

# Ohio EPA Surface Water Updates

OTCO Wastewater Workshop

April 5, 2016

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# Presentation Overview

- NPDES Program updates:
  - SB1 Implementation
  - New NPDES application requirements
  - IT Revamp
  - NPDES Program update
- Rules update
- Ohio TMDLs
- Ohio's Nutrient Reduction Strategy
- Ohio's Nutrient Rules
- Enforcement/Compliance

# Senate Bill 1 (ORC 6111.03)



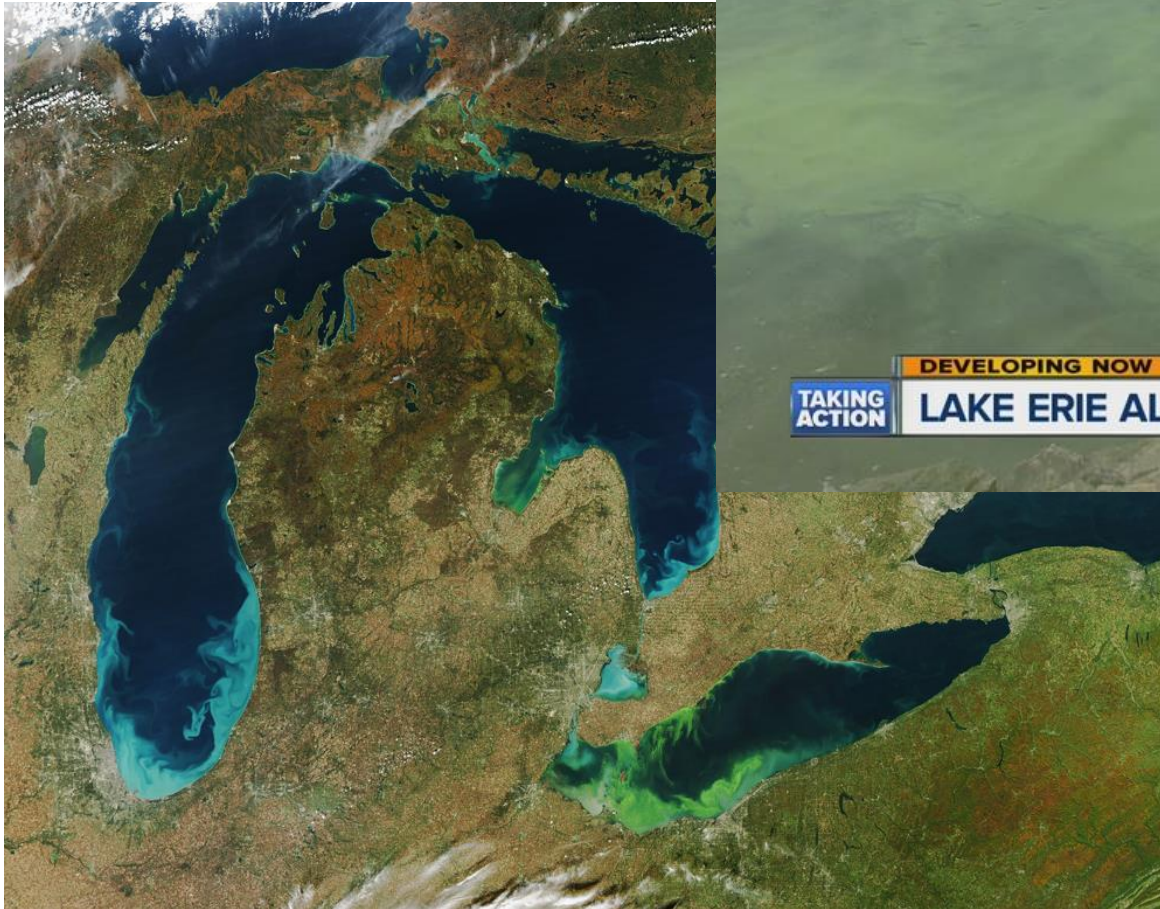
- Signed into law on 4/2/15
- Effects municipal facilities
  - Considered a major OR
  - $ADDF \geq 1.0$  MGD
- New orthophosphate monitoring requirement
- TP Technical and Financial Capability Study

# SB1 Reasons: Harmful Algal Blooms (HABs)



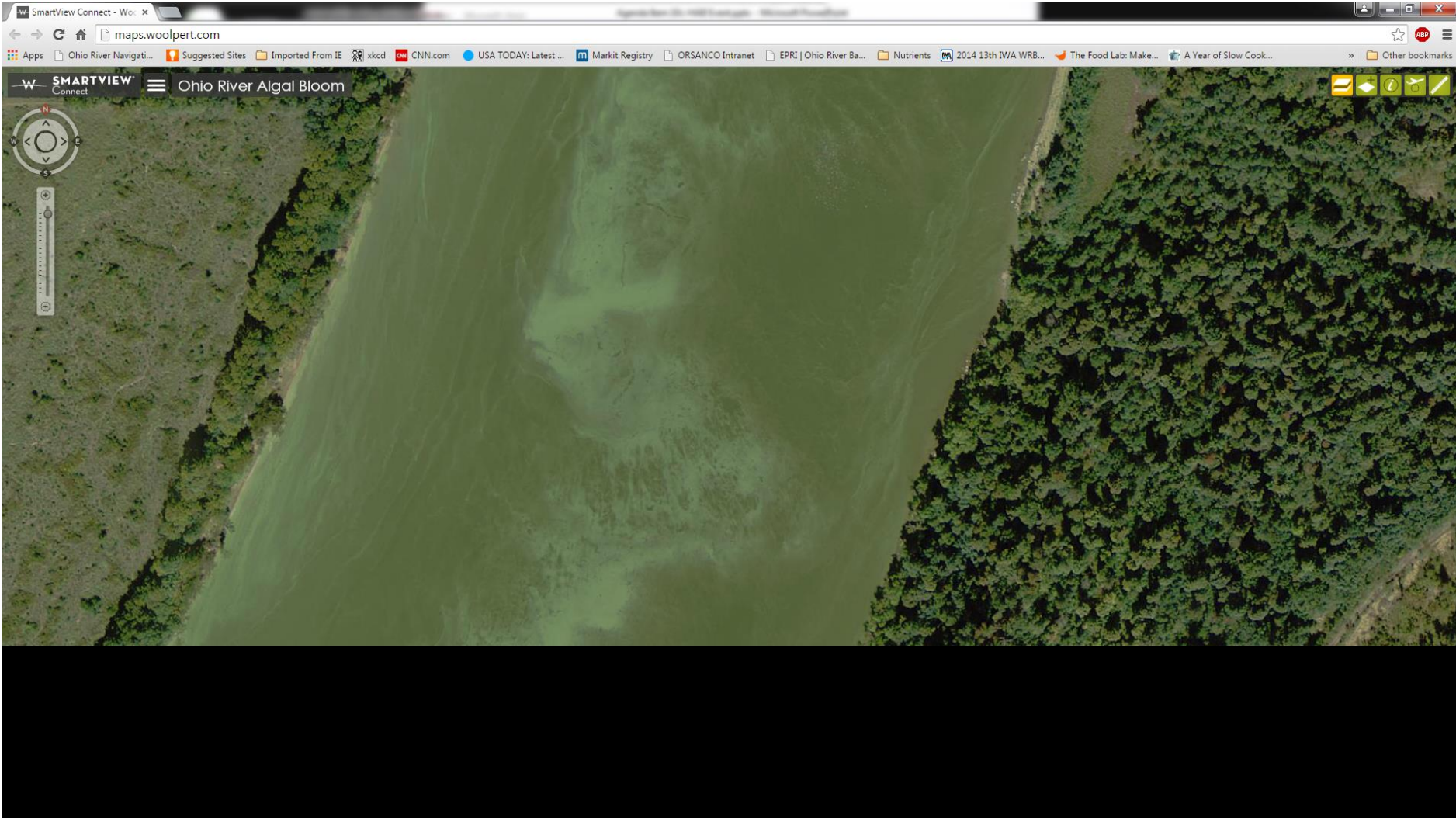
- Cyanobacteria can sometimes multiply to form HABs.
- HABs can produce toxins.
- Cyanobacteria like warm temperatures, sunlight, **phosphorus** and nitrogen.

# SB1 Reasons - Lake Erie





# Ohio River Aerial Survey



# NPDES Application Data Submittal for POTWs

- NPDES applications will have new data submittal requirements, consistent with 40 CFR 122.21.
- Affects POTWs with design flows greater than 1.0 MGD.
- POTWs with a pretreatment program already submit this information as part of their pretreatment annual reports and will not need to re-submit the information.

# NPDES Application Data

- Three scans for parameters including
  - metals
    - antimony, beryllium, silver, thallium not typical now
  - hardness
  - volatile organic compounds
  - acid-extractable compounds
  - base-neutral compounds

United States Environmental Protection Agency

Office of Enforcement  
Washington, DC 20460

EPA Form 3510-2C  
Revised August 1990  
Previous editions are obsolete

Permits Division

**EPA**

**Application Form 2C -  
Wastewater Discharge  
Information**

**Consolidated Permits Program**

This form must be completed by all persons applying for an EPA permit to discharge wastewater (existing manufacturing, commercial, mining, and silvicultural operations).

Printed on Recycled Paper



# NPDES Application Data

- A letter will be sent in Spring 2016 with information about this requirement to facilities who will need to meet the new application requirement.
- Affected POTWs with permits that expire after March 1, 2018, will need to include the data as part of their renewal application.

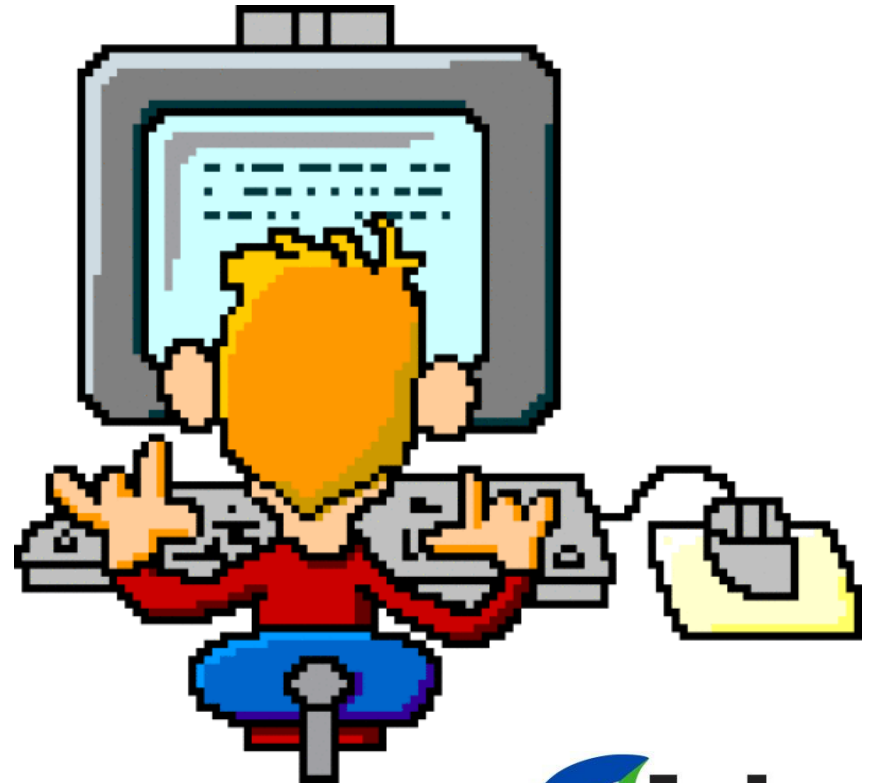
# NPDES Application Data



- For more information refer to the fact sheet available at:  
[www.epa.ohio.gov/dsw/permits/individuals.aspx](http://www.epa.ohio.gov/dsw/permits/individuals.aspx)
- The list of parameters can be found in Appendix J to 40 CFR 122.
- Contact Ashley Ward  
(614) 644-4852  
[ashley.ward@epa.ohio.gov](mailto:ashley.ward@epa.ohio.gov)

# IT Update

- Currently available forms:
  - Annual Sewage Sludge Report
  - General NPDES Applications
  - No Exposure Applications



# IT Update

- Coming soon:
  - Individual NPDES Applications
  - CAFO NPDES Applications
  - Pretreatment Applications (IDPs)
  - 401 Forms
  - NPDES Reports

# NPDES Program Changes

- Major NPDES permit lead
  - Central Office has led the major permit renewals for years; now district offices will be the lead for most major permits.
- Renewing NPDES permits by expiration date
  - Previous goal was to renew permits within the state fiscal year as allowed by federal law.
- Need to submit applications on time – no later than 180 days prior to expiration





# NPDES Renewal Applications

- DSW has not previously enforced the 180 day permit application submittal.
- A new compliance and enforcement process will encourage timely submittals.
- DSW is considering requiring applications 7 months, instead of 6 months, in advance.
- Major or complex permits, early submittal of applications appreciated.

# NPDES Program Changes

- Historically, all parties reviewed a draft permit during the public notice period.
- Now, a 14-day permittee review period of the draft permit is being offered prior to public notice as a “preview”.
- All communications during this review are included in the public record.

“If something  
is to grow,  
it has to  
change.”

# Pretreatment Updates

- Local Limit Justification Reports PE Stamp Requirements
  - Ohio EPA is considering changing the requirements to only require a PE stamp for local limit technical justifications for new or revised local limits.
  - Stay tuned! Check our rules website:  
[epa.ohio.gov/dsw/dswrules.aspx#120473213-interested-party-review](http://epa.ohio.gov/dsw/dswrules.aspx#120473213-interested-party-review)

# OEPA Rules Process

PESO

- PRE – External Stakeholder Outreach

ESO

- External Stakeholder Outreach
  - Common Sense Initiative (CSI) Office

IPR

- Interested Party Review

- Original File
- Final File

# DSW - Rules



## **New Rules in Development:**

- Certified Water Quality Professional (WQCP) Program



# DSW - Rules



## Rules completed PESO:

- Credible Data Chapter 3745-4
  - solicited input on statute/rule changes via survey

## Rules through Early Stakeholder Outreach:

- WQS Chapter 3745-1 Beneficial Use - ended  
February 19, 2016
  - 3745-1-11 Maumee River drainage basin
  - 3745-1-12 Sandusky River drainage basin
  - 3745-1-21 Great Miami River drainage basin
  - 3645-1-23 Portage River drainage basin
  - 3745-1-24 Muskingum River drainage basin



# DSW - Rules



ESO

## Rules through Early Stakeholder Outreach:

- Sludge/Biosolids Program Chapter 3745-40 – **ended** January 14, 2016
  - removing requirement that permittees must obtain an equivalency recommendation from the pathogen equivalency committee of US EPA
  - adding expiration after five years
  - proposing isolation distances from homes

# DSW - Rules



## Rules through Early Stakeholder Outreach:

- NPDES Chapter 3745-33 – **ended** February 8, 2016
  - 3745-33-03 Permit applications
  - 3745-33-04 Permit actions
  - 3745-33-05 Authorized discharge levels
  - 3745-33-07 Establishing permit conditions

# DSW - Rules



## Rules in Interested Party Review:

- WQS Chapter 3745-1 Nutrient Criteria –  
**coming soon**
  - Stream Nutrient Assessment Procedure (SNAP)  
and implementation of nutrient criteria for small  
& medium rivers

# DSW - Rules



## Rules in Early Stakeholder Outreach:

- WQS Chapter 3745-1 Re-organization – **coming soon**
  - re-organizing rules in Chapter 3745-1, breaking apart large rule, creating place holders for nutrients and parts of WQS located in other rule chapters



# DSW - Rules



## Rules in Interested Party Review:

- Permit-to-Install Chapter 3745-42-03, 04, 07, 13 – second review **coming soon**
  - clarifying application requirements, defining best available technology, broadening land application of treated sewage rule to include liquid industrial waste

# DSW - Rules



## Rules in Early Stakeholder Outreach:

- WQS Chapter 3745-1 Beneficial Use Designations – **ended** February 9, 2016
  - watersheds: Scioto, Grand, Southwest Ohio River tributaries, Huron, Rocky, Portage, Mahoning and Mill Creek

# DSW – Rules Effective

## Recently Effective Rules:

- WQS Chapter 3745-1 Recreation Uses
  - Modified recreation use classifications and *E. coli* standards (removed Primary Contact Classes A, B & C)
- **DSW Rules Interested Parties List:**  
<http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>

# 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 119 before it can be submitted to U.S. EPA for approval and before it is used for purposes of implementing it via NPDES permits.

# Ohio's Nutrient Reduction Strategy

- Developed in 2013, Updated in 2016
- 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: 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*

# Enforcement / Compliance

- New NOV / ROV process
- Central Office Compliance Coordinator (Scott Sheerin)
- Evaluate industry specific SNCs and target compliance
  - non-reporting
- Revamped penalty policy



# Questions?

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