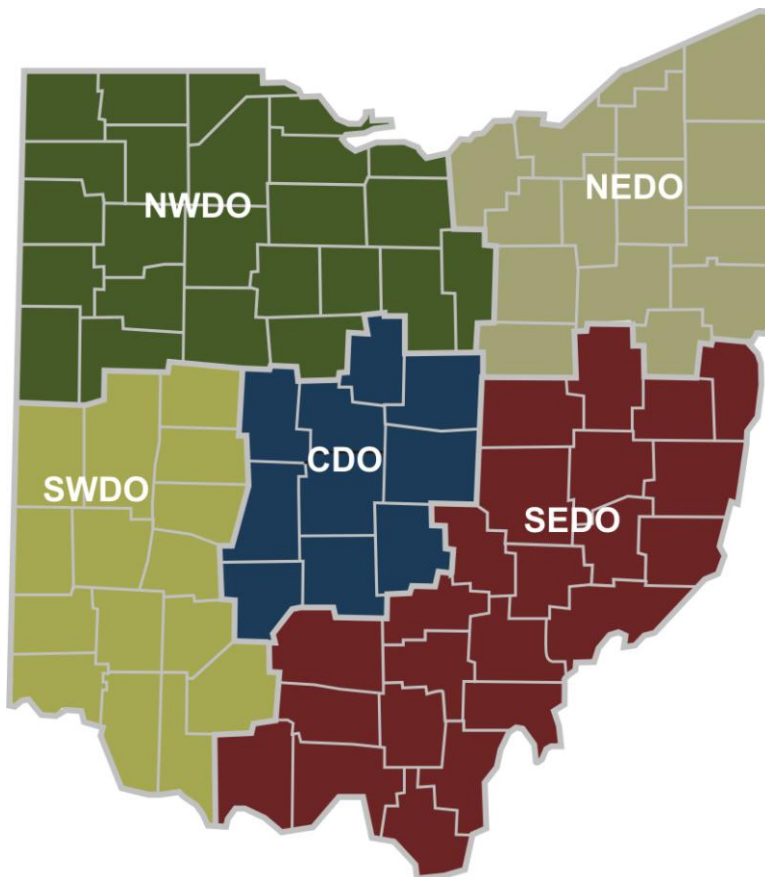
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## Comparison of Previous General Permit (OHR000004), New General Permit (OHR000005) and Federal MSGP

Section	Old Storm Water General Permit (OHR000004)	New Storm Water General Permit (OHR000005)	U.S. EPA's Multi-Sector General Permit (MSGP)
<b>Eligibility (Part 1)</b>	<p>Allowed coverage for all storm water discharges associated with industrial activity, except the following:</p> <ul style="list-style-type: none"> <li>• Landfills;</li> <li>• Petroleum bulk stations and terminals (SIC code 5171);</li> <li>• Metal mining (SIC code 10xx) and mining and quarrying of non-metallic minerals (SIC code 14xx);</li> <li>• Marinas (SIC code 4493); and</li> <li>• Coal surface mining (SIC code 1221)</li> </ul> <p>Did not allow coverage for any discharge subject to an effluent limitations guideline.</p>	<p>Allows coverage for all storm water discharges associated with industrial activity, except the following:</p> <ul style="list-style-type: none"> <li>• Storm water discharges associated with construction activity;</li> <li>• Storm water discharges that the Ohio EPA director has determined to be contributing to a violation of a water quality standard;</li> <li>• Active landfills;</li> <li>• Petroleum bulk stations and terminals (SIC code 5171);</li> <li>• Metal mining (SIC code 10xx);</li> <li>• Marinas (SIC code 4493)</li> <li>• Coal surface mining (SIC code 1221)</li> <li>• Phosphatic fertilizer manufacturers (SIC code 2874);</li> </ul> <p>In addition, allows discharges subject to the following national storm water specific effluent limitations guidelines:</p> <ul style="list-style-type: none"> <li>• Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas;</li> <li>• Runoff from asphalt emulsion facilities;</li> <li>• Runoff from material storage piles at cement manufacturing facilities;</li> <li>• Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities; and</li> <li>• Runoff from coal storage piles at steam electric generating facilities.</li> </ul>	<p>Allows coverage for all storm water discharges associated with industrial activity, including discharges subject to the following national storm water specific effluent limitation guidelines:</p> <ul style="list-style-type: none"> <li>• Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas;</li> <li>• Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874);</li> <li>• Runoff from asphalt emulsion facilities;</li> <li>• Runoff from material storage piles at cement manufacturing facilities;</li> <li>• Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities;</li> <li>• Runoff from hazardous waste and non-hazardous waste landfills; and</li> <li>• Runoff from coal storage piles at steam electric generating facilities.</li> </ul>
<b>Corrective Actions (Part 3)</b>	<p>Required permittees to take corrective actions to address problems/deficiencies.</p>	<p>More clearly defines the events triggering an action on the permittee's part and provides timeframes to complete. Requires permittees document a discovery of conditions that require a review, revision, and/or modification to their controls to correct a problem/deficiency. The timeframes for corrective action are: (1) within 24 hours, document the discovery of a problem/ deficiency, and (2) within 30 days, document any corrective action(s) to be taken to eliminate or further investigate the deficiency.</p>	<p>Requires permittees to document a discovery of conditions that require a review, revision, and/or modification to their controls to correct a problem/deficiency. Timeframes associated with corrective action are: (1) Within 24 hours, document the discovery of a problem/ deficiency, and (2) Within 14 days, document any corrective action(s) to be taken to eliminate or further investigate the deficiency.</p>
<b>Routine Facility Inspections (Part 4.1)</b>	<p>Required that routine facility inspections be performed in addition to or as part of an annual comprehensive site evaluation.</p>	<p>Routine facility inspections shall be conducted at least quarterly in areas where industrial materials or activities are exposed to storm water.</p>	<p>Routine facility inspections shall be conducted at least quarterly in areas where industrial materials or activities are exposed to storm water.</p>
<b>Quarterly Visual Assessments (Part 4.2)</b>	<p>Did not require quarterly visual assessments of storm water samples.</p>	<p>Requires quarterly visual assessments of storm water samples.</p>	<p>Requires quarterly visual assessments of storm water samples.</p>

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Section	Old Storm Water General Permit (OHR000004)	New Storm Water General Permit (OHR000005)	U.S. EPA's Multi-Sector General Permit (MSGP)
<b>Monitoring Requirements (Part 6)</b>	Required certain facilities to perform annual analytical monitoring for specified parameters.	Contains benchmark monitoring requirements. During years 1 through 3 of the permit, certain facilities must select four quarterly monitoring periods (out of a total of 12) and perform benchmark monitoring. During year 4, facilities are to compare the results to benchmark values listed in the permit. If a result exceeds the benchmark for a parameter, then the permittee must review their SWP3 and control measures, and modify accordingly.	Requires quarterly benchmark monitoring, specific for each industrial sector, for pollutant parameters which U.S. EPA has determined to be of concern for that sector. Federal MSGP benchmark monitoring is based on collecting 4 quarterly samples. These 4 samples are averaged and compared to the benchmark values found within the permit. Additional quarterly monitoring is required when parameters exceed their respective benchmarks.
<b>Measurable Storm Event (Part 6.1.3)</b>	Defined a measurable storm event must have at least a 0.1 inch magnitude and be at least 72 hours (3 days) after the last measurable event.	Defines a measurable storm event as simply a storm event resulting in a discharge from the facility that follows a period of 72 hours (3 days) without discharge.	Defines a measurable storm event as simply a storm event resulting in a discharge from the facility that follows a period of 72 hours (3 days) without discharge.
<b>Reporting Monitoring Data to Ohio EPA (Part 7.1)</b>	Did not require monitoring data to be submitted to Ohio EPA. Analytical results were required to be evaluated, and maintained on-site.	Requires the benchmark monitoring and annual effluent limitations monitoring data be submitted to Ohio EPA. Data is to be submitted using Ohio EPA's online electronic discharge monitoring report (eDMR) system. In addition, paper reporting forms can be used for facilities without internet access.	Requires quarterly benchmark and annual effluent limitations monitoring data be submitted to U.S. EPA.
<b>Annual Report (Part 7.2)</b>	Required a report to be generated as part of an Annual Comprehensive Site Compliance Evaluation. However, no form was provided to document this evaluation.	Requires completion of an annual report, which includes the findings from the Annual Comprehensive Site Inspection, and any corrective action documentation. Appendix I of the permit includes the Annual Report form to be used. This form must be completed annually and maintained on-site. Submittal to Ohio EPA is not required unless requested.	Requires submittal of the annual report form found within Appendix I to U.S. EPA.
<b>Benchmark Concentrations (Part 8)</b>	Did not include benchmark concentrations to compare monitoring results to.	Ohio EPA evaluated each benchmark monitoring parameter and followed U.S. EPA's method but used Ohio Water Quality Criteria when available. As such, some federal benchmark values have been changed to be consistent with Ohio Water Quality Criteria.	<p>The federal MSGP's benchmark concentrations are primarily derived from EPA's National Water Quality Criteria. For a majority of the benchmarks, U.S. EPA used the acute aquatic life, fresh water ambient water quality criteria. U.S. EPA believes these acute freshwater values best represent the highest concentrations at which typical fresh water species can survive exposures of pollutants for short durations (e.g. a storm discharge event). As such, the process U.S. EPA followed in selecting benchmark values was as follows:</p> <ul style="list-style-type: none"> <li>• First, if there was a U.S. EPA promulgated acute criterion, then U.S. EPA selected that value for the benchmark;</li> <li>• If there was no U.S. EPA acute criterion, then U.S. EPA selected the chronic criterion as the benchmark value;</li> <li>• Finally, in the remaining instances where there were neither U.S. EPA acute or chronic criteria available for a specific pollutant, U.S. EPA selected the benchmark value based on data from runoff studies or technology based standards.</li> </ul>