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Environmental Protection Agency.

By:  Date _____

8/5/2021

NPDES Permit No.: OHZ000002
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Issuance Date: August 5, 2021
Effective Date: October 18, 2021
Expiration Date: October 17, 2026

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION FOR DISCHARGES ASSOCIATED WITH CLEANING OF BRIDGE JOINTS, SCUPPERS AND DRAINAGE TROUGHS, AND SEATS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), Discharges resulting from Bridge Cleaning Operations performed by public entities, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge to surface waters of the state 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. Provision (D)(1)(j) of rule 3745-1-05 of the Ohio Administrative Code (OAC) was applied to this application. This provision excludes the need for the submittal and subsequent review of technical alternatives and social and economic issues related to the degradation. Other rule provisions, however, including public participation and appropriate intergovernmental coordination were required and considered prior to reaching this decision.

Granting of permit coverage is conditioned upon payment of applicable fees and submittal of the Notice of Intent application form.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. Covered activities are authorized to discharge beyond the above date of expiration, depending on the timely submittal of information and forms as are required by the Ohio EPA (see Part II.F).



Laurie A. Stevenson
Director

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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 bridge cleaning discharges from a point source to waters of the state are unlawful unless authorized by an NPDES permit. Any bridge cleaning under the three categories listed below located in, over or near surface waters is a point source of pollutants and must be covered under an Ohio NPDES permit. Discharges near surface waters are those operations where the wash water will be unavoidably deposited to surface waters.

C. Eligibility

1. Activities Covered. This permit covers all existing and proposed point source discharges to surface waters of the state from bridge cleaning operations associated with Part I.C.1.a thru Part I.C.1.c.

The bridge cleaning consists of three areas of the bridge in this order:

- a. Cleaning Deck Joints – Cleaning deck joints helps the joints perform as intended. Debris that sits on top of an elastomeric seal is consolidated and compressed by traffic, which creates high pressure on the seal. The pressure ruptures the seal and creates a passageway for debris to deposit onto the bridge seat below. Cleaning the deck joints will help keep the joints, bearings and seats free from debris and functioning as designed.
 - b. Cleaning Debris from Scuppers and Drainage Troughs - Controlling deck drainage is important to maintaining a bridge in good condition and safe passage of runoff. When deck drainage does not follow the path that was originally intended, deterioration of bridge components may rapidly accelerate. Components of the bridge that remain damp are prime locations for deterioration. Clearing debris from scuppers and drainage troughs will reduce standing water on the bridge deck, which will increase the life of the bridge, maintain the significant public investment and safety for the travelling public.
 - c. Cleaning Bridge Seats - Debris built up on bridge seats holds moisture against the bearings and seats, which causes accelerated deterioration. Steel sections of bearings prematurely oxidize and concrete sections prematurely spall. The debris generally deposits on the bridge seat through an open or defective deck expansion joint. Keeping the bridge seats free of debris will extend the life of the bridge.
2. Coverage under this permit is available only if discharges and discharge-related activities will not adversely affect any species that are federally listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as “critical habitat” under the ESA.
3. Limitations on Coverage. The following discharges are not authorized by this permit:
- a. Discharges Currently Covered by another Permit. You are not authorized for other discharges covered under an existing NPDES permit;
 - b. Discharges for which the Director requests an individual permit application;

- c. Hydro-demolition activities; and
- d. Surface preparation for deck sealing.

D. Authorization.

Discharges of bridge cleaning wash water eligible for coverage under this permit are authorized during the life of this permit. If this permit is not reissued or replaced prior to the expiration date, it will administratively continue in accordance with OAC 3745-38-02 and remain in force and effect. If 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:

1. The Ohio EPA issues a renewed permit;
2. The issuance of a denial of coverage, or of an individual permit for a discharge resulting from bridge cleaning that would otherwise be covered under this permit;
3. A formal decision by Ohio EPA to terminate and not 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 when coverage under another permit is granted/authorized; or
4. Ohio EPA has informed the permittee that coverage is no longer permitted under the conditions of this permit.

Part II. NOTICE OF INTENT REQUIREMENTS

- A. The permittee shall submit a Notice of Intent (NOI) to obtain coverage of this permit to perform bridge washing that is in accordance to Part III and Part IV.
- B. Deadline for Notification. The NOI will not be accepted prior to the effective date of this permit.
- C. Contents of NOI. The NOI will be completed and submitted to the Ohio EPA for approval to perform bridge washing on all permittee owned and maintained bridges. The NOI will include information required by the NOI form and its instruction sheet. Failure to follow the NOI instructions may result in the NOI being returned. The NOI electronic application form 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: <https://www.epa.ohio.gov/dsw/ebis#1793310229-general-streams-guidance>

The NOI shall include an attachment that identifies the bridge cleaning operation discharges that are applying for coverage under the NOI. An applicant, under one NOI, may include all scheduled bridge cleaning operations for each County for the permit term (i.e., one NOI per County for 5-year permit term). For each bridge cleaning operation, the following information shall be included:

- Bridge name/identifier
- Latitude and longitude coordinates of approximate center of bridge
- Name of receiving stream(s) that will receive the discharge
- An estimated schedule for cleaning operation

- D. Additional Information to Apply for Coverage. In addition to the NOI, the applicant shall also submit any other information required by the director related to the bridge cleaning operations.
- E. Where to Submit. Permittees must use the NOI form approved by the Director of the Ohio EPA referenced above. NOIs must be signed in accordance with Part V.P of this permit. Payment in the amount designated on the form, can be electronically submitted through the agency eBusiness Center ePay service. Instructions on submitting fee payments via the ePay service can be found here: <https://epa.ohio.gov/portals/35/edmr/doc/ePAYwalkthrough.pdf>
- F. Renotification for Permit Renewal. In order to receive authorization to discharge beyond the expiration date of this general permit (i.e. renew existing general permit coverage), the permittee shall notify the Director of the intent to be covered by the new general permit by submitting a new NOI to renew coverage within 45 days after the effective date of the renewed general permit.
- G. Notice of Termination (NOT). When all wastewater discharges associated with bridge cleaning operations that are authorized by this permit are completed, the applicant must submit a Notice of Termination that is signed in accordance with Part V.P of this permit.

The NOT shall include the information required by the NOT form and will be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service using the online form provided by the Director of the Ohio EPA. See the following link: <https://ebiz.epa.ohio.gov/login.html>

Part III. MONITORING REQUIREMENTS AND BEST MANAGEMENT PRACTICES TO MEET POLLUTANT CONTROL AND WATER QUALITY STANDARDS

- A. Bridge cleaning operations will be performed such that discharges to the waters of the state are minimized. The term “minimize” means to reduce and/or eliminate discharges to the extent achievable using control measures (e.g., best management practices) that are technologically available and economically practicable and achievable.
- B. Perform bridge cleaning operations to bridges over 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 according to the following process:
 - 1. Prior to cleaning
 - a. The permittee will perform a visual site inspection and document in the work plan the following:
 - i. Scupper locations – cover necessary scuppers to prevent wash water discharge during the washing process;
 - ii. Areas subject to sweeping and debris removal prior to washing activities; and
 - iii. Locations of BMPs to minimize discharges to waters of the state.
 - b. The permittee will document the visual site inspection.

- c. The permittee will identify the best management practices (BMPs) appropriate for that location in a work plan for the project. The permittee will stage the operation to collect and filter as much debris and wash water as possible. Divert and filter wash water to the maximum extent practicable.
- d. Develop a site specific work plan. The work plan, at a minimum, must include the following:
 - i. Identification and location of chosen BMPs to minimize discharge to waters of the state;
 - ii. Identification of all areas subject to sweeping and debris removal prior to washing activities;
 - iii. Establishment of visual inspection protocols to evaluate/observe potential impacts to waters of the state at a minimum of halfway through the cleaning operation and immediately following completion; and
 - iv. Contingencies, in the event that the discharge will violate narrative water quality standards.

2. Day of cleaning/washing

- a. Sweep and collect sand, debris and sediment from the curb line and shoulders with mechanical or physical means to the maximum extent practicable.
- b. Install BMPs identified in the work plan.
- c. Cover any downstream scuppers that could discharge wash water before cleaning joints.
- d. Clean Joints
 - i. Remove and collect loose debris from the joints prior to introducing water. Care should be taken when breaking up debris in the joints as this may cause damage to the elastomeric seal, thus reducing the seal's effectiveness and life.
 - ii. Use compressed air or water to move remaining debris across bridge. If using water, collect debris by vacuuming wash water using a vacuum truck.
- e. Clean Scuppers and Drainage Troughs
 - i. If the scupper grate can be removed, remove and use a shovel or other mechanical means to collect the debris to the maximum extent practicable.
 - ii. Break up debris in scuppers and collect loose solids to the maximum extent practicable.
 - iii. Do not use water to remove remaining debris not captured by prior operations unless a vacuum truck is used to collect all wash water and debris.
- f. Clean Bridge Seats

- i. Remove with a shovel or other mechanical means, all gross solids from the seats, to the maximum extent practicable.
 - ii. Water can only be used to remove debris not captured by prior operations if the overland flow from the bridge seat to the water's edge is at least 20 feet.
- C. To minimize discharges resulting from bridge cleaning operations over all other waters of the state, the following process will be followed:
 1. Prior to cleaning
 - a. The permittee will perform a visual site inspection and document in the work plan the following:
 - i. Scuppers that need to be covered during the washing process;
 - ii. Areas subject to sweeping and debris removal prior to washing activities; and
 - iii. Locations of BMPs to minimize discharges to waters of the state.
 - b. The permittee will document the visual site inspection.
 - c. The permittee will identify the best management practices (BMPs) appropriate for that location in a work plan for the project. The permittee will stage the operation to collect and filter as much debris and wash water as possible. Divert and filter wash water to the maximum extent practicable.
 - d. Develop a site-specific work plan. The work plan, at a minimum, must include the following:
 - i. Identification and location of chosen BMPs to minimize discharge to waters of the state;
 - ii. Identification of all areas subject to sweeping and debris removal prior to washing activities;
 - iii. Evaluate the availability of a vacuum truck for collection;
 - iv. Establishment of visual inspection protocols to evaluate/observe potential impacts to waters of the state at a minimum of halfway through the cleaning operation and immediately following completion; and
 - v. Contingencies, in the event that the discharge will violate narrative water quality standards.
 2. Day of cleaning/washing
 - a. Sweep and collect sand, debris and sediment from the curb line and shoulders with mechanical or physical means to the maximum extent practicable.
 - b. Install BMPs identified in the work plan.

- c. Cover any downstream scuppers that could discharge wash water before cleaning joints.
- d. Clean Joints
 - i. Remove and collect loose debris from the joints prior to introducing water. Care should be taken when breaking up debris in the joints as this may cause damage to the elastomeric seal, thus reducing the seal's effectiveness and life.
 - ii. Utilize compressed air or water to move remaining debris across bridge and collect debris to the maximum extent practicable.
- e. Clean Scuppers and Drainage Troughs
 - i. If the scupper grate can be removed, remove and use a shovel or other mechanical means to collect the debris to the maximum extent practicable.
 - ii. Break up debris in scuppers and collect loose solids to the maximum extent practicable.
 - iii. Utilize water to remove debris not captured by prior operations.
- f. Clean Bridge Seats
 - i. Remove with a shovel or other mechanical means, all gross solids from the seats, to the maximum extent practicable.
 - ii. Utilize water to remove debris not captured by prior operations.

D. All bridge cleaning operations will adhere to the following:

- 1. Sweepings will be collected and disposed of as a solid waste in accordance with OAC 3745-27-05. Under no circumstances may sweepings be swept into open deck drains, over the edge of the bridge, or thrown along the banks or into the water.
- 2. Clean with potable water or other clean water sources (e.g., ground water), without detergents, the bridge deck joints, scuppers and drainage troughs, and seats, according to these procedures:
 - a. Water hose nozzles will be aimed to minimize overspray into surface waters or roads below bridge.
 - b. Pressure washing equipment shall be operated at pressures that do not dislodge the paint or other coatings on the bridge or undercut the grout or harm the masonry plates beneath the bearings.
 - c. Water will be aimed along the curb line towards the bridge down slope. Wash water will be directed to a BMP where applicable to the maximum extent practicable.
 - d. Washing may only include deck joints, drainage troughs, scuppers, and bridge seats.

- e. To the maximum extent practicable, avoid low stream flows when scheduling the washing of bridges over waterways.
- f. Wash within a reasonable time-frame after dry sweeping.

E. Additional Water Quality-Based Limitations. Discharge must be controlled as necessary to meet applicable numeric and narrative state water quality standards in accordance with OAC 3745-1-04(D).

If at any time the discharge is determined to cause or contributes to an exceedance of applicable water quality standards, the permittee shall perform corrective action as required in Part IV.C.

Ohio EPA may impose additional water quality-based limitations or require coverage under an individual permit if information in required reports or other sources indicates that discharges are not controlled as necessary to meet applicable water quality standards.

F. Site Monitoring

- 1. Visual Monitoring Requirements. The permittee shall conduct a visual assessment:
 - a. During the bridge cleaning operation when making a discharge of washwater;
 - b. During any post-bridge cleaning surveillance or efficacy check.

Visual assessments will consist of spot checks in the area to and around the bridge for possible and observable adverse incidents, as defined in Part VI, including but not limited to the disruption of wildlife habitat, recreational or municipal water use. Visual assessments shall be conducted at a minimum frequency of once every four hours. The visual assessment shall be inclusive and documented in the work plan.

2. Additional Monitoring

Ohio EPA may notify the permittee of additional discharge monitoring requirements. Any such notice will clearly state the reasons for the monitoring and the details of the monitoring and any associated reporting and recordkeeping requirements. For example, EPA may require additional monitoring when the Agency determines:

- a. The discharge likely contributed to a reported adverse incident;
- b. The discharge raises environmental impact concerns;
- c. More information about the discharge is needed to modify or determine more appropriate effluent limitations;
- d. Work performed is not in compliance with the conditions of this permit; and
- e. A change has occurred in the availability of demonstrated technology or practices for the reduction of discharges from the bridge cleaning operations.

Should Ohio EPA exercise its authority to require additional monitoring requirements, a written explanation of the additional requirements and the basis for them will be sent. The notice will include a reasonable timeframe in which to discuss these new requirements

with Ohio EPA. Unless Ohio EPA establishes a new timeframe in writing, after that time period has passed, the written notice will state that the new requirements will become active and enforceable permit conditions. The written notice will explain that the permittee may either accept the new requirements or elect to apply for an alternative permit.

Part IV. SPECIAL CONDITIONS

- A. This permit may be modified to comply with any applicable standards or regulations.
- B. General Effluent Limitations. The effluent 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 which would result in violations of the narrative water quality standards in accordance with OAC 3745-1-04(D); and
 - 4. In amounts that either singly or in combination with other substances is toxic resulting in an adverse incident to human, animal, or aquatic life.
- C. Corrective Actions
 - 1. Situations Requiring Revision of Control Measures. If any of the following situations occur, the permittee will review and, as necessary, revise the evaluation and selection control measures to ensure that the situation is eliminated and will not be repeated in the future:
 - a. An unauthorized release or discharge associated with the bridge cleaning operation (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
 - b. Ohio EPA concludes that control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
 - c. Any monitoring activities that indicate a failure to meet applicable treatment standards in Part III. B and C. of this permit;
 - d. An inspection or evaluation of bridge washing activities by an Ohio EPA official, or local entity, reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
 - e. During visual monitoring that is required in Part III C., or are otherwise made aware of, an adverse incident, as defined in Part VI.
 - 2. Corrective Action Deadlines. If the Ohio EPA determines that changes to control measures are necessary to eliminate any situation identified in Part IV C.1, such changes must be made before the next bridge cleaning operation that results in a discharge. This time interval is not a grace period, but is a schedule considered reasonable for documenting findings and for making repairs and improvements. The schedule is included

in this permit to ensure that any condition prompting the need for repair and improvement is not allowed to persist indefinitely.

3. Adverse Incident Documentation and Reporting.

- a. Report any adverse incident, as defined in Part VI, that may have resulted from a discharge from bridge cleaning operations by e-mail or telephone within 24 hours of discovery. Report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

Attach an incident report to the e-mail. An incident report form is available on the following web site: <http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Alternatively, 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 will 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 will also report the spill or discharge by e-mail or telephone within 24 hours of discovery in accordance with paragraph C.3.a above.
- c. When the telephone option is used for the non-compliance reports required by paragraphs C. 3. a. or b. 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. Thirty (30) Day Adverse Incident Written Report. Within 30 days of becoming aware of an adverse incident reported pursuant to Part IV C. 3, the permittee must send a written report of the adverse incident to the Ohio EPA, Division of Surface Water. The adverse incident report must include at least the following information:

- a. Name of permittee, mailing address, and telephone number;
- b. Name, address, email address (if any), and telephone number of contact person;
- c. Date and time permittee became aware of the incident;

- d. Date of incident (if appropriate, list start and end dates);
 - e. Date and time the Ohio EPA was contacted notifying the Agency of the adverse incident;
 - f. Location of incident, including approximate range, area, and magnitude of impact;
 - g. Names of any waters affected and appearance of affected waters (e.g., sheen, color, clarity, etc.);
 - h. A brief description of the circumstances of the incident including species affected, number of individual and approximate size of dead or distressed organisms;
 - i. Symptoms or adverse effects;
 - j. Magnitude of the effect (e.g. aquatic square area or total stream distance affected);
 - k. Description of the habitat and the circumstances under which the incident occurred;
 - l. If plants were impacted, the type of plant life affected (i.e., crop, forest, orchard, home garden, ornamental foliage, etc.);
 - m. If laboratory tests were performed, indicate what test(s) were performed and provide a summary of the test results;
 - n. Actions to be taken to prevent recurrence of incident;
5. Other Corrective Action Documentation.
- a. For situations identified in Part IV C.3, other than for adverse incidents, the situation triggering corrective action must be documented within 24 hours of becoming aware of that situation. Retain a copy of this documentation on-site. This documentation must include the following information:
 - i. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
 - ii. A brief description of the circumstances of the situation; and
 - iii. Date the problem was identified.
 - b. Within 30 days of becoming aware of any condition listed in Part IV C. 1., other than for adverse incidents, document and retain the following information:
 - i. Summary of corrective action taken or to be taken;
 - ii. Date corrective action initiated; and
 - iii. Date corrective action completed or expected to be completed.
6. Effect of Corrective Action. The occurrence of a situation identified in Part IV C.1 may constitute a violation of the permit. Correcting the situation according to Part IV C.1 does

not absolve liability for any original violation. However, failure to comply with Part IV C.1 constitutes an additional permit violation. Ohio EPA will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

Ohio EPA or a court may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the conditions(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part IV C.1 if such requirements conflict.

- D. Recordkeeping. The permittee must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate compliance with the conditions of this permit. Records and documents developed for other purposes are acceptable, provided that all requirements of this permit are satisfied.
1. Ensure following documentation is kept for a period of at least 3 years from the permit expiration date:
 - a. Copy of the NOI submitted to EPA
 - b. Any correspondence exchanged with Ohio EPA, or others that is specific to coverage under this permit, and a copy of the Ohio EPA acknowledgment letter with the assigned permit tracking number;
 - c. A list of all bridges cleaned each year with the date cleaning was performed.
 - d. A copy of any Adverse Incident Reports (See Part IV C.);
 - e. A copy of any corrective action documentation;
 - f. Spill, leak and unpermitted discharge documentation.

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 is grounds for enforcement action; for permit coverage revocation or for denial of a permit renewal application.
 2. Penalties for Violations of Permit Conditions. Ohio Revised Code Chapter 6111 provides for criminal, civil and administrative enforcement of permit violations.
 - a. Criminal
 - i. Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions is subject to a fine or imprisonment.
 - ii. False Statement. Ohio Revised Code Section 2921.13 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.

iii. 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.

b. Civil Penalties. Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition 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 an NOI application 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 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 1 through 2.

1. NOIs and NOTs shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) The manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having 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, sole proprietorship or homeowner: by a general partner, the proprietor or homeowner, respectively; or

c. For a municipality: State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

2. All reports required by this 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 Part 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 Part 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 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.

F. Requiring an individual permit or an alternative general permit.

1. The Director may require a permittee 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 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 last day of the period specified for application submittal (see Part V.W). Any discharge past this date is illegal and subject to enforcement.
2. 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 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 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.
4. If an individual permit holder believes the discharge could be covered by this permit, the owner or operator must submit a NOI (See Part II.C) 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.

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 designated representative or, in the case of a facility that discharges through a MS4, an authorized representative of the municipal operator of the separate storm sewer

receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. At reasonable times to 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 or the Clean Water Act, any substances or parameters at any location.

I. Upset

1. 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.2. 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.
2. 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 identified 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 the Paragraph S of this Part titled "Noncompliance Notification"; and,
 - d. the permittee complied with any remedial measures required under Paragraph T of this Part titled "Duty to Mitigate".
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proving the conditions of Part V.I.

J. General Effluent Limitations. See Part IV of this permit.

K. Facility Operation and Quality Control. All wastewater treatment works shall be operated in a manner consistent with the following:

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 include 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 R of this Part 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: <https://ebiz.epa.ohio.gov/>
2. 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>
3. e-DMRs shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.
4. A copy of the submitted DMR shall be maintained onsite for records retention purposes (see Paragraph O of this Part entitled "Records Retention.") A copy of the DMR can be printed from e-DMR.
5. If the permittee monitors any pollutant at the location(s) designated in the NOI 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 O of this Part 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 DMR);

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;
 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; and
 7. All chain of custody forms within the past three years.
- These periods shall be extended during the course of any unresolved litigation, 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 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.
- R. Unauthorized Discharges.
1. Bypassing or diverting of wastewater from the treatment works is prohibited, and the Director may take enforcement action against a permittee for bypass 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 an unauthorized discharge which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The permittee submitted notices as required under Paragraph R.2. of this Part.

2. Prior Notice.

- a. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice to Ohio EPA, if possible, at least ten days before the date of the bypass.
- b. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in Paragraph S.2 of this Part.

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 Part.

4. The permittee shall submit notice of an unanticipated bypass as required in Paragraph S of this Part. (24-hour notice).

5. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that 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. These bypasses are not subject to the provisions of Paragraphs R.1. and R.2.

S. Noncompliance Notification.

All notifications under this paragraph shall be made to the Ohio EPA, and also to the MS4 operator if the discharge flows to an MS4 prior to reaching receiving waters.

1. Exceedance of a Daily Maximum Discharge Limit

- a. The permittee may 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 within 24 hours of discovery.

The permittee may report to the appropriate Ohio EPA district office and central office e-mail accounts as follows:

Southeast District Office: sedo24hournpdes@epa.ohio.gov
Southwest District Office: swdo24hournpdes@epa.ohio.gov
Northwest District Office: nwdo24hournpdes@epa.ohio.gov
Northeast District Office: nedo24hournpdes@epa.ohio.gov
Central District Office: cdo24hournpdes@epa.ohio.gov
Central Office: co24hournpdes@epa.ohio.gov

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>

2. Other Permit Violations

The permittee shall report noncompliance that is the result of any of the following:

- a. Any noncompliance which may endanger health or the environment;
- b. Any unanticipated bypass which exceeds any effluent limitation in the permit;
or
- c. Any upset which exceeds any effluent limitation in the permit.

For violations described under Paragraphs 2.b and 2.c of this Part, the permittee shall report noncompliance to the appropriate Ohio EPA district office by e-mail within 24 hours of discovery. The contact information is listed in Paragraph S.1 of this Part.

For violations described under item 2.a of this section, the permittee shall report noncompliance within 30 minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378.

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).

3. When the telephone option is used for the non-compliance reports required by Paragraph S.2 above, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed non-compliance report.
4. The permittee shall report all instances of noncompliance not reported under paragraphs S.1 or S.2 of this Part in the monthly DMR submission. The DMR shall contain comments that include the information listed in Paragraphs S.1 or S.2 as appropriate.
5. If the permittee becomes aware that they failed to submit an NOI application or submitted incorrect information in an NOI application or in any report to the Director, they shall 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 that would constitute cause for revocation. The permittee shall give at least 30 days of 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 publicly owned treatment works:
 - a. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
 - b. The addition of any new significant industrial discharge; and
 - c. Changes in the quantity or quality of the wastes from existing tributary industrial discharges that will result in significant new or increased discharges of pollutants.
 - 3. 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 revoked. 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.
 - 4. 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 that would result in the discharge on a routine or frequent basis of any toxic pollutant that 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).
- 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. Revocation of Permit Coverage.
 - 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.).
2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.G. for requirements regarding NOT.
- X. 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.
- 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. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.
- 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" (Part V.R.) or "Upsets" (Part V.I.), 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 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.
- AF. Penalties for Violations of Permit Conditions.
1. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information. ORC 6111.99 provides that

any person who knowingly submits false information or records or fails to submit information or records shall be fined not more than \$25,000.

2. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.
3. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.
4. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042., 6111.05., or division (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

AG. 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 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.

Part VI. DEFINITIONS AND ACRONYMS

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

"Abutment" means a part of bridge substructure at either end of bridge which transfers loads from superstructure to foundation and provides lateral support for the approach roadway embankment.

"Adverse Incident" means an incident, which you have observed upon inspection or of which you otherwise become aware, in which a person, aquatic or terrestrial organism may have suffered a toxic or adverse effect, or is reasonably likely to suffer a delayed or chronic adverse effect in the future.

The phrase "toxic or adverse effects" includes effects on plants, fish or wildlife that are unusual or unexpected as a result of exposure to wash waters, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish

- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent plants
- Other dead or visibly distressed non-target organisms (amphibians, turtles, invertebrates, etc.)

The phrase, "toxic or adverse effects," also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals temporally and spatially related to exposure to wash waters (e.g., vomiting, lethargy).

"Backwall" means the topmost portion of an abutment above the elevation of the bridge seat, functioning primarily as a retaining wall with a live load surcharge; it may serve also as a support for the extreme end of the bridge deck and the approach slab.

"Best Management Practices (BMPs)" mean 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 spillage or leaks, or drainage from raw material storage. [40 CFR 122.2]

"Bridge deck cross slope and profile" means the cross slope of the bridge deck is the first component of the drainage system that the runoff encounters. The proper cross slope and profile directs the runoff to the deck drains and eliminates or reduces ponding.

"Bridge seat" means the top surface of an abutment upon which the superstructure span is placed and supported; it is the surface forming the support for the superstructure and from which the backwall rises.

"Cleaning Bridge Seats" means removing the debris that's deposited on the bridge seat through an open expansion deck joint or a defective deck expansion joint.

"Cleaning Debris from Scuppers and Drainage Troughs" means removing debris from bridge scuppers and drainage troughs to allow complete drainage of storm water runoff in order to prevent rusting and freeze thaw damage.

"Cleaning Deck Joints" means removing debris on the bridge elastomeric seals that can be compressed by high traffic, which may rupture the seal and allow debris to contact and damage joints, bearings, and seats.

"Cleanout plug" means the removable plug in the piping system that allows access for cleaning.

"Control Measure" refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to surface waters of the state.

"Deck drains" means the receptacle to receive water from the bridge deck. This drain is the second component of the drainage system that runoff encounters. Deck drains may be nothing more than

openings in a filled grid deck, holes in a concrete deck, or slots in the base of a parapet. Inlet boxes and scuppers are also examples of deck drains.

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

"Discharge" when used without qualification, means the "discharge of a pollutant." [40 CFR 122.2]

"Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "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 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.

"Downspout pipes" means the outlet pipe or pipe network directing water from the deck drainage and releasing to a nearby storm sewer system or another appropriate release point. This typically occurs when a bridge is located over a roadway.

"Drainage" means a system designed to remove water from a structure.

"Drainage Troughs" – means portions of the drainage system that may be located under open joints to divert runoff away from underlying superstructure, bearings and substructure members.

"EPA Approved or Established Total Maximum Daily Loads (TMDLs)" – "EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are issued by EPA.

"Enterprise" means a business organization consisting of one or more establishments specified under common ownership or control. The enterprise and establishment are the same for single-establishment enterprises. Each establishment of an enterprise is assigned a NAICS code based on its own primary business activity.

"Establishment" generally means a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).

"Expansion joint" means an opening in the deck (and superstructure) transverse to the direction of traffic that is designed to permit expansion and contraction movements. These movements are produced by temperature changes, loadings or other forces.

"Facility or Activity" means any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]

"Federal Facility" means 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.

"Gutter" means a paved ditch; area adjacent to a roadway curb used for drainage.

"Hydrologic Unit Code (or HUC)" - The United States is divided and sub-divided into successively smaller hydrologic units which are classified into four levels: regions, sub-regions, accounting units, and cataloging units. The hydrologic units are arranged within each other, from the smallest (cataloging units) to the largest (regions). Each hydrologic unit is identified by a unique hydrologic unit

code (HUC) consisting of two to eight digits based on the four levels of classification in the hydrologic unit system. <http://water.usgs.gov/GIS/huc.html>

"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, Territory, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State, Territorial, or Tribal 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.

"Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, man-made channels or storm drains) that is:

- (i) 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 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;
- (ii) designated or used for collecting or conveying solely stormwater;
- (iii) not a combined sewer; and
- (iv) not part of a publicly owned treatment works.

"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".

"North American Industry Classification System (NAICS)" is developed under the direction and guidance of the U.S. Office of Management and Budget (OMB) as the standard for use by Federal statistical agencies in classifying business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. NAICS is scheduled to be reviewed every 5 years for potential revisions with the most recent version being completed in 2007. Under NAICS, an establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office). An enterprise, on the other hand, may consist of more than one location performing the same or different types of economic activities. Each establishment of that enterprise is assigned a NAICS code based on its own primary business activity. Ideally, the primary business activity of an establishment is determined by relative share of production costs and/or capital investment. In practice, other variables, such as revenue, value of shipments, or employment, are used as proxies. For this permit, the U.S. Environmental Protection Agency uses revenue or value of shipments to determine an establishment's primary business activity. Details of NAICS are available on the Internet at <http://www.census.gov/eos/www/naics/index.html>.

"Outlet pipes" means the outlet pipe that leads water away from the drain. For bridges over roadways, the outlet pipe connects to other pipes. When the bridge is not over a roadway, the outlet pipe may simply extend just below the superstructure so that drainage water is not windblown onto the superstructure.

“Outstanding National Resource Waters” are any waters that have been classified in this category in the Ohio Water Quality Standards [OAC 3745-1].

“Outstanding State Waters” are waters that have special significance for the state because of their exceptional ecological values or exceptional recreational values, and that have been so categorized in Ohio’s Antidegradation Rule [OAC 3745-1-05]. To qualify on the basis of exceptional ecological values they must meet the qualifications for superior high quality waters and be further distinguished as being demonstratively among the best waters of the state from an ecological perspective. To qualify on the basis of exceptional recreational values they must provide outstanding or unique opportunities for recreational boating, fishing or other personal enjoyment. These waters are specifically listed in OAC Rule 3745-1-05, Tables 5-5 and 5-6.

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2]

“Potable Water” means water that is free from pollutants that exceed Ohio’s water quality standard criteria (e.g., treated drinking water, fire hydrant water, groundwater, treated WWTP effluent, & uncontaminated surface waters of the state).

“Public entity” means a Federal, State, city, district, or other public body including a school district, university, public utility (e.g., electric, water, gas), a special district such as a mosquito control district, or a similar entity; an Indian tribe or authorized Indian tribal organization (e.g., as identified by category code 92 in the 2007 NAICS, and government establishments engaged in other sectors including but not limited to category codes 22 (Utilities) and 71 (Arts, Entertainment, and Recreation) in the 2007 NAICS).

“Receiving waters” means the waters of the state into which point and non-point sources flow.

“Responsible entity” means the person making the decision to clean bridges for which a discharge will occur that requires NPDES permit coverage under this permit.

“Scupper” means an opening in the deck of a bridge to provide means for water accumulated upon the roadway surface to drain.

“Structure” means something, such as a bridge, that is designed and built to sustain a load.

“Substructure” means the abutments and piers built to support the span of a bridge superstructure.

“Superstructure” means the entire portion of a bridge structure that primarily receives and supports traffic loads and in turn transfers these loads to the bridge substructure.

“Superior High Quality Waters” are surface waters that possess exceptional ecological values and that have been so categorized in Ohio’s Antidegradation Rule [OAC 3745-1-05]. Except as provided below, exceptional ecological values shall be assessed based upon a combination of the presence of threatened or endangered species and a high level of biological integrity. The following factors shall be considered in determining exceptional ecological value: providing habitat for Ohio or federal endangered species; providing habitat for Ohio threatened species; harboring stable populations of a declining fish species that coincide with the presence of suitable habitat for that species, or that coincide with an essential migration path between areas of suitable habitat for that species; and displaying a level of biological integrity equivalent to the exceptional warmwater habitat index of biotic

integrity or invertebrate community index criteria values listed in rule 3745-1-07 of the Administrative Code.

Water bodies that exhibit a pattern of biological integrity equivalent to index of biotic integrity and, where applicable, invertebrate community index scores of fifty-six or greater at most sites are characteristic of a near pristine aquatic habitat. Such waters, as well as other ecologically unique water bodies that have essentially undisturbed native faunas, but for which the biological criteria in rule 3745-1-07 of the Administrative Code do not apply, may be considered as possessing exceptional ecological values without the presence of threatened or endangered species.

“Total Maximum Daily Loads (TMDLs)” – A TMDL is a calculation of the maximum amount of a pollutant that a water body 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 must 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]

“Visual Assessment” means visually observing all wash water to ensure that it's free of turbidity, color, oil sheen, and floating solids that may impair receiving surface waters of the state.

“Water Quality Impaired” – See ‘Impaired Water’.

“Water Quality Standards” means the Ohio Water Quality Standards [Ohio Administrative Code 3745-1] and water quality criteria calculated using these rules.

"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.

ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

HUC – Hydrologic Unit Code

NAICS – North American Industry Classification System

NPDES – National Pollutant Discharge Elimination System

TMDL – Total Maximum Daily Load

WQS – Water Quality Standard