**OHIO ENVIRONMENTAL PROTECTION AGENCY**

National Pollutant Discharge Elimination System (NPDES) Permit Program

# FACT SHEET

Regarding a Municipal Separate Storm Sewer System (MS4) NPDES Permit
for the City of Columbus

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| Public Notice No.: | 22-03-002 |
| Public Notice Date: | March 7, 2022 |
| Comment Period Ends: | April 7, 2022 |
| Ohio EPA Permit No.: | **4PI00000*DD** |
| Application No.: | **OHO106267** |

## INTRODUCTION

Development of a fact sheet is mandated by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established by those regulations by providing the information necessary to inform the public of actions by the Ohio Environmental Protection Agency, as well as the methods by which the public can participate in the process of finalizing those actions. This fact sheet is prepared in order to document the summary of the permit conditions, the monitoring requirements, and the regulatory basis that were considered in the development of these conditions. This fact sheet details the discretionary decision-making process empowered to the Director by the Clean Water Act (CWA) and Ohio Water Pollution Control Law (ORC 6111).

All interested persons are invited to submit written comments on the permit. All comments received no later than 30 days after the date of the Public Notice will be considered. Comments may be emailed to epa.dswcomments@epa.ohio or by mail to: Ohio EPA, Division of Surface Water-Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049. All comments should include “4PI00000*DD” in the subject line for email or next to the Ohio EPA address on the envelope and on each page of mailed comments.

This Fact Sheet, Public Notice and draft permit are available on the Ohio EPA Website at https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/list-of-draft-permit-public-notices

## APPLICANT

City of Columbus
Department of Public Utilities
Division of Sewerage and Drainage
Utilities Complex
910 Dublin Road
Columbus, Ohio 43215

## DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

As authorized by Section 402 (p) of the CWA, this permit authorizes discharges on a system-wide basis. This permit is a renewal. This permit when finalized will cover all areas within the corporate boundary of the City of Columbus contributing to discharges from the municipal separate storm sewer system.

## RECEIVING WATERS

The MS4 discharges into the following surface waters and their tributaries within the corporate boundary of the City of Columbus:

a. Big Walnut Creek
b. Alum Creek
c. Olentangy River
d. Scioto River
e. Willow Creek
f. Blacklick Creek
g. Hellbranch Run

## DISCHARGES AUTHORIZED BY THIS PERMIT

This permit authorizes all existing or new stormwater point source discharges to surface waters of the State from those portions of the MS4 owned or operated by the applicant.

Section 402(p)(3)(B)(ii) of the CWA requires an effective prohibition of non-stormwater discharges to an MS4. Section 402 (p)(3)(B)(iii) requires controls or best management practices (BMPs) to reduce discharges of pollutants from the MS4 to the maximum extent practicable (MEP). However, Section 402(p)(3)(A) places a different performance compliance standard, with treatment technology and water quality requirements at CWA Section 301, on discharges of wastewater or stormwater associated with industrial activity. Therefore, process wastewater, non-process wastewater, and stormwater associated with industrial activity is not authorized by the MS4 permit. Such discharges would require a separate NPDES permit. The municipality is responsible for the quality of the combined discharge, so would have a vested interest in locating and correcting illicit discharges to their MS4.

## PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

The determination shall be issued as a final action unless the Director revises the draft permit after consideration of the record of a public meeting or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Within 30 days of the Public Notice, any person may request or petition for a public meeting for presentation of evidence, statements or opinions. The purpose of the public meeting is to obtain additional evidence. Statements concerning the issues raised by the party requesting the hearing are invited. Evidence may be presented by the applicant, the State, and/or other parties, and following the presentation of such evidence, other interested persons may present testimony of facts or statements of opinion.

Request for public meetings and/or written comments on the draft permit may be emailed to epa.dswcomments@epa.ohio or by mail to: Ohio EPA, Division of Surface Water-Permits

Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 no later than 30 days after the date of this public notice.

All comments should include "4PI00000*DD" in the subject line for email or next to the Ohio EPA address on the envelope and on each page of mailed comments. All comments received no later than 30 days after the date of the public notice will be considered.

## PERMIT CONDITIONS

### a. Storm Water Management Program

The applicant is required to implement a comprehensive stormwater management program (SWMP) as required by the CWA Section 402 (p)(3)(B). SWMP components must include controls necessary to reduce the discharge of pollutants to and from the MS4 to the MEP. Controls implemented under the SWMP consist of a combination of BMPs, control techniques, system design and engineering methods, and such other provisions as the Permittee, U.S. EPA Administrator or the Director of Ohio EPA determines appropriate. The various components of the SWMP as a whole (rather than individually), are expected to be sufficient to meet this standard. The Permittee may implement SWMP elements in cooperative efforts through participation with other public agencies or private entities.

### b. Reports Required

The Permittee is required to prepare an annual system-wide report which includes the following: a narrative summary of the program evaluation; status of implementing BMPs; proposed changes to the SWMP; revisions if necessary to the assessments of controls and fiscal analysis reported in the permit application; summary and analysis of all data generated; annual expenditures and budget; and a summary of enforcement actions, inspections, and public education programs. The annual report must be submitted by March 31$^{st}$ of each year. Copies of these reports will be available to the public.

### c. Monitoring

Two types of monitoring are required:

1. Wet weather monitoring to characterize discharges from the MS4, identify sources of pollutants, assess effectiveness of BMPs, identify, investigate, and address areas that may be contributing excessive levels of pollutants, and identify water quality improvements or degradation through the end of 2022.

2. HSTS Monitoring for each watershed identified as impaired by E. Coli in Part III.A.4. This will be done by using the storm sewer system mapping required under this permit to identify sub-watersheds where off lot discharging HSTS are in operation and identify potential locations of Capital Improvement project planning for HSTS elimination, and identify the outfall to Waters of the State for each sub-watershed identified. Beginning in 2023, collect grab samples from outfalls to be analyzed for constituents listed in Table 3 – List of HSTS Sampling Parameters and Abbreviations during the recreation season from May through October. Each year collect a sample from the two identified outfalls and analyze them for Total Dissolved Solids (TDS) with one sample being collected in

the early season and one late in the season, a total of 8 samples analyzed for TDS is required before the end of the permit term. Also investigate any samples that exceed previously characterized “baseline” levels of stormwater discharged from the Permittee’s MS4. For sources attributed to off-lot discharging systems, pursue correction of system deficiencies.

Table 3 – List of HSTS Sampling Parameters and Abbreviations

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|---|---|
| pH | - |
| Temperature | - |
| Chlorine | $Cl_2$ |
| E. Coli | - |
| Carbonaceous Biochemical Oxygen Demand | $CBOD_5$ |
| Ammonia | $NH_3$ |
| Nitrate | $NO_3$ |
| Total Kjeldahl Nitrogen | TKN |
| Total Phosphorous | TP |
| Orthophosphate | - |
| Total Suspended Solids | TSS |

**d. Public Education Program**

The Permittee shall continue to educate City residents on the impacts of stormwater pollution, proper use, storage, and/or recycling of household hazardous materials, and the City shall publicize a telephone number for public reporting of illicit connections/improper disposal to the MS4. Messaging shall target three residential issues, and three industrial/commercial issues and each TMDL pollutant identified in Part III.A.4 at least once over the permit term.

**e. Public Involvement Program**

The Permittee shall continue to implement a public involvement and participation program. At a minimum, the Permittee shall provide opportunities for the involvement of the community in development and implementation of the program and develop a list of target audiences for this program and what methods will be used to reach these audiences. The

Permittee shall create opportunities for the community to participate in the implementation of the stormwater program. The Permittee shall comply with State and local public notice requirements when implementing a public involvement/participating program. The Permittee shall ensure that the public can easily find information about the Permittees SWMP.

**f. Illicit Discharge program**

The Permittee shall continue to prohibit non-stormwater discharges to the MS4 with the exception of those identified in Part III.D.2 of the permit or those authorized by a different NPDES permit and develop a list of other similar occasional incidental non-stormwater discharges that will not be addressed as illicit discharges. The Permittee shall maintain a storm sewer map showing the location of known outfalls from the MS4 and the names and locations of Surface Waters of the State that receive discharges from those outfalls. This map should include the locations of known home sewage treatment systems (HSTS) that discharge into the MS4. The permittee shall establish a dry-weather screening methodology for detecting the presence of illicit connections and discharges and advise the discharger to eliminate the illicit connection, under the Illicit Discharge Detection Plan and the Illicit Discharge Elimination Plan. Finally, the Permittee shall include procedures for program evaluation and assessment.

**g. Construction Program**

The Permittee shall continue to develop, implement and enforce a program to reduce pollutants in any stormwater runoff from construction activities that disturbs one or more acres, including disturbances less than one acre that are part of a larger common plan of development or sale that in its entirety disturb greater than one or more acres. The SWMP shall include requirements for construction site operators to design, install, and maintain effective pollution prevention methods to minimize discharge of pollutants. The Permittee shall review all construction Stormwater Pollution Prevention Plans (SWP3) for construction activities that disturb greater than or equal to one acre of land. The Permittee shall continue to enforce the proper installation of stormwater control requirements through issuance of verbal warnings, notice of violations (NOVs), stop-work orders, fines, bonding requirements, or permit denials for non-compliance. The Permittee shall track instances of non-compliance either in hard copy or electronically. The Permittee shall continue to implement priorities and frequencies for construction site inspections and shall complete a checklist during site inspections. Finally, the Permittee shall provide an annual review of the requirements with staff who perform SWP3 reviews and inspectors.

**h. Post-Construction Program**

The Permittee shall continue to develop, implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb one or more acres, including projects that disturb less than one acre if they are part of a larger common plan of development or sale through the use of a local ordinance or a similar regulatory mechanism. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The Permittee shall conduct SWP3 reviews to ensure they meet the post-construction requirements from the current Ohio EPA Construction General Permit (CGP). The Permittee shall require adequate, long-term

operation and maintenance of post-construction BMPs, and BMP inspections. Post-construction practices shall be inspected annually with proof of inspection submitted to the Permittee. The Permittee shall continue to maintain an inventory of all structural post-construction BMPs installed and implemented at sites. To address TMDL requirements for Total Suspended Solids (TSS) and Total Phosphorous (TP), the Permittee's post-construction program shall:

1. Implement (1) of the following within the Big Walnut Creek and Olentangy River watersheds during the permit term:

    - Install green infrastructure for water quality treatment that exceeds the requirements of the Ohio EPA General Construction Permit as part of Blueprint projects with the goal of reducing TSS by 20% as specified in 2015 Integrated Plan, or

    - Promote the installation of rain gardens and rain barrels on residential properties, or

    - Continue with the City's Detention Basin Modification program of retrofitting existing water quantity basins to meet water quality objectives.

2. For the following one (1) TMDL Project watershed from Part III.A.4 (Big Darby Creek) implement the following within this watershed during the permit term:

    - Review development plans for adherence to the tenants of the Big Darby Accord Watershed Master Plan as codified in the Columbus Stormwater Drainage Manual, and

    - Review annually site level monitoring data that is submitted by applicants.

**i. Pollution Prevention/Good Housekeeping**

The Permittee shall develop and implement an operation and maintenance program that includes a training component which has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. In particular, the SWMP must include training on park and open space maintenance, fleet and building maintenance, new construction and land disturbance, and storm sewer maintenance. The Permittee shall continue to update and maintain an inventory of municipally operated facilities that have a stormwater pollution potential similar to an industrial facility. The Permittee shall continue to implement or develop BMPs and/or a SWPPP for all municipal facilities subject to this program. The Permittee shall keep all municipally operated facilities neat and orderly minimizing pollutant sources through good housekeeping procedures and proper storage of materials. The Permittee shall perform maintenance activities for catch basins and inlets with proper debris management and disposal. The Permittee shall visually monitor drainage structures for problem areas. The Permittee shall continue to evaluate and rate the street sweeping frequency, timing, and efficiency of its street sweeping programs. Permittee shall inspect City owned detention ponds for sediment, mow, and remove accumulated litter and debris

as necessary. For soil disturbance associated with ditch or MS4 maintenance, the Permittee shall ensure disturbed areas are stabilized within the timeframes in the Permit.

**j. Industrial and Related Facilities Program**

The Permittee shall develop and maintain an inventory of industrial facilities, prioritize and perform inspections to determine whether SWPPP conditions are being implemented and maintained. If the Permittee determines that an industry's pollution prevention activities are in adequate and violate conditions of Ohio EPA's NPDES permits, the Permittee will notify Ohio EPA of those industries that have not obtained proper NPDES permits for discharges to the MS4, or industries who violate conditions of Ohio EPA NPDES permits. If an inspection reveals a violation of City Code or stormwater management regulation or pollution prevention activities, the Permittee shall initiate a formal enforcement activity. The Permittee shall monitor suspect industries within a particular watershed and if evidence of unpermitted discharges of stormwater pollution is present, the Permittee shall conduct sampling of the suspect industry or require the industry to perform such sampling.

## BASIS FOR PERMIT CONDITIONS

The conditions established by this permit are based on Section 402(p)(3)(B) of the CWA (33 U.S.C. 1251 et seq., as modified by the Water Quality Act of 1987, P.L.100-4) which requires Ohio EPA to: (a) effectively prohibit the discharge of non-stormwater to the separate storm sewer system, and (b) require the Permittee to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP). As authorized by 40 CFR 122.44 (k), the Permittee will utilize BMPs in the form of a comprehensive SWMP as the mechanism to implement the statutory requirements. While Section 402 (p)(3)(B)(iii) of the CWA clearly includes structural controls as a component of MEP, Ohio EPA encourages municipalities to first explore opportunities for pollution prevention measures, reserving more costly structural controls for higher-priority watersheds or where source controls are unfeasible or ineffective.

In Section 2(b) of the Pollution Prevention Act of 1990, Congress established a national policy that "pollution should be prevented or reduced at the source wherever feasible"; pollution that cannot be prevented should be recycled in an environmentally safe manner; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner."

As part of the renewal application process of 40 CFR 122.26 (d)(2)(iv), the applicant has to further develop a comprehensive SWMP designed to reduce, to the MEP, the discharge of pollutants from its MS4, and the permitting authority has to consider the proposed program for the development of permit conditions. Continuation of the SWMP is expected to result in protection of water quality standards, and the discharges from the Permittee's MS4 must meet the ambient water quality dictated by the State water quality standard narratives.