

Construction Stormwater General Permit Renewal

(Effective April 23rd, 2023)

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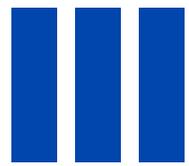
May 17, 2023



Summary of Topics

- Welcome, Webinar Introduction, and Summary of Topics
 - Poll Question #1
- CGP Intent and Purpose
- Permit Renewal Process and History
 - Poll Question #2
- Changes to the Permit
 - Poll Question #3
- Questions and Answers

Handout: Renewed CGP, Factsheet, Slides, and Ohio EPA Stormwater Acronym List



It's Poll Time



Poll

What kind of organization do you represent in your work with stormwater?

- a) Township/City Government
- b) County Government
- c) State Government
- d) Public Organization
- e) Private Business

What is the Construction General Permit and Why does it exist?

Construction Impacts

- When uncontrolled, runoff can lead to erosion of sediment
- Sediment is a leading cause of impairment and adds nutrients to streams



- Channels lose capacity and habitat due to deposition of construction site sediment



Post-Construction Impacts

- Higher energy flows cause stream downcutting, increasing erosion and transporting more sediment downstream
- Pollutants get carried into streams by runoff
- Decreased groundwater recharge



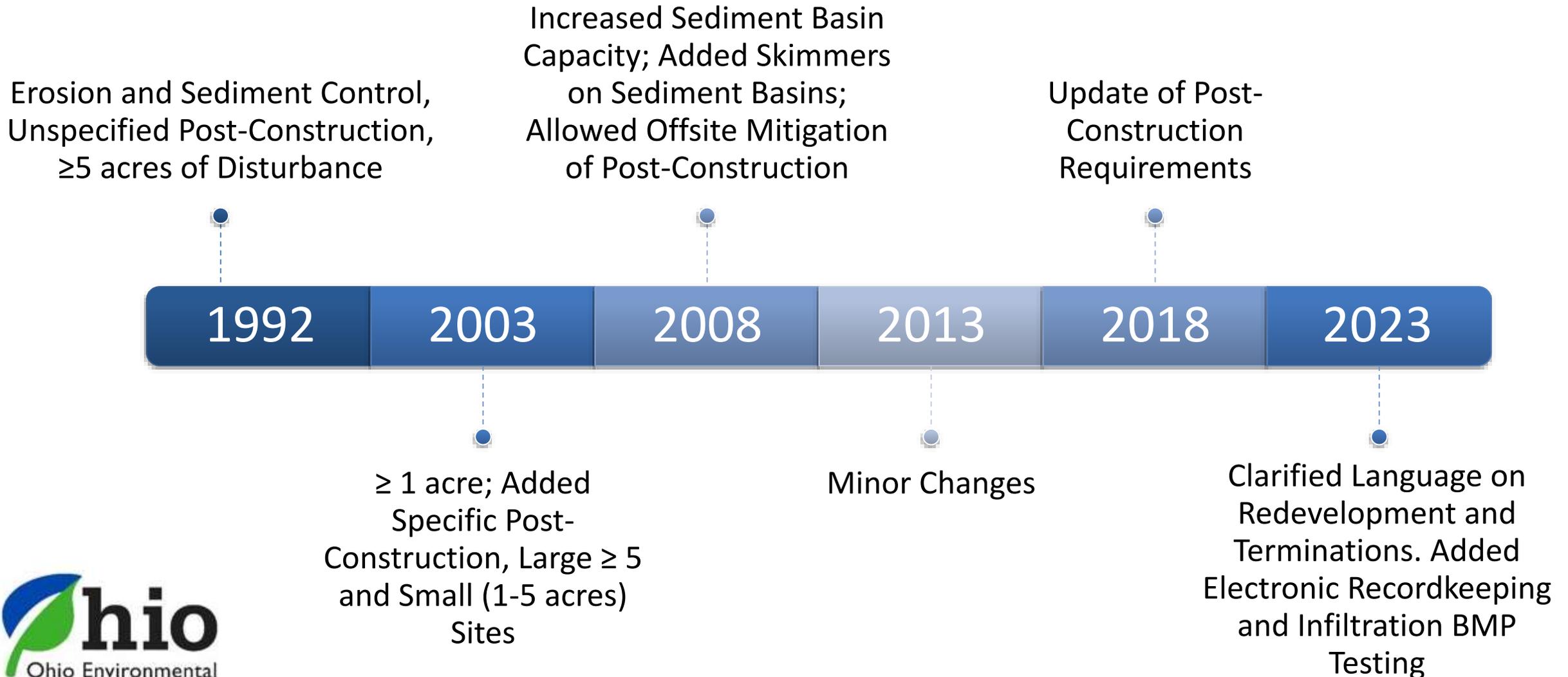
We address these impacts with the Construction General Permit (CGP)

- This NPDES General Permit spells out criteria for discharging stormwater from construction sites, both during and after the construction process.
- Requires that you implement sediment and erosion controls, pollution controls, and post-construction stormwater management



Permit Renewal Process and History

Construction General Permit History



Construction Stormwater General Permit Renewal Timeline

- 6th generation general permit – OHC000006
 - Public Notice Date: December 5th, 2022
 - Information Session Date: January 23rd, 2023
 - Public Hearing Date: January 23rd, 2023
 - Public Comment Period Ended: January 30th, 2023

 - Final Permit Issued: April 11th, 2023
 - Final Permit Effective: April 23rd, 2023

Public Comment, Public Hearing, and Information Session

- Comments can be provided digitally, via paper mail, or in person at the public hearing
- Information Session and Public Hearing was held back-to-back on January 23rd, 2023 at 10:30 a.m.
 - Attendance had both an in-person and virtual option.
 - In-person location was at the Ohio EPA Lazarus Government Center, 6th Floor Conference Room A (Autumn Room), 50 West Town Street, Suite 700, Columbus, Ohio 43215.
- Comments were received from more than 20 different entities
 - Including other state agencies, development groups, environmental groups, regulated community, and the general public
 - Full response to comments is available online: <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/storm-water-discharges-from-small-and-large-construction-activities--general-permit>

Current Construction Stormwater General Permit

- 6th generation general permit – OHC000006
 - Issuance Date: April 11th, 2023
 - Effective Date: April 23rd, 2023
 - Expiration Date: April 22nd, 2028
- You can find the current permit at: <https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/storm-water-discharges-from-small-and-large-construction-activities-general-permit>

Ohio EPA 04/11/2023

Entered Director's Journal

Page 1 of 61
Ohio EPA Permit No.: OHC000006

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

By: *Wally O'Neil* Date: 04/11/2023

Effective Date: April 23, 2023
Expiration Date: April 22, 2028

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERAL PERMIT AUTHORIZATION FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM



Impacts to Existing Permittees

- Existing permittees under OHC000005 can continue coverage under OHC000006 with the submittal of a timely renewal application.
 - Within 180 days from the effective date of OHC000006 (October 20th, 2023), a renewal Notice of Intent will need to be submitted via the Ohio EPA's eBusiness Center (<https://ebiz.epa.ohio.gov/>)
 - In accordance with Ohio Administrative Code (OAC) 3745-38-02(E)(2)(a)(ii), a renewal application fee will not apply to existing permittees having general permit coverage issued on or after April 22, 2022.
 - Existing permit coverage will be terminated if Ohio EPA does not receive the renewal application within this 180-day period (before October 20th, 2023)

Facility Search

Enter your facility search criteria...

Permit Number I don't have a permit number

Reset Search

BROOKSIDE CROSSING (401445) Facility Profile

Permit 3GC00862

ID	Number	Type	Rating	Effective Date	Expiration Date	Status	Actions
191902951	3GC00862*AG	Construction Stormwater	NA	05/27/2004	04/20/2008	Active	Actions

Lot Permits 3

Applications 2

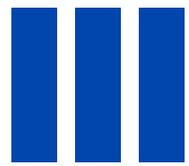
Renewal Terminate Transfer Create Report Create Lot Permit Application Create Copermitttee Permit Application

Permit Coverage Renewal

1. Select facility, or search for facility of interest via permit number
2. Once the permit is found, click the blue “Actions” dropdown
3. Click “Renewal”
4. Fill out the Renewal NOI, which is pre-populated from previous permit
5. Once approved, permit coverage has been renewed under OHC000006

Step-by-Step Renewal Guidance is provided online:

[https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide\(ConstSW\).pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/STREAMSGuide(ConstSW).pdf)



It's Poll Time



Poll

Did you provide comments on the construction general permit during the public comment period?

- a) Yes
- b) No, I didn't have any
- c) No, I didn't know where/how to provide comments

Changes to the Construction General Permit Overview

Summary of Changes to the Permit

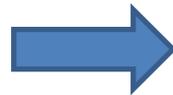
- Style Changes
- Electronic Recordkeeping
- Alternative BMP Testing Criteria
- Strongly Recommended 50ft Wetland Setbacks
- Tubular Sediment Barriers
- Post-Construction Table 4b Infiltration Testing
- Post-Construction Pedestrian Trail BMPs
- Post-Construction Redevelopment Clarifications
- NOT Submissions
- General Effluent “Free Froms”
- Riparian Setbacks on Jurisdiction Streams
- Big Darby Creek Watershed
 - Sediment Basin Discharge Sampling
 - Post-Construction BMP Selection
 - Groundwater Recharge Table Layout

Style Changes and Language Modifications

- The word “storm water” has been changed to “stormwater” throughout the permit to be consistent with Ohio EPA’s current Style Manual
- Table of Contents was refitted with page numbers and hyperlinked sections
- Added further numbering in sections to make referencing parts of the permit easier, e.g. Part III.G.2.e.iv Post-Construction BMPs
- Some language was moved to another part of the permit to better streamline sections, e.g. Alternative Post-Construction BMP Testing Protocol on pages 25 and 26

Electronic Recordkeeping

- Ohio EPA received many requests on what requirements exist to maintain inspection documents electronically versus in paper format
- Therefore, the electronic recordkeeping requirement found within USEPA's Construction Stormwater general permit was added
- An electronic recordkeeping system “will generally ensure that records created and/or maintained are readable and legally dependable with no less evidentiary value than their paper equivalent.”

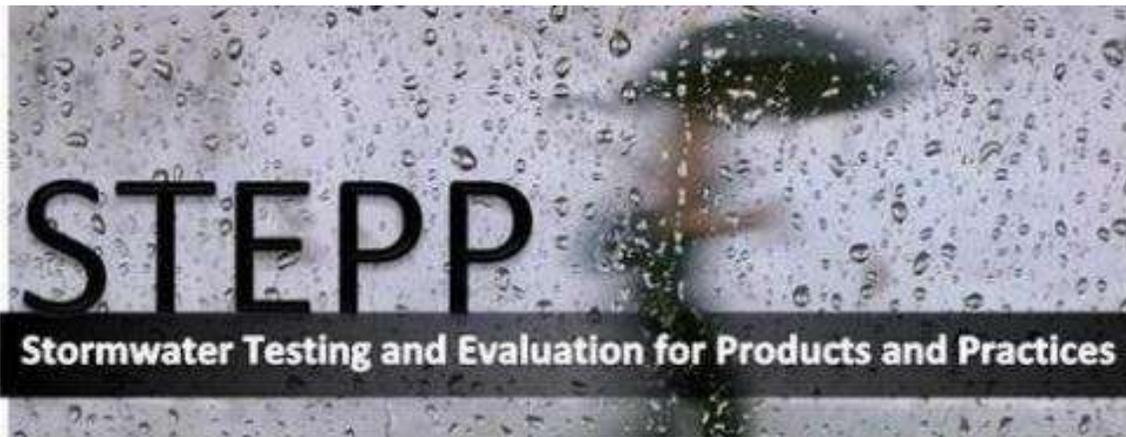


Electronic Recordkeeping – Continued

- All that means is that items like the SWP3, NOI, coverage letter and inspection documents can be kept digitally on-site if:
 - They can be: (i) easily displayed to OEPA, including its authorized representatives, (ii) easily copied for OEPA, including its authorized representatives, to review and access at OEPA staff computers using non-proprietary software, and (iii) can easily be printed to paper form if requested;
 - Electronic records cannot be modified without detection and are preserved in a manner that cannot be altered once created
 - The electronic recordkeeping system identifies any person who creates, certifies, or modifies an electronic record;
 - Clear instructions guide users of the electronic recordkeeping system in proper use of the system and unambiguously communicate the legal significance of using an electronic signature device

Post-Construction: Alternative Practices

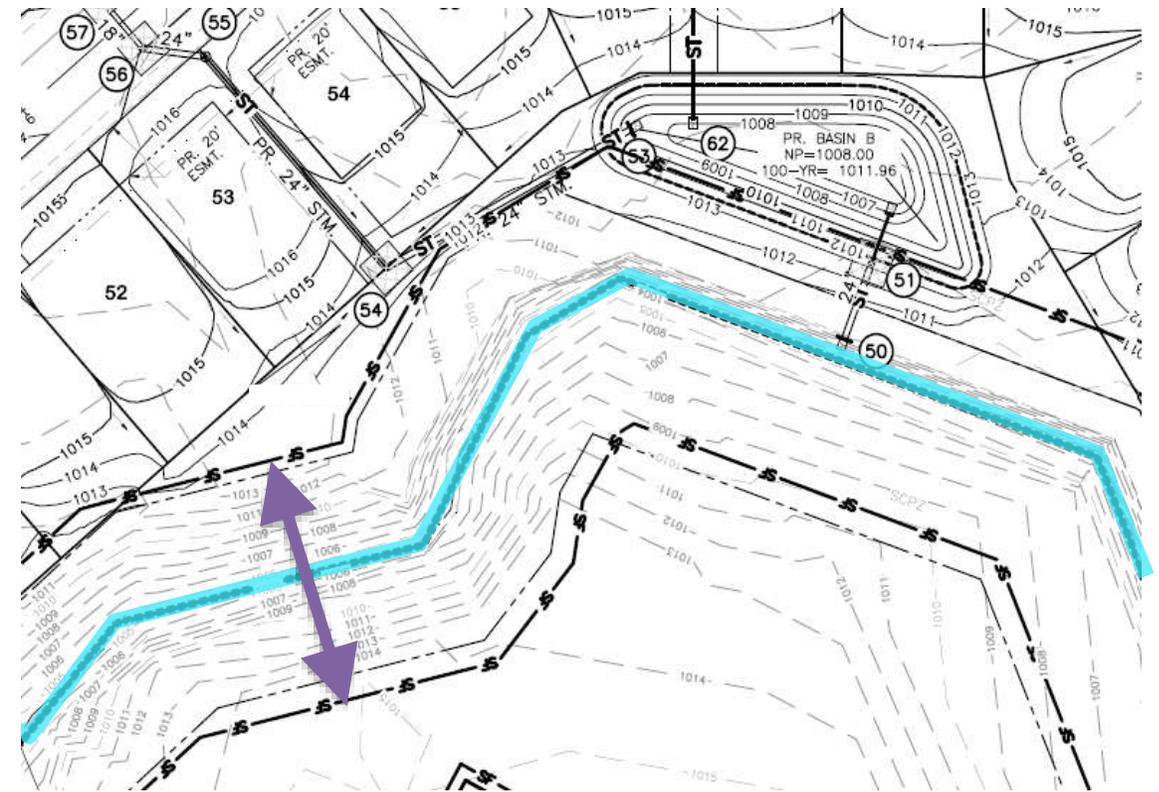
- Restructured the Alternative Post-Construction BMP language to
 - allow both pretreatment and primary practices to properly reference the BMP testing criteria;
 - address changes to Washington TAPE and potentially STEPP, and;
 - clarify the criteria and reorganize the language for better comprehension



Surface Water Setbacks

Renewed emphasis on federal non-numeric effluent limitation buffer requirement:

a. Preservation Methods. *The SWP3 shall make use of practices which preserve the existing natural condition as much as feasible. Such practices may include: preserving existing vegetation, vegetative buffer strips, and existing soil profile and topsoil; phasing of construction operations to minimize the amount of disturbed land at any one time; and designation of tree preservation areas or other protective clearing or grubbing practices. For all construction activities immediately adjacent to surface waters of the state, the permittee shall comply with the buffer non-numeric effluent limitation in Part II.A.6, as measured from the ordinary high water mark of the surface water. **Ohio EPA strongly recommends that 50-foot buffers be maintained around surface waters, including wetlands.***



Tubular Sediment Barriers

- New term “tubular barriers” (i.e. filter sock/silt sock)
- Continue to reference *Rainwater & Land Development* for practice design

Rainwater and Land Development Chapter 6.3 and 6.6

Table 6.3.1 Maximum area contributing area using slope length

Maximum Slope Length Above Silt Fence		Slope Length (ft.)
Slope		
0% - 2%	Flatter than 50:1	250
2% - 10%	50:1 - 10:1	125
10% - 20%	10:1 - 5:1	100
20% - 33%	5:1 - 3:1	75
33% - 50%	3:1 - 2:1	50
> 50%	> 2:1	25

Note: For larger drainage areas, see standards for temporary diversions, sediment traps and sediment basins.

Table 6.6.1 Maximum Slope Length Above Filter Sock and Recommended Diameter

Slope	Ratio (H:V)	8"	12"	18"	24"
0% - 2%	10% - 20%	125	250	300	350
10% - 20%	50:1 - 10:1	100	125	200	250
2% - 10%	10:1 - 5:1	75	100	150	200
20% - 33%	5:1 - 2:1		50	75	100
>50%	>2:1		25	50	75

Note: For larger drainage areas, see standards for temporary diversions, sediment traps and sediment basins.

Post Construction: Table 4b Infiltration BMP Testing

- New requirement for Table 4b practices (infiltration practices) to use field-based tests to assess infiltration rates and suitability of in-situ soils
- This requirement will better assure that infiltration BMPs perform properly as designed

Table 4b Infiltration Post-Construction Practices with Maximum Drain Times

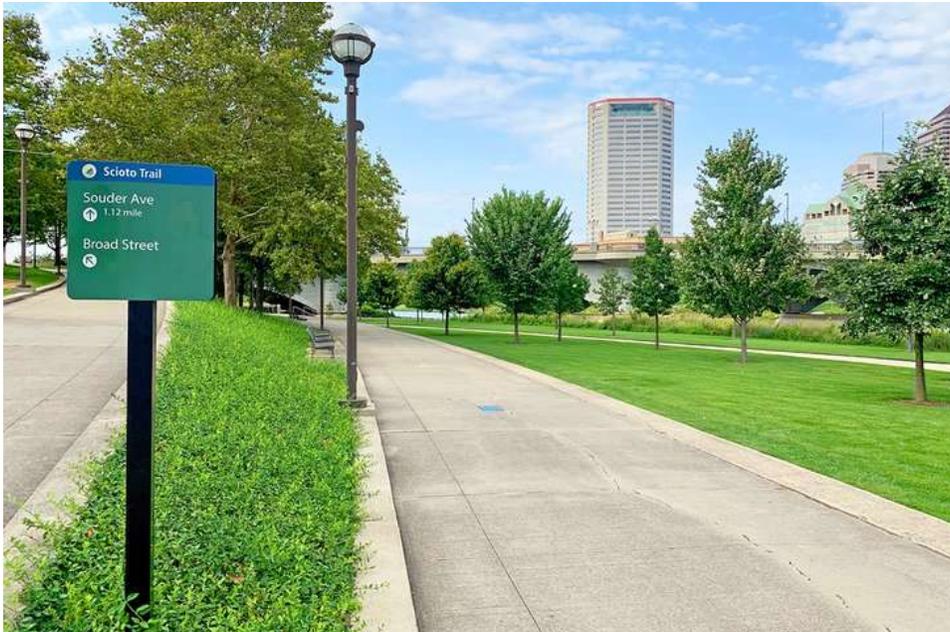
Infiltration Practices	Maximum Drain Time of WQv
Bioretention ^{1,2,3}	24 hours
Infiltration Basin ^{2,3}	24 hours
Infiltration Trench ^{3,4}	48 hours
Permeable Pavement – Infiltration ³	48 hours
Underground Storage Facility – Infiltration ^{3,4,5}	48 hours

Post-Construction: Pedestrian Trails BMPs

- Added language to clarify that pedestrian trails may also use the BMP design guidance in ODOT's L&D manual available only for transportation projects

Location & Design Manual, Volume 2 - Drainage Design

The Location & Design (L&D) Manual, Volume 2, serves as a guide for the hydraulic design of highway drainage facilities.



Post-Construction Redevelopment Clarifications

- Clarification that redevelopment applies to untreated impervious areas only
 - Developments constructed prior to April 2003 are generally considered to be untreated
- New language ensures that redevelopment of properties originally developed under previous generations of this general permit (i.e., that include a water quality volume treatment) cannot backslide to a reduced level of treatment
- These revisions were specifically identified as being needed during early stakeholder outreach



Notice of Terminations (NOTs)

- Language was included to clarify that general permit coverage is not terminated until a Notice of Termination (NOT) is submitted and permit coverage is terminated by Ohio EPA
- Helps catch inadvertent terminations, such as when
 - Co-permittee terminates the main permit on accident
 - Site is in active enforcement
- Permittee will receive an email confirming termination once NOT is approved by Ohio EPA

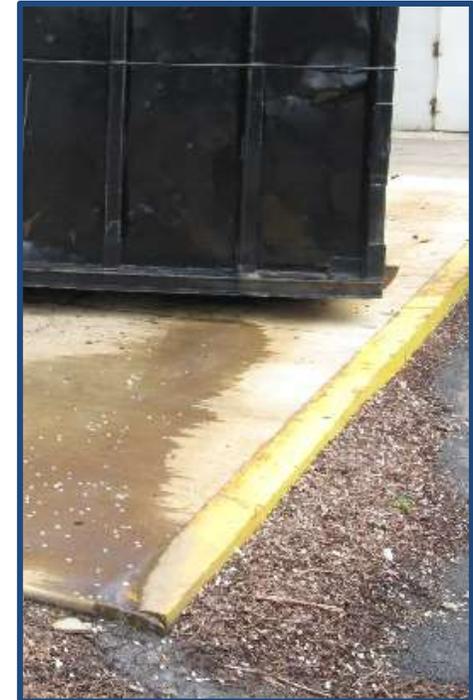
General Effluent “Free Froms”

- Already a requirement of all NPDES permits, added for reinforced clarity

V. General Effluent Limitation

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 waterfowl;
2. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam, or sheen;
3. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
4. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
5. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growth become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
6. In amounts that will impair designated instream or downstream water uses.



Riparian Setbacks on Jurisdictional Streams

- For consistency with HB 175, language was added to clarify that riparian setbacks only apply to streams deemed jurisdictional by US Army Corp of Engineers

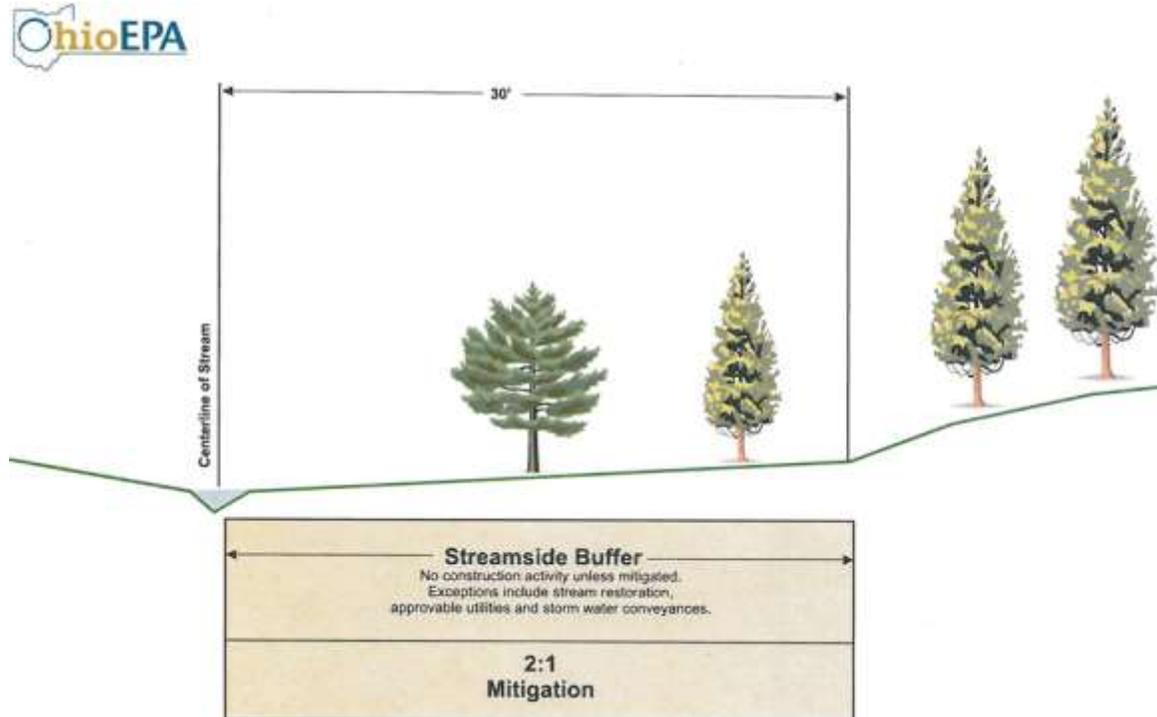


Figure 1. Riparian Setbacks for Jurisdictional Ephemeral Streams in Portions of the Olentangy River Watershed

Big Darby Creek Watershed: Sediment Basin Discharge Sampling

- Only Applicable to Projects within the Big Darby Creek Watershed (Appendix A)
- Added an alternate discharge performance standard of 50 Nephelometric Turbidity Units (NTUs) for monitoring sediment settling ponds to provide an additional testing option
- Previously, the only option was 45 mg/L of TSS



Big Darby Creek Watershed: Post-Construction BMP Selection

A.4 Post-Construction Stormwater Management Selection.

For all construction activities authorized under this permit that fall within the watershed of the Big Darby Creek, a Table 4b practice shall be used to treat stormwater runoff for pollutants, to reduce adverse impacts on receiving waters, and to further support groundwater recharge if feasible. The applicant must provide a justification in the SWP3 why the use of table 4b practices are not feasible. The justification must address limiting factors which would prohibit the project going forward should Table 4b practices be required. Please note that practices selected will require approval from the regulated MS4.

- Only Applicable to Projects within the Big Darby Creek Watershed (Appendix A)

Big Darby Creek Watershed: Groundwater Recharge Table Layout

Table A-2 (Appendix A) Annual Average Expected Baseflow Recharge³

	Density (DU ¹ /acre)	% Impervious	Recharge (inches) by Hydrologic Soil Group ²			
			A	B	C	D
Apply the following land covers when calculating an area-weighted average value for the site.⁴						
Woods / Forest	-	-	11.8	11.4	10.7	9.9
Brush	-	-	11.7	11.4	10.7	9.9
Meadow	-	-	11.8	11.3	10.6	9.8
Managed Wood	-	-	11.7	11.0	10.0	9.1
Pasture	-	-	11.3	11.0	9.9	8.9
Row Crop	-	-	11.1	10.1	9.0	6.2
Urban Grasses	-	-	11.2	11.2	10.3	9.3
Impervious	-	-	0.0	0.0	0.0	0.0
Alternatively, the following land use average values may be applied to the site as a whole.⁵						
Low Density Residential	0.5	12%	11.2	11.2	10.3	9.3
Low Density Residential	1	20%	9.5	9.5	9.0	8.6
Medium Density Residential	2	25%	7.8	7.8	7.8	7.8
Medium Density Residential	3	30%	7.6	7.6	7.6	7.6
Medium Density Residential	4	38%	6.5	6.5	6.5	6.5
High Density Residential	≥5	65%	5.0	5.0	5.0	5.0
Commercial & Road Right-of-Way ⁴	-	90%	2.9	2.9	2.9	2.9

- Only Applicable to Projects within the Big Darby Creek Watershed (Appendix A)
- Clarifies instructions on how to calculate groundwater recharge using Table A-1 and A-2

¹ DU = Dwelling Units

² Hydrologic soil group designations of A/D, B/D, and C/D should be considered as D soils for this application.

³ These values apply when no recharge of the aquifer is expected.

⁴ These values may be used where total impervious and pervious areas are tabulated separately.

⁵ These values may only be used for an area as a whole (includes impervious and pervious areas).

Who to Call? Ohio EPA's Stormwater Program

Technical Assistance Staff

Justin Reinhart 614-705-1149

Emily Coffin TBD

- For technical questions, such as BMP design and RLD specifications

Permitting Staff

Mike Joseph 614-752-0782

Anthony Robinson 614-728-3392

- For permit-related questions, such as permit requirements, contact Anthony for Industrial/MS4 or Mike for Construction/Industrial

Administrative Staff

Jason Fyffe 614-728-1793

Wesley Sluga 614-644-2141

- For programmatic questions
MS4 Coordination Staff
Lynette Hablitzel 419-373-3009
- For MS4 related questions

District Staff

See staff organized by district office...

- For district specific questions, such as site inspections and plan reviews

Northwest District Office

Stefen Pargeon 419-373-3021

Jacqueline Kniss 419-352-8461

Central District Office

Marshall Cooper 614-728-3844

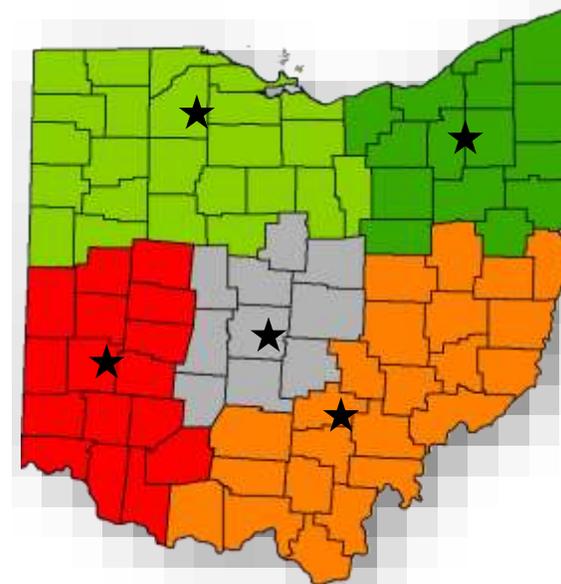
Rahel Babb 614-728-3855

Southwest District Office

Michelle Flanagan 937-285-6440

Daniel Hoit 937-285-6104

District Staff



Northeast District Office

Dan Bogoevski 330-963-1145

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Laura Shriver 330-963-1136

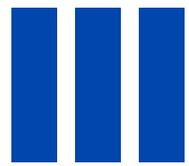
Ed Wilk 330-963-1172

Southeast District Office

Alex Delvalle 740-380-5227



Email in the form:
firstname.lastname@epa.ohio.gov



It's Poll Time



Poll

Did you find this presentation to be information and helpful?

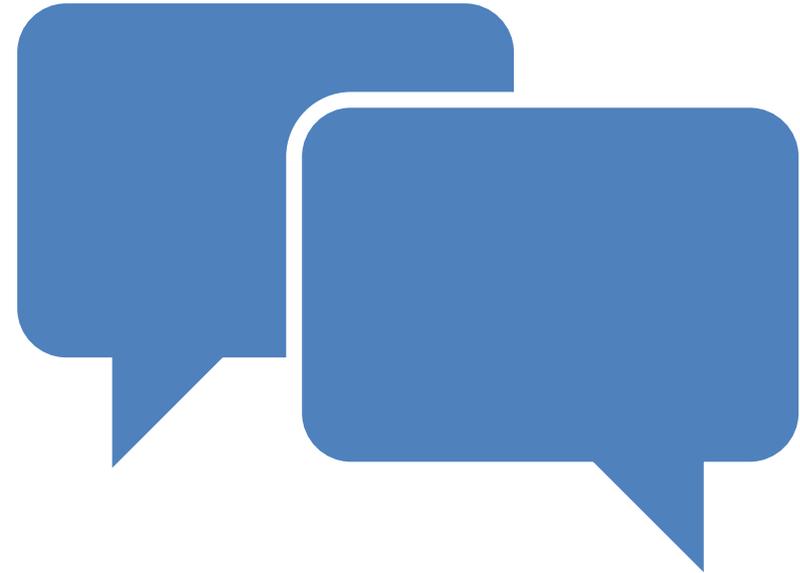
- a) Yes, I learned something new
- b) Yes, it refreshed my memory
- c) No, the factsheet and Response to Comments covered everything
- d) No, I still don't understand what has changed



Questions?

We Value Your Feedback

Please take the post session survey so we can continue to improve your Ohio EPA webinar experience!



Thank you for attending!

Up Next

- June 21, 1:00 p.m. - 2:00 p.m. → [Ohio Brownfields Funding Opportunities](#)
- July 12, 10:00 a.m. - 11:00 a.m. → [Ohio EPA Regulations In The Community](#)
- July 25, 10:00 a.m. - 11:00 a.m. → [Infectious Waste Overview](#)

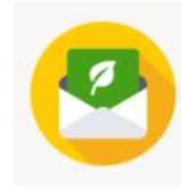
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- **Did you miss a training?** Go to Ohio EPA’s YouTube Channel at: youtube.com/user/PIC1049 or epa.ohio.gov/divisions-and-offices/environmental-financial-assistance/training to view session recordings.