

Small MS4 General Permit Renewal (OHQ000002)  
New Conditions/Requirements

The Small MS4 general permit renewal (OHQ000002) contains the same basic framework of requirements as the previous generation general permits and includes some formatting changes for easier reading. However, there are seven conditions/requirements in the renewal, which are noteworthy to identify, that differ from the first generation MS4 general permits. The following lists these conditions, provides a brief description and identifies the section of the permit where the permit language can be found.

1. **Requiring a Table of Organization (Part III.A.1.d and Part IV.C.1).** MS4 programs are typically implemented by various departments and other third party entities such as Soil and Water Conservation Districts, Health Departments, etc. OHQ000002 requires MS4s to develop a Table of Organization to identify how implementation across multiple positions, agencies and departments will occur. The Table of Organization must identify a primary point of contact and contact information for all responsible personnel. The Table of Organization will be required to be updated annually and be included within annual reports.
2. **Requiring Performance Standards to Set Minimum Permit Requirements (Part III.A.1.c, Part III.B.1.c, Part III.B.2.c, Part III.B.3.j, Part III.B.4.c, Part III.B.5.f and Part III.B.6.e).** OHQ000002 includes performance standards to set minimum permit expectations for program implementation (i.e., require at least 50 percent of population be reached through outreach efforts over permit term, require at least 5 public involvement/participation events be held over permit term, etc.). This approach sets clear minimum permit requirements. Program BMPs and schedules for implementation to satisfy the permit's performance standards shall be reflected within annual reports.
3. **Expanded MS4 Mapping Requirements (Part III.B.3.b).** The previous generation general permits required that a storm sewer system map be developed and, at a minimum, only include the location of storm water outfalls and the names and locations of surface waters of the state that receive discharges from those outfalls. OHQ000002 requires a more comprehensive storm sewer system map to be developed. This comprehensive map would need to include the following which are owned and/or operated by the MS4: catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs and private post-construction water quality BMPs which have been installed to satisfy Ohio EPA's NPDES Construction Storm Water general permit and/or the MS4's local post-construction water quality BMP requirements. OHQ000002 requires this comprehensive map to be

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completed within the 5 year permit term or MS4s can request an alternative schedule to complete this map with their 2009 annual report.

4. **Clarification Language for Discharging Home Sewage Treatment Systems (HSTs) (Part III.B.3.e).** OHQ000002 contains language which provides clarification on what, at a minimum, a MS4's plan to address discharging HSTs to their MS4 must include. For additional information about this permit language, please see OHQ000002's Responsiveness Summary (specifically, the Responses to Comment #'s 39, 40, 41, 42, 43, 44 and 45):  
[http://www.epa.state.oh.us/dsw/permits/SmallMS4\\_GP\\_responses\\_jan09.pdf](http://www.epa.state.oh.us/dsw/permits/SmallMS4_GP_responses_jan09.pdf)
  
5. **Requiring MS4 Construction and Post-Construction Ordinances to be Equivalent with the Applicable NPDES Construction Storm Water General Permit for their Permit Area (Part III.B.4.a.i and Part III.B.5.c).** Federal regulations require that construction projects obtain coverage under an NPDES permit whenever the larger common plan of development or sale is one or more acres of land disturbance. As a result, construction site operators must obtain Ohio EPA's NPDES Construction Storm Water general permit (CGP) applicable for that area which contains sediment and erosion requirements and also post-construction requirements. Likewise, the MS4 program requires MS4s to develop ordinances or other regulatory mechanisms to require similar elements of the CGP at the local level.

OHQ000002 requires a regulated Small MS4's construction and post-construction requirements to be equivalent with the technical requirements set forth in the Ohio EPA NPDES CGP(s) applicable for the MS4's permit area. This approach would deter conflicting requirements and allow for a lessened presence of Ohio EPA in regards to the CGP requirements within MS4 jurisdictions. Under this approach, regulated MS4s located within the Big Darby Creek Watershed and portions of the Olentangy River Watershed would need to have their local regulations be equivalent with the technical requirements set forth in these two alternative NPDES CGPs. All other regulated MS4s would be required to have their local regulations be equivalent with the technical requirements set forth in Ohio EPA's statewide NPDES CGP. OHQ000002 provides a two year schedule for MS4s renewing coverage to revise programs to satisfy this requirement.

6. **Require SWP3s for Municipally Owned Facilities that Conduct Activities Defined as Industrial but are Not Subject to the Industrial Storm Water General Permit (Part III.B.6.c).** The Pollution Prevention/Good Housekeeping

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minimum control measure requires that MS4s develop and incorporate measures, including a training component, into municipal operations to reduce storm water pollution from these activities. Ohio EPA believes that certain facilities have a higher potential to negatively impact surface waters through storm water discharges; due to, the nature of activities performed and materials typically present at these facilities. As a result, Ohio EPA believes these facilities need a more comprehensive plan (SWP3) to reduce or eliminate storm water pollutants from these facilities.

Federal industrial storm water requirements contain a loophole which doesn't require some municipally owned facilities to obtain NPDES coverage; whereas, the same facility if privately owned would require coverage. The categories of industrial activity covered under the storm water program are either described by standard industrial classification (SIC) codes or narrative descriptions. This loophole exists for the categories identified by SIC code. OHQ000002 will require SWP3s for the following facilities if owned or operated by the MS4: vehicle maintenance facilities, bus terminals, composting facilities, impoundment lots and waste transfer stations. MS4 operators obtaining initial coverage under this permit will be allowed the five year permit term to develop SWP3s for applicable facilities. MS4 operators renewing coverage under this permit will be allowed 2 years to develop SWP3s for applicable facilities.

OHQ000002 will not require these facilities to conduct analytical monitoring as would be described in the industrial storm water permit, but only to develop and implement a SWP3. Also, if a MS4 has a facility subject to this permit requirement, the MS4 should evaluate if a condition of no exposure would exist. No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff. If a condition of no exposure would exist at a facility then the MS4 would not need to develop a SWP3 for the facility and document that no exposure exists.

7. **Requiring the Use of an Annual Report Form (Part IV.C) and Requiring Specific Information for Each Minimum Control Measure to be Included within Annual Reports (Part III.B.1.d, Part III.B.2.d, Part III.B.3.k, Part III.B.4.d, Part III.B.5.g and Part III.B.6.f).** MS4s are required to submit annual reports that allow Ohio EPA to track and assess the development and implementation status of programs. It is not intended for these reports to be overly burdensome. The first generation general permits had no standardized

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reporting format which resulted in many different variations of reports being submitted. In order to provide a simplified approach to obtain relevant information, OHQ000002 requires the use of an annual report form and the general permit includes specific annual reporting requirements for each minimum control measure. The form has been set up to provide a quick and easy mechanism for regulated MS4s to use. However, MS4s may request approval to use their own reporting format which will be reviewed on a case-by-case basis.

If you have further questions, please contact Jason Fyffe at (614) 728-1793 or via email at [jason.fyffe@epa.state.oh.us](mailto:jason.fyffe@epa.state.oh.us).