

OTCO – Compliance Workshop: Ohio EPA Surface Water Update

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Surface Water Update

- Rules (federal and state)
- Ohio TMDLs
- Ohio's Nutrient Reduction Strategy
- NPDES Changes
- NPDES Compliance Overview & Tips
- STREAMS

Federal Rules

- Clean Water Rule (Waters of the U.S.)
 - Effective in August
 - Federal Court has stayed the rule
- E-Reporting Rule
 - To go into effect this fall
- Ammonia Criteria
 - Effective in 2013, States are to adopt

Federal Rules

- Conductivity Standard
 - Proposed rule this winter
- HABs Recreation Standard
 - Proposed rule next spring?

State Rule Overview

PESO

- Pre–External Stakeholder Outreach

ESO

- External Stakeholder Outreach

IPR

- Interested Party Review

- Final File

State Rules

- PESO
 - Biosolids
 - NPDES Program
- ESO
 - Water Quality Standards Reorganization
 - Water Quality Standards Use Designations
- IPR
 - Water Quality Standard Use Designations –
No change

State Rules

- Final File
 - Water Quality Standards, Recreational Use
 - Storm Water Small MS4
 - General NPDES Permit
- Subscribe to Agency Electronic Mailing List
 - ohioepa.custhelp.com/ci/documents/detail/2/subscriptiionpage

Ohio Supreme Court TMDL Decision

- TMDL: Total Maximum Daily Load
- A written, quantitative assessment of water quality problems and contributing sources of pollution (clean-up plan).
- Essentially a planning and analysis tool; does not provide additional authority.
- If waters reach attainment by other means, a TMDL is not necessary.

Ohio Supreme Court TMDL Decision

- Ohio's TMDL Project Process includes four phases:
 - Assess Watershed Conditions
 - Develop Clean-Up Plan (TMDL)
 - Implement Clean-Up Actions
 - Did Actions Work? (i.e. validation)

Ohio Supreme Court TMDL Decision

- On March 24, 2015, the Ohio Supreme Court issued an opinion on the *Fairfield County Board of Commissioners v. Nally* case.
- The Court found that a TMDL is a rule and must be promulgated in accordance with ORC119 before it can be submitted to U.S. EPA for approval and before it is used for purposes of implementing it via NPDES permits.

Nutrient Issues



Harmful Algal Blooms

Busy year:

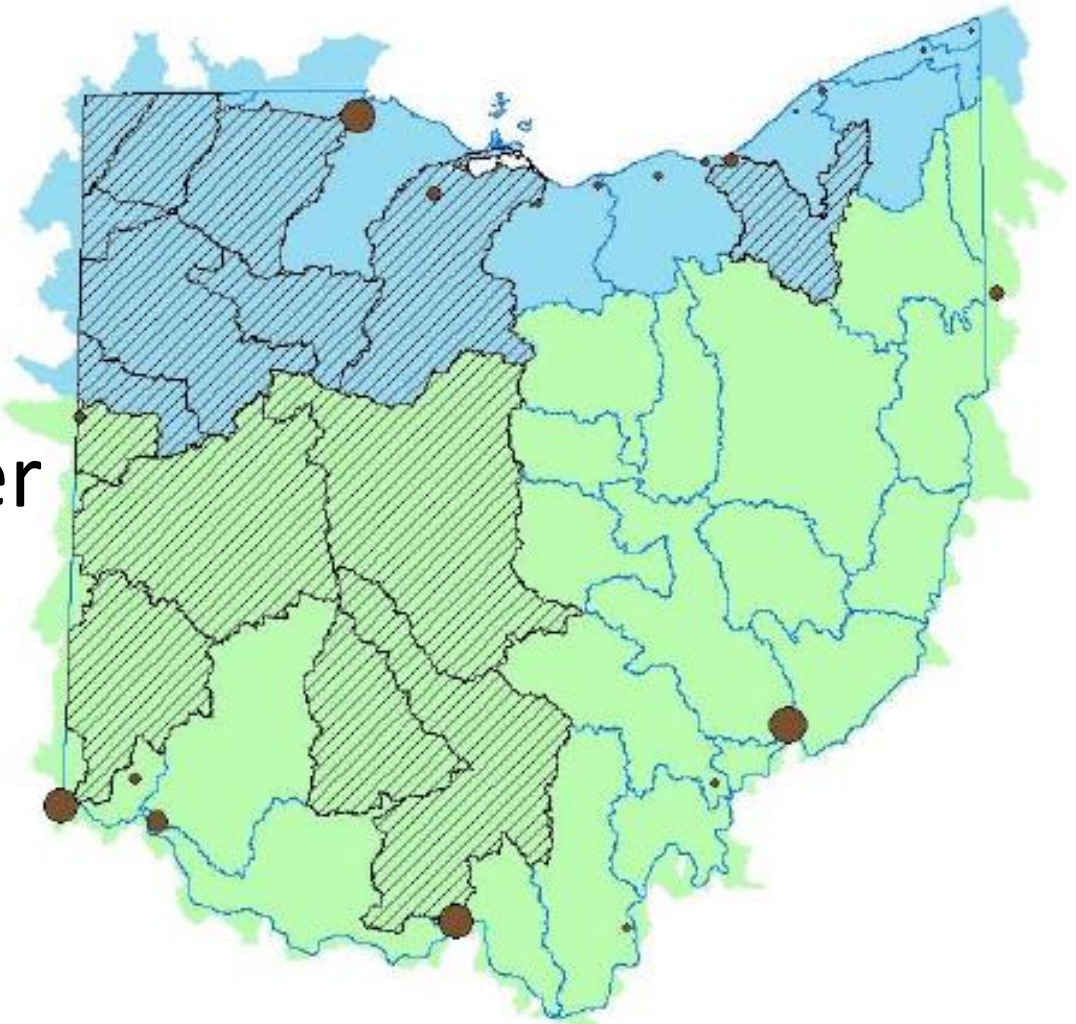
- Probably second largest bloom on record in Lake Erie (2011 – largest).
 - Largest bloom recorded on Ohio River - at over 600 miles.
 - DES has analyzed over 3,500 samples from Ohio's lakes rivers and public water systems.
- Ohio EPA HAB Strategy for Drinking Water revised to incorporate U.S. EPA's Health Advisory levels for microcystin and Cylindrospermopsin.
 - Ohio EPA has draft rules out for interested party review to establish monitoring and reporting requirements for cyanotoxins at Ohio's public water systems.

Ohio's Nutrient Reduction Strategy

- Developed in 2013, now being updated
- Six Part Plan
 - Focus on Specific Watershed
 - Set Stream Loading Reductions
 - Ensure Effectiveness of Point Source and Nonpoint Source Reductions
 - Measure Effectiveness of Reductions
 - Report to Public
 - Develop Nutrient Water Quality Standards

Nutrients: Ohio's Priority Watersheds

- Maumee River
- Sandusky River
- Cuyahoga River
- Great Miami River
- Scioto River
- Wabash River



Nutrients: Set Load Reduction Goals

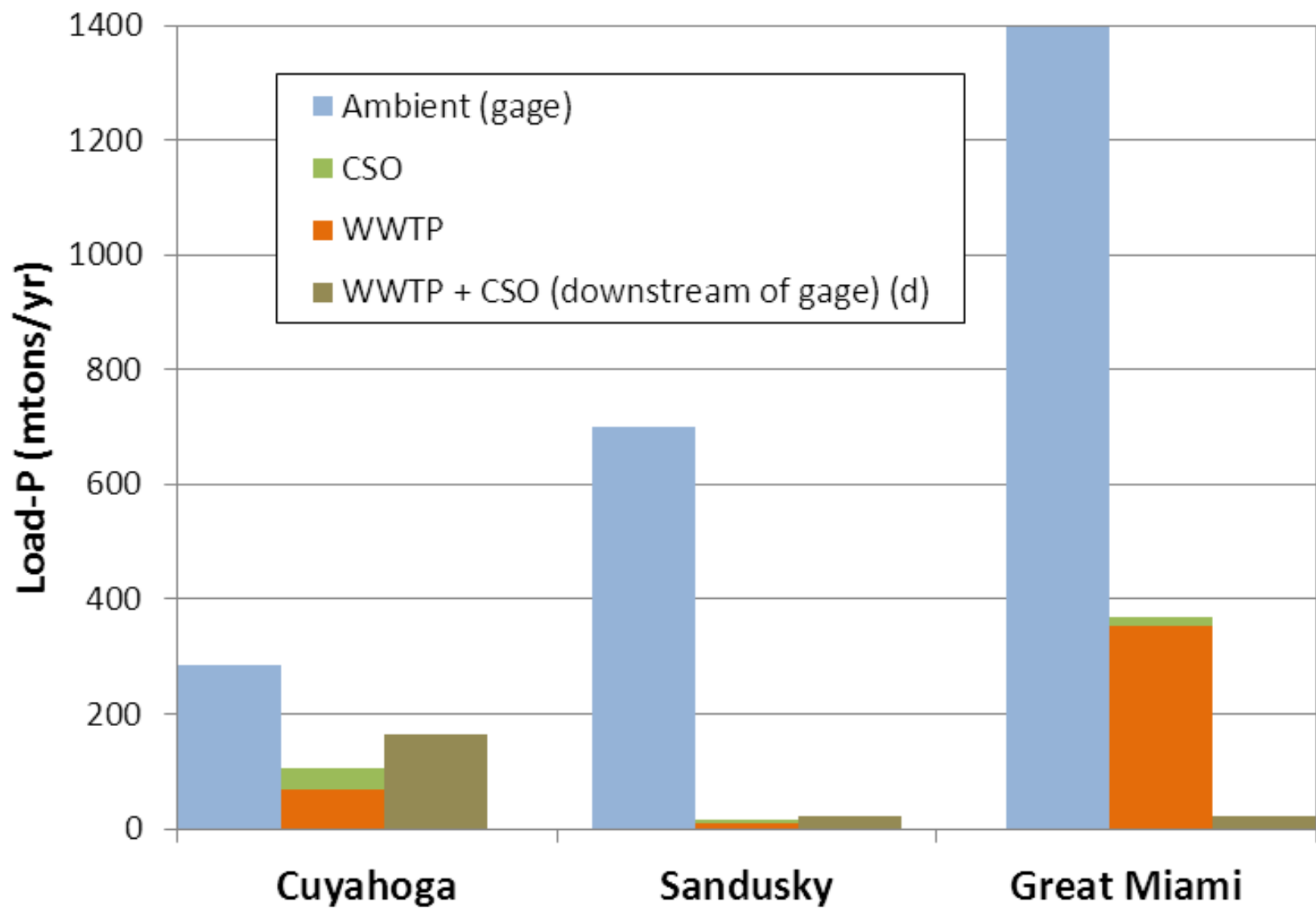
- Lake Erie – Great Lakes Water Quality Agreement Nutrient Annex
 - 2016, develop phosphorus concentrations, loading targets and loading allocations
 - 2018, develop reduction strategies and domestic action plans
- Ohio River – Mississippi River/Gulf of Mexico Hypoxia Task Force
 - All 12 states are to develop their own reduction goals

Nutrients: Finding Load Reductions

- Point Sources
 - Municipal and industrial wastewater treatment plants
 - Senate Bill 1 (see NPDES updates)
- Nonpoint Sources
 - Agricultural
 - Urban & suburban storm water

Nutrients: Measure Effectiveness and Report

- Ohio will provide accountability & verification of progress by tracking:
 - Restoration of beneficial uses in targeted watersheds
 - Impact of nutrients on water quality and beneficial uses
 - Annual nutrient loading estimates for ~~six priority watersheds~~ entire state
 - Implementation actions



Nutrients: Status of WQS Rules

- National recommendations made 15 years ago
- Ohio's research & development started in 2002
- Ohio EPA/U.S. EPA draft Trophic Index Criteria, 2011
- Early stakeholder outreach 2013
- Technical Advisory Group re-works TIC and recommends Stream Nutrient Assessment Procedure (SNAP) and associated implementation protocols in 2015

Nutrients: Basis of SNAP

‘weight of evidence’ approach

FIRST: Determine biological WQ criteria attainment

- *Biocriteria are the direct measure of WQ*

NEXT: Evaluate key nutrient response indicators*

- DO swings: 24-hour (max DO - min DO)
- Benthic chlorophyll

THEN: Confirm preliminary condition assessment

- Other stressors – physical habitat or pollutants?
- If not impaired, determine if threatened

** Nutrient concentration is poorly correlated with nutrient enrichment-caused impairment*

NPDES Changes

- Renewing permit by the expiration date
 - Requires timely submission of the application
- Ohio EPA district office lead for all permit reissuance
- Now, a 14-day permittee review period of the draft permit will be offered prior to upper management review and prior to public notice

NPDES Changes

- NPDES Application Data Submittal for POTWs
 - Affects POTWs with design flows greater than 1.0 MGD.
 - Three scans for parameters including hardness, metals, volatile organic compounds, acid-extractable compounds and base-neutral compounds.
 - Required by 40 CFR 122.21.
 - POTWs with permits that expire after March 1, 2018, will need to include the data as part of their renewal application.

NPDES Changes

- SB 1
 - All Major POTWs will need to monitor for total phosphorus (already doing so).
 - All Major POTWs will need to monitor for dissolved reactive phosphorus (not doing now).
 - Technical Capability Study to reduce the discharge of phosphorus to 1 mg/l
- Expedite CSO schedules
- Provide tools & training for small WWTPs

NPDES Compliance & Enforcement

- New Surface Water Compliance Coordinator
 - Track all Notice of Violations (NOV)& Significant Noncompliance (SNC)
- Compliance Screening
 - Permit Requirements, eDMR, Preliminary Compliance Review, STREAMS
- Compliance Inspection
 - Inspection Types, Inspection Process
- Enforcement Process
 - SNC, NOV, Administrative & Judicial Orders

Common NPDES Violations

- Failure to submit DMR or provide periodic sample results
- Failure to provide notification for exceeding permit limits
- Failure to ensure proper sampling (preservation, type, method, records)
- Failure to operate/maintain/calibrate wastewater treatment equipment
- Missing a compliance milestone

Staying out of Enforcement

- Communication is key. Call us before we call you
- Garbage in Garbage out
- Send responses to district staff for PCR
- If NOV is issued respond within the required time frame
- Analyze the problem...provide a well thought out response

Compliance FAQs

- OEPA inspectors cannot issue fines
- Most violations are resolved without legal action or fines
- Usually a progressive process
- **We want you in compliance**

Electronic Business Services

- ePay Fees
 - All invoiced/non-invoiced (August 2015)
- STREAMS – Surface Water Tracking, Reporting and Electronic Application Management System (October 2015)
 - NPDES apps & renewal forms, NOI, NOT, transfers, antideg, mods...
 - Dozens of eReports (nearly all paper forms converted to electronic)
 - Pre-populated information streamed from our database
 - Data validation prior to submittal to ensure accuracy and completeness
 - One-click application submittal

Online Payment Options

Most invoices issued by Ohio EPA may be paid through our online eBusiness Center with a credit card or by debiting your bank account through the Automated Clearing House (ACH).

MasterCard, VISA or Discover Credit Card

A service fee of 2.2% of total amount owed will be charged for payments made by credit card.

Automated Clearing House (ACH)

There is no service fee for ACH payments. ACH payments do require an Ohio EPA eBusiness Center Personal Identification Number (PIN). If you have a PIN for another eBusiness service, that same PIN may be used to pay by ACH. If you do not have a PIN, one may be requested by completing the form available at the eBusiness Center.

Pay Ohio EPA fees online at:
epa.ohio.gov

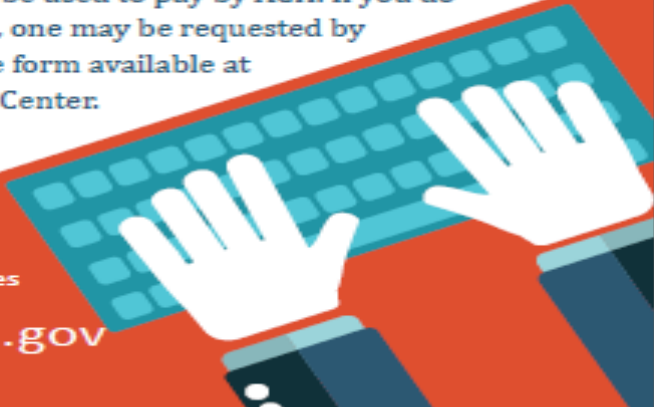
Choose Do Business at top navigation

Go to eBusiness Center

Online account is required Create an Account (if needed) and login

Scroll down to Pay Ohio EPA Fees Online

The screenshot shows the Ohio EPA website's eBusiness Center interface. At the top, the navigation bar includes 'Home', 'About', 'Divisions and Offices', and 'Do Business'. Under 'Online Services', 'eBusiness Center' is highlighted. Below this is a login form with fields for 'User ID' and 'Password', and a 'Login' button. A 'Forgot your password?' link is also present. Below the login form is a 'Welcome to the Ohio EPA eBusiness Center' message and a list of 'Available Services'. The 'Pay Ohio EPA Fees Online' service is circled in red. A red arrow points from the 'Login' button to the 'Pay Ohio EPA Fees Online' service.



Questions?

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