



January 17, 2017

VIA HAND DELIVERY

Ohio Environmental Protection Agency
Division of Surface Water – Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

Re: **Written Comments to Ohio's General Permit for Storm Water Discharges
Associated with Industrial Activity (NPDES Permit No. OHR000006)**

Dear Sir/Madam:

Pursuant to Ohio EPA's Public Notice, issued on November 24, 2016, the undersigned business associations are hereby providing Ohio EPA with written comments to Ohio's General Permit for Storm Water Discharges Associated with Industrial Activity ("GSWP"). We appreciate the opportunity to formally comment on the GSWP and look forward to your response.

Exemption for "Non-Industrial" Pollutant Sources

We appreciate the Agency's recognition of neighboring facility's storm water run-on and the provision included in the permit which allows a permittee to document and account for these common situations.

Ohio EPA should also amend the permit to ensure that it allows for the recognition of "natural background pollutants" in determining whether a benchmark has been exceeded; there is no likewise recognition for "non-industrial" pollutant sources, which are commonly part of a facility's building materials. These sources are present with or without industrial activity, at all industrial sites regardless of their SIC codes or whether exempted or not. Because of this, the permit should include a section allowing these sources to be deducted for purposes of determining benchmark exceedance, similar to the "neighboring run-on provision."

Sampling after Measurable Storm Event

The GSWP continues to require that a grab sample from a discharge resulting from a measurable storm event be collected within the first 30 minutes of a measurable storm event ("first flush").

A longer period of time will adequately balance the purpose behind the sampling with the operational demands of a facility, allowing personnel time to grab the sample while not rushing off from the job at hand for no real purpose. Other states (e.g., California, Washington, and

Oregon) have moved to much wider 12-hour sampling windows with justified reasoning. We recommend Ohio follow the precedent set by the western states to allow up to 12 hours after the measurable rain to take the sample. As a result, we recommend that Part 6.1.4 be revised to allow up to 12 hours after the measurable rain event to grab the storm water sample. As an alternative, we would recommend that at least 4 hours be provided.

Re-evaluation of Benchmarks

In the last GSWP, Ohio EPA included a provision that benchmarks could be re-evaluated based on sampling data collected during the five-year period of the previous GSWP. At the time of the last GSWP, neither Ohio EPA nor permittees had any sampling data on storm water run-off because such information was not required in the previous GSWP. Now that Ohio EPA has five-years' worth of data, that data should be analyzed to identify if any benchmarks have been inappropriately established. We would appreciate seeing an Ohio EPA analysis determining that the benchmarks included in the proposed GSWP are reasonable.

Since Ohio EPA now has five-years' worth of established, verifiable data for storm water run-off from industrial activities, this data should be used to establish statistically significant levels of benchmark exceedances that warrant or need control measures, which would be an improvement and advancement on the current methodology of using stagnant benchmarks to dictate the need in every situation for further control measures.

Monitoring "Outfalls"

Due to confusion as to what constitutes an "outfall" for purposes of storm water monitoring, we recommend that the GSWP include a definition of "outfall" similar to that found in Indiana's general storm water permit for industrial activity (see IAC 15-6-4).

Ohio EPA Should Revise the GSWP's Benchmark Monitoring Reference Values for Nitrate plus Nitrite Nitrogen

The Draft GSWP establishes sector-specific benchmark monitoring concentrations for Nitrate plus Nitrite Nitrogen for a number of sectors.

Nitrate plus Nitrite Nitrogen is set using a reference value unrelated to water quality criteria compliance and, in fact, unrelated to storm water discharges from industrial facilities (including, in particular, Agricultural Chemical facilities). Ohio EPA must consider the concentration of Nitrate plus Nitrite Nitrogen expected due to natural conditions as well as incidental increase in concentration attributed to the type of regulated industrial facilities.

In Addition, and Consistent With Other State General Permits, the GSWP Should Be Revised to Include a Provision for Demonstrating Alternative Benchmark Concentrations

OMA requests that Ohio EPA add a provision to the Draft GSWP for permittees to have the option to develop alternative benchmark concentrations for Ohio EPA review. If authorized, the alternative benchmark concentration would be in lieu of the default benchmark concentrations listed in the Draft GSWP. We recommend this be patterned after the successful Georgia model.

This alternative benchmark provision would allow regulated parties to use either the default benchmark values as the target reference for best management practice (BMP) evaluation, or to develop one of these specific parameters to allow for a more thorough, detailed and accurate evaluation of BMPs.

We appreciate the opportunity to comment on the GSWP.

Sincerely,



Director, Public Policy Services
The Ohio Manufacturers' Association



Director, Energy and Environmental Policy
Ohio Chamber of Commerce



President
Ohio Chemistry Technology Council