

Application No. OH0106267

Issue Date: April 25, 2006

Effective Date: June 1, 2006

Expiration Date: May 31, 2011

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System


In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

The City of Columbus

(hereinafter referred to as "The City" or "Permittee") is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from all portions of the City of Columbus municipal separate storm sewer system (MS4), to waters of the State in accordance with the approved Storm Water Management Program, monitoring requirements, and other conditions specified in Parts I, II, III, IV, V, VI and VII of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Administrative Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.



Joseph P. Koncelik
Director

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. **PERMIT AREA.** This permit covers all areas within the corporate boundary of the City of Columbus served by the Permittee's Municipal Separate Storm Sewer System (MS4).
- B. **AUTHORIZED DISCHARGES.** This permit authorizes the following discharges from the point sources on the Permittee's MS4 to waters of the State.
1. All existing or new storm water point source discharges;
 2. Process wastewater, non-process wastewater, or storm water associated with industrial activity from all point source discharges authorized by a separate NPDES permits; and
 3. Non-storm water discharges identified in Part III. D.2 of this permit, unless identified by the Permittee as significant sources of pollutants to waters of the State.
- C. **LIMITATIONS ON COVERAGE**

This permit does not authorize a point source discharge, to the Permittee's MS4, of process wastewater, non-process wastewater, or storm water associated with industrial activity without first obtaining a separate NPDES permit. Any discharge through the Permittee's MS4 to waters of the State which is not authorized by this permit is an illicit discharge deemed by the Director to be a violation of this permit by the point source first introducing the illicit discharge to the Permittee's MS4.

PART II. STORM WATER MANAGEMENT PROGRAM

The Permittee is required to continue the implementation of a storm water management program (SWMP). The SWMP defined in Part III of this permit will be considered as an ongoing effort to reduce the pollutant discharges from the MS4 to the maximum extent practicable (MEP.) and to reduce the impacts on the receiving water quality from the MS4 discharges. The Permittee may implement SWMP elements in cooperative efforts through participation with other public agencies or private entities.

A. LEGAL AUTHORITY

The Permittee shall maintain legal authority to control discharges to and from those portions of the MS4 the Permittee owns or operates. Establishment and exercise of this legal authority may be implemented solely or through a combination of statute, ordinance, permit, contract, or an order to:

1. Prohibit illicit discharges to the MS4;
2. Prohibit spills and the dumping or disposal of materials other than storm water into the MS4;
3. Require compliance with conditions in ordinances, permits, contracts or orders;
4. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

B. STORM WATER MANAGEMENT PROGRAM REVIEW AND MODIFICATION

1. **Program Review:** The Permittee shall participate in an annual review of the current SWMP in conjunction with preparation of the Annual Report required under Part II.C. This annual review shall include the following:
 - a. A review of the status of program implementation and compliance or noncompliance with all compliance schedules contained in this permit with the Ohio EPA;
 - b. An assessment of the effectiveness of the SWMP submitted by the Permittee;
 - c. A review of monitoring data to evaluate the effectiveness of best management practices (BMPS);
 - d. A review of monitoring data to characterize the pollutants in storm water runoff.
2. **Program Modification:** The Permittee may modify the SWMP during the life of the permit in accordance with the following procedures:
 - a. The approved SWMP shall not be modified by the Permittee without the prior approval of the Director, unless in accordance with items b. c or d. below.
 - b. Modifications adding (but not subtracting or replacing) BMPs to the SWMP in Part III of this permit may be made by the Permittee at any time upon written notification to the Director, 30 days prior to implementation of the modification. All modifications shall be noted in the Annual Report.
 - c. Modifications replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. The modification shall not be implemented until the Permittee receives written approval from the Director. Such requests shall include the following:
 - (1) An analysis of why the BMP is ineffective or infeasible (including prohibitive cost);
 - (2) Expectations on the estimated effectiveness of the replacement BMP;
 - (3) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

d. Modifications subtracting without replacing BMPs in the SWMP cannot be made by the Permittee unless:

- (1) It can be demonstrated that there is no feasible alternative to the BMP;
- (2) It can be demonstrated through analysis that the BMP is ineffective or infeasible;
- (3) It can be demonstrated through analysis that the SWMP will continue to achieve reduction of pollutants from the MS4 discharges to the MEP.

Modifications subtracting without replacing a BMP shall not be implemented until the Permittee receives written approval from the Ohio EPA.

e. Modification requests and/or notifications shall be made in writing, (signed in accordance with Part VI.L and Part VI.M), include the above-mentioned information, and submitted at any time to the Central Office of Ohio EPA (Division of Surface Water, Storm Water and Enforcement Section, P.O. Box 1049, Columbus, Ohio, 43216-1049) with a copy to the Central District Office (122 South Front St, Columbus, Ohio, 43216-1049).

C. **ANNUAL REPORT:** The Permittee shall prepare an annual systemwide report to be submitted by March 31st in accordance with this permit. The report shall include the following separate sections, with an overview for the entire MS4:

1. A narrative summary of the overall program evaluation describing the evaluation process, major findings of the evaluation, areas of accomplishments, areas needing improvement and future direction of the program.
2. The status of complying with permit conditions, the progress toward achieving the statutory goal of reducing the discharge of pollutants to the MEP. Any compliance schedules established under this permit shall be included in this section.
3. An assessment of the appropriateness of identified BMPs, and the measurable goals for each of the SWMP elements identified in Parts III. B through III. I. A description of the evaluation process will be listed in the Annual Report.
4. The results of information collected and analyzed during the reporting period, including monitoring data, shall consist of:
 - a. A summary and analysis of the monitoring data, including a summary of both short and long term pollutant trends. The Permittee shall identify water quality improvements or degradation and describe the potential contributing causes and sources.
 - b. Describe any action already taken or planned in response to this information. The Permittee shall include an explanation of what (if any) program changes the Permittee intends to implement.
 - c. A listing of illicit discharges discovered since the previous Annual Report. All illicit discharges for which the Permittee has not confirmed the elimination of, shall be included along with their status (i.e., pursuing administrative order).
 - d. For illicit discharges that originate from a neighboring MS4 outside of the Permittee's jurisdiction and enter into the Permittee's MS4, the City must inform the neighboring MS4 and the Ohio EPA. Include information on the location, supporting data, and resulting action (i.e., referred to local Health Department or Ohio EPA).
5. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(v) and (d)(2)(vi).
6. A summary describing the status, number and nature of enforcement actions (Notices of Violation, Administrative Actions), number and type (construction and industrial), inspections, public education and employee training programs.

7. If the Permittee is relying on another entity to satisfy some of its permit obligations, the Permittee must identify the responsible entity, (contact name and information), the BMP and there must be written acceptance of this obligation. This obligation must be maintained as part of the SWMP. If the other entity fails to implement the control measure on the Permittee's behalf, the Permittee remains liable for the implementation of that BMP.

D. CERTIFICATION AND SIGNATURE OF REPORTS

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Parts VI.L. & VI.M of the permit.

E. REPORTING: WHERE AND WHEN TO SUBMIT

1. Monitoring results obtained during the reporting period shall be submitted along with the Annual Report required in Part II.C.
2. Signed copies of discharge monitoring reports required under Part IV.B., the Annual Report required by Part II.C, requests for SWMP modification, requests for changes in monitoring locations, and all other reports required herein, shall be submitted to the following with a copy to the Ohio EPA, Central District Office (122 South Front Street, Columbus, OH 43216-1049).

Ohio Environmental Protection Agency
Division of Surface Water
Storm Water Unit
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43216-1049

PART III. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS AND SCHEDULE OF COMPLIANCE

A. SWMP Requirements:

The Permittee shall continue the implementation of an SWMP designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of Ohio Revised Code (ORC) 6111 and the Clean Water Act. The SWMP shall include management practices; control techniques, system design, and engineering methods; and shall be modified to include provisions as Ohio EPA determines appropriate after its annual review of the program for control of such pollutants. The SWMP shall include the following information:

1. The BMPS that are already or will be implemented for each of the storm water programs identified in Parts III.B. through III.I.
2. The measurable goals for each BMP identified, as well as the months and years in which the Permittee will undertake the required actions, including interim milestones and the frequency of the action.

B. PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS: The Permittee must implement a program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff.

1. The Permittee must document its storm water education and outreach program. The program must include the following elements at a minimum:
 - a. The program shall inform individuals and households on how to become involved in the storm water program (i.e., activities such as local stream restoration activities).
 - b. How the Permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.
 - c. The Permittee shall develop brochures and handouts listing various household hazardous and toxic materials, with information and guidelines for their proper use and disposal and periodically distribute this information to neighborhood and community organizations and other members of the public.
2. The City shall develop and implement a public education program relating the proper management and disposal of used oil and hazardous materials as it relates to minimizing their impacts into the City's MS4. The program will target issues related to the industrial, commercial and residential audiences of the City.
 - a. The Permittee shall develop, maintain and publicize a list of the recyclers of household hazardous wastes, used motor oils and tire disposal facilities.
 - b. The Permittee public education effort will strive to compliment the public education effort of similar agencies devoted to responsible recycling of household hazardous wastes.
 - c. The Permittee shall inform public employees, business and the general public of impacts associated with illegal discharge and improper disposal of waste.
3. The Permittee shall identify the target pollutants sources that its public education program is designed to address (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.).
 - a. The Permittee shall develop and implement a education program relating the proper use of lawn chemicals, including pesticides and herbicides to minimize pollutant discharge to storm sewers and streams. This education program shall be targeted to City residents.

4. The Permittee may develop and implement this program in conjunction with other agencies, environmental groups or interested parties.
5. The Annual Report will describe how the Permittee will evaluate the success of the public education program including how goals were selected for each BMP.

C. **PUBLIC INVOLVEMENT/PARTICIPATION:** To the extent applicable the Permittee shall comply with State and local public notice requirements when implementing a public involvement/participation program:

1. The Permittee shall report public involvement and participation activities in the Annual Report. The program should include the following elements at minimum:
 - a. The Permittee plan to provide an opportunity for the involvement of the public in its program.
 - b. The Permittee shall offer opportunity to its target audiences for its public involvement program, and develop appropriate methods to reach these audiences. The Permittee shall provide an opportunity to involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowner's associations, and educational organizations, among others.
 - c. The Permittee shall utilize various means to conduct outreach to neighborhood groups and organizations and other members of the public.
2. The Permittee shall identify the types of public involvement activities included in its program. If appropriate, consider the following types of public involvement activities:
 - a. Citizen representatives on a storm water management panel
 - b. Public hearings
 - c. Working with citizen volunteers willing to educate others about the program
 - d. Volunteer monitoring or stream cleanup activities
 - e. Conduct educational/informational presentations to neighborhoods' groups and community organizations.
3. The Permittee shall publicize a hotline or have a mechanism in place to be used for reporting illicit connections, improper disposal and water quality impacts due to MS4 discharges.
4. The Permittee will evaluate the success of the public involvement participation measure, including how measurable goals for each BMP were selected.

D. **ILLICIT DISCHARGE PROGRAM:** The Permittee shall continue a program to detect and eliminate illicit discharges into its MS4. For illicit discharges to the Permittee's MS4 via an adjacent or interconnected MS4, outside the Permittee's jurisdiction, the Permittee is only required to promptly inform the neighboring MS4 and notify the Ohio EPA in its next Annual Report.

1. The Permittee shall prohibit non-storm water discharges to the MS4, except those identified in Part III.D.2 or authorized by a separate NPDES permit.
2. Unless identified by either the Permittee, the Director, or the State as significant sources of pollutants to surface waters of the State, the following non-storm water discharges are authorized to discharge into the MS4. As necessary, the Permittee may incorporate appropriate control measures in the SWMP to ensure these discharges are not significant sources of pollutants to surface waters of the State:
 - a. Waterline flushing
 - b. Landscape irrigation
 - c. Diverted stream flows
 - d. Rising ground waters
 - e. Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
 - f. Uncontaminated pumped ground water

- g. Discharges from potable water sources including unanticipated or emergency utility repairs or failures
 - h. Foundation drains
 - i. Air conditioning
 - j. Irrigation water
 - k. Springs
 - l. Water from crawl space pumps
 - m. Footing drains
 - n. Lawn watering
 - o. Noncommercial vehicle/equipment washing
 - p. Flows from riparian habitats and wetlands
 - q. Dechlorinated swimming pool discharges
 - r. Street wash water
 - s. Discharges or flows from fire fighting activities and emergency response activities
3. The Permittee shall develop a storm sewer map within five years, showing the location of all stormwater outfalls and provide the names and location of surface waters of the State that receive discharges from those outfalls. Information representing locations for surface waters of the State may be based on current available data from other federal, state, or local agencies. The following information shall be submitted:
- a. The Permittee storm sewer map shall show the location or provide a list of all known home sewage treatment systems (HSTs) that discharge (including failing on-lot and off-lot discharging systems where such systems can be identified) into its MS4. It shall include details on the type and size of conduits/ditches in its MS4 that receive discharges from HSTs.
 - (1) The addresses for all on-site HSTs that are identified on the map shall be included in the 5th year of the Annual Report.
 - b. The Annual Report shall describe the sources of information used to fully develop the map, how outfall locations are verified, and how the map is regularly updated.
 - c. The Permittee shall not be in violation of this permit for any HSTs that discharge into the MS4, provided the Permittee has identified the HSTs in accordance with Part III.D.3.
4. Illicit Discharge Detection Program
- a. The plan shall provide procedures for locating areas with the higher likelihood of illicit connections.
 - b. The program shall include procedures for tracing the source of an illicit discharge. Identify the specific techniques that may be used to detect the location of the source.
 - c. The Permittee shall identify its plan to detect and address illegal spills and dumping. The plan shall include dry weather field screening for non-storm water discharges at the outfalls per Part III.J, Schedule of Compliance.
 - (1) Field screening may consist of visual observations and analysis. Specific analyses may be needed to identify the characteristics of local inappropriate entries and potable water sources.
 - (2) Field screening shall consist of the following: visual observations, floatables, color, turbidity, oil sheen, temperature, deposits, stains, odor, vegetation damage, damage to sewer and outfall structure, characteristics of discharge and/or receiving stream, and flow estimates. Field screening may also include the field testing of samples for indicator pollutants as determined by the Permittee. The Permittee will include the field screening evaluation sheet as part of the Annual Report submittal.

- (3) If field screening determines a positive result, the Permittee shall follow-up with lab analysis to aid with future investigations. If a sample is obtained for laboratory analysis, the sample will be analyzed for the constituents identified in Table 1. If the industrial activities in an outfall watershed are known, then samples may be analyzed for constituents specific to those industries to assist in identifying the responsible party. However, sampling may be waived if the source of the dry weather flow can be documented.

5. Illicit Discharge Elimination Plan:

- a. If the Permittee discovers sanitary waste during its routine sampling, the Permittee shall attempt to identify the source and if deemed appropriate the condition of the pipes of the sanitary sewer.
 - (1) The Permittee shall develop expeditious schedules for implementing measures to remove infiltration from sanitary sewers into the separate storm sewer system, whenever a problem is detected.
- b. The Permittee shall educate its employees conducting illicit discharge/illicit connection inspections on the procedures for identification and reporting of illicit connections and improper disposal activities.
- c. The Permittee shall take appropriate enforcement procedures and/or actions under its illicit discharge program (ordinance or other regulatory mechanism) upon the discovery of an illicit discharge.
- d. The Permittee shall require the elimination of illicit connections as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties.

6. Tracking Program:

- a. The Permittee shall develop a database for tracking, inspecting and controlling sanitary sewage from illicit connections or infiltration from sanitary sewers into the MS4 based on observations of sewage in storm water outfalls, storm water conveyance systems, rivers, streams and other water bodies by sewer maintenance crews.
- b. The Permittee shall also develop a tracking mechanism for other sources of illicit discharges. Include the following information: date of initial complaint and observation, source and type of discharge, notice of violation (NOV.) date and verification of elimination.

7. The program shall include procedures for program evaluation and assessment. The Permittee shall evaluate and describe the success of this program, including how measurable goals for each BMP were selected.

E. **CONSTRUCTION PROGRAM:** The Permittee shall continue to implement and enforce its program to reduce pollutants in any storm water runoff from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre shall be included if that construction activity is part of a larger common plan of development that would disturb one or more acres. The program at a minimum should include the following:

1. The Permittee shall continue to enforce its erosion and sediment control regulations.
2. The Permittee shall review all construction storm water control site plans for discharges associated with construction activity for all construction activities having a disturbed land area of one acre or more.

3. The Permittee shall establish priorities and frequencies for construction site inspections. The Permittee shall furnish each inspector with a checklist of common construction site pollution sources and the management practices (both structural and nonstructural) normally used to control such sources.
4. The Annual Report shall document the decision process for the development of the construction site storm water control program. The rationale statement shall address both the overall construction program and the individual BMPs and measurable goals.
5. The Annual Report shall describe the procedures for program evaluation and assessment of the Construction Program.

F. **POST CONSTRUCTION/REDEVELOPMENT PROGRAM:** The Permittee shall develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development. The program shall ensure that controls are in place that would prevent or minimize water quality impacts.

1. The Permittee shall develop and implement strategies which include a combination of structural and/or nonstructural BMPs appropriate for the City.
 - a. Nonstructural BMPs can include, but are not limited to the policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetland and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces and minimize disturbance of soils and vegetation.
2. The Permittee shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment.
3. The Permittee shall develop planning and guidance documents for implementing BMPs for post construction storm water runoff quality control, and shall incorporate such documents into the construction plan approval process for new development and redevelopment.
4. The Permittee shall ensure adequate long term operation and maintenance of BMPs. The Permittee shall clearly identify the mechanism it will use to ensure this. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections in the Annual Report, if not previously submitted.
5. The Annual Report shall document the decision process for the development of a post-construction program. Include the following information at a minimum:
 - a. A lists of new and redevelopment projects that are required to incorporate post construction BMPs.
 - b. The Permittee will describe how the program will be specifically tailored to the local community, minimize water quality impacts and address pre-development runoff conditions.
 - c. Any nonstructural BMPs in the program.
 - d. Any structural BMPs in the program. These may include, but are not limited to wet ponds, extended detention outlet structures, bio-retention cells, filter strips, sand filters, infiltration basins or trenches.
6. The Annual Report shall document the decision process for the development of a post-construction program.

G. **POLLUTION PREVENTION/GOOD HOUSEKEEPING PROGRAM:** The Permittee shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. In particular, the SWMP shall include training on park and open space maintenance, fleet and building maintenance, new construction and land disturbance, and storm and sewer maintenance. The SWMP at a minimum should include the following:

1. The Permittee shall list the municipal operations that are impacted by the operation and maintenance program. The Permittee shall include a list of industrial facilities it owns or operates which discharge storm water to its MS4 that are subject to 40 CFR 122.26 (b)(14). The list shall either show the NPDES permit and facility number, or indicate the date the No Exposure Certification form was submitted.
2. The Permittee shall describe maintenance activities and schedules, and long term inspection procedures for controls to reduce floatables and other pollutants to the MS4. This information shall be presented in the Annual Report.
3. The Permittee shall provide a description of controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the City. The Permittee shall perform street sweeping practices, leaf collection and anti-litter programs to reduce the discharge of pollutants to the maximum extent practicable.
4. The Permittee shall educate all personnel performing deicing operations for the City, on the proper maintenance of spreading equipment, proper spreading practices and optimum applications rates to minimize impacts to water quality.
 - a. The Permittee shall also evaluate snow disposal areas and practices to minimize water quality impacts and train staff accordingly.
 - b. The Permittee shall store deicing materials (salt, sand, cinders etc.) under cover in all of its storage facilities.
5. The Permittee shall develop and implement an employee training program to prevent and reduce storm water pollution from City activities. Activities may include parks and open space maintenance, fleet and building maintenance, new construction and land disturbances and storm water system maintenance.
6. The Permittee shall institute procedures for pollution prevention (P2) to prevent storm water pollution discharge from municipal equipment yards and maintenance shops operations that support road maintenance activities.
7. The Permittee shall inspect its detention ponds for sediment and mow and remove accumulated litter and debris as necessary. The Permittee shall regularly remove litter and debris from the open ditches and trash racks located on the upstream end of culverts. The Permittee shall continue to perform its existing maintenance activities for catch basins and inlets, and shall evaluate these procedures to determine water quality benefits.
8. The Permittee shall evaluate the success of the pollution control program, including how the Permittee selected the measurable goals for each of the BMPs.

H. **INDUSTRIAL AND RELATED FACILITIES PROGRAM:**

1. The Permittee shall prepare an inventory of municipal landfills, transfer stations, hazardous waste treatment, disposal and recovery facilities, and industrial facilities the Permittee determines are potentially contributing a substantial pollutant loading to the City's MS4 and update this list periodically.
2. The Permittee shall establish priorities, develop an inventory of industries for inspection, develop an inspection form and determine frequency of inspections, during the term of the permit.

3. For industrial facility inspections, the Permittee shall confirm that, if applicable, the industrial facility has coverage under an NPDES permit for storm water discharges a storm water pollution prevention plan (SWP3) and that the industrial facility has installed and is maintaining the major BMPs identified within the SWP3. The Permittee shall coordinate training for its staff in order to implement the industrial site inspection requirements.
 - a. During an industrial inspection if the Permittee discovers that the industrial facility is violating the NPDES storm water permit requirements, the Permittee will notify Ohio EPA.
 - b. If the inspection reveals violation of any city code or regulation pertaining to storm water quality management and pollution prevention activities, the Permittee will initiate formal enforcement activities as appropriate per city code. Non-emergency violations shall be listed in the Annual Report.
4. The Permittee will co-ordinate its industrial storm water inspection program with its pretreatment inspection program and its illicit connection detection program.
5. The Permittee shall review and have a mechanism or method for tracking the following: Application information data obtained from Ohio EPA for industrial storm water permittees discharging into the City's MS4 area; monitoring data obtained from permittees and Ohio EPA for industrial storm water permits.
6. Based on the reviews performed in Section 3, the Permittee shall monitor suspect industries within a particular watershed and if evidence of unpermitted discharges of storm water pollution is present, the Permittee shall conduct sampling of the suspect industry or require the industry to perform such sampling.
 - a. When sampling is done, the following parameters will be considered at a minimum:
 - (1) Any pollutant listed in the effluent limitations guidelines for the subcategory of the industry.
 - (2) Any pollutant that is controlled in an NPDES permit for the process discharge from the industrial site.
 - (3) Oil and grease, COD, pH, BOD₅, TSS, total phosphorous, total nitrogen, nitrate plus nitrite, nitrogen and ammonia
7. The Permittee shall list all industries in the Annual Report that are discharging to its MS4, that meet the definition of 40 CFR 122.26 (b)(14) and that cannot provide proof of NPDES permit coverage or a No Exposure Certification response letter from the Ohio EPA for their storm water discharges.

TOTAL MAXIMUM DAILY LOADS

The Permittee must evaluate phosphorous loading from the MS4 to Hell Branch Run. A total of three major storm water outfalls shall be monitored quarterly to evaluate the phosphorus loading to Hellbranch Run, in order to determine the appropriate BMPs to reduce the phosphorous from Columbus MS4 in response to the Big Darby TMDL. The monitoring locations will bracket an area within the watershed to determine upstream contributions, midpoint contributions, and down stream contributions.

J. **SCHEDULE OF COMPLIANCE**

Compliance deadlines are ongoing or to be completed within the specified number of months of the effective date of the permit.

Program Elements Years 1 through 5	SWMP Component	Activity	Compliance Deadline
Part III. B. Public Education and Outreach Program	1. Develop education material's	Publicize information on the causes and prevention of storm water pollution (brochures, pamphlets, ads)	Ongoing
	2. Management of oils and hazardous waste	b. Publicize the locations of private recyclers of household waste and used oil and tire recyclers.	12 Months
	3. Residential lawn program	a. Enhance existing programs'	Ongoing
		b. Implement educational program	Annually
Part III. C. Public Involvement /Participation	1. Identify target audience	Actively involve all potential stake holders'	As-needed
	2. Activities	Identify the public involvement programs	Ongoing as needed
	4. Hotline	Publicize telephone number for reporting of illicit discharges.	Ongoing
Part III. D. Illicit Discharge	3. Mapping	Update, outfall lists	Ongoing
		Fully develop a storm sewer map.	60 months
	4. Detection Program	Field screen 20% of major outfalls	Annually
		Identify procedures to trace illicit discharges	Ongoing
		Spill and illegal dumping plans	
	5. Elimination program	Identify procedures for eliminating the illicit discharge source's.	Ongoing
6. Tracking database	Develop a database for sanitary sewage infiltration and other waste.	18 months	
Part III. E. Construction Program	1. Inspection protocol's	Establish priorities for construction site inspections	Ongoing
Part III. F. Post Construction Program	2. Regulations	Develop requirements for post construction activity that disturb one or more acres.	12 months
	3. Planning documents'	Develop planning and guidance documents for implementing BMPs for post-construction storm water control.	12 months
Part III. G. Pollution Prevention	1. Municipal operations'	List all the municipal operations that are impacted by the O&M program.	12 months
	5. Training and Education	Develop and implement employee training programs to reduce storm water pollution	24 months

Program Elements Years' 1 through 5	SWMP Component	Activity	Compliance Deadline
	6. P2 procedure's	Establish procedures to prevent pollution discharging from municipal yards and shops	18 months
Part III. H. Industrial Program	1. Inventory of industrial facilities	Establish schedules of industries to be inspected during the term of the permit	24 months
		Develop inspection form	6 months
	3. Training and education	Develop and implement routine employee training programs that perform industrial site inspections	12 months
	4. Inspection	Review of facilities monitoring data, SWP3s	12 months
Part III. I TMDL	Hell Branch program	Monitoring locations established.	6 months
		Quarterly sampling initiated	6 months
		Suggested BMPs to address phosphorous, if appropriate after review of sampling program	30 months

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. The permittee shall implement a representative monitoring program for discharges from the MS4 in accordance with the following requirements:

1. **Wet Weather Monitoring Program:** The permittee shall implement a wet weather monitoring program in accordance with the approved schedule in Part V. and shall submit the results in accordance with Part II.C.4.
2. **Seasonal Evaluation:** The Permittee shall evaluate the monitoring data from Table 2 of Part V. to characterize the seasonal quality of storm water discharges. The data from national databases may be substituted to meet this requirement.
3. **Alternate Monitoring Locations:** Monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. The Director, shall approve of the use of an alternate monitoring location in writing prior to the commencement of monitoring requirements. The Ohio EPA may request alternate monitoring locations at any time during the term of the permit.

B. **STORM EVENT DATA:** Representative monitoring data shall be collected for each parameter sampled. The Permittee shall maintain records of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

1. **Sample Type, Collection, and Analysis:** The following requirements apply only to samples collected for wet weather monitoring.
 - a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, a minimum of one grab sample may be taken.
 - b. All samples shall be collected to reflect the discharge resulting from a wide range of storm events producing adequate sampling volume for analysis. The time lag between the storm event and the last previously measurable storm event shall be reported and the appropriateness of the time lag shall be justified.
 - c. Grab samples and samples for flow-weighted composites shall be taken during the entire event or during the first three hours, whichever occurs first. Each sample shall be separated by a minimum period of fifteen minutes, or a maximum period of forty-five minutes, with a minimum of three samples per event. Grab samples shall be analyzed for pH, temperature, cyanide, oil and grease and E-coli. Flow-weighted composite samples shall be used for all other parameters listed in Table 2. Flow-weighted composite samples may be taken with a continuous sampler or by combining discrete samples in proportion to the flow.
 - d. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved C.F.R. Part 136 method does not exist, a suitable method may be used, but the Permittee must describe the analysis methods and document the reference.
2. **Sampling Waiver.** When the Permittee is unable to collect samples for Representative Seasonal Monitoring due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (local drought, extended frozen conditions, etc.).

PART V. SPECIFIC MONITORING PLAN (LOCATIONS, PARAMETERS, FREQUENCIES ETC.)

Table 1. Dry Weather Screening Program

PART V. SPECIFIC MONITORING PLAN (LOCATIONS, PARAMETERS, FREQUENCIES ETC.)

Table 1. Dry Weather Screening Program

Year	Description	Parameters	Frequency
1 through 5	Annual dry weather field screening	Dry Test kits/visual	approx. 20%/year

- 1) Sampling parameters: Visual -odor, color, turbidity, floatables, and estimated flow, oil sheen, deposits and stains, vegetation damage (excessive vegetation or lack of vegetation) damage to sewer and outfall structures, and temperature. Chemical analysis (grab samples) pH, total residual chlorine, surfactants, fluoride, hardness, ammonia, potassium, total phenols, water temperature, specific conductivity, copper and phosphorous.

Table 2. Wet Weather Monitoring Program (Outfall and stream)

Year	Monitoring Points	Description	Para.	Frequency
1 through 5	MH_1, MH_2, MH_3, MH_4, MH_5,	Annual wet-weather monitoring program	(2)	Quarterly

2. Wet weather parameters: Total alkalinity, BOD, COD, dissolved phosphorous (dissolved ortho phosphate), TSS, CBOD, Oil and grease, pH, temperature, NH3, DO, E-coli, Cadmium, Chromium, Copper, Lead, Nickel, Zinc, Total Cyanide, Total Phosphorus.

Table 3. Monitoring location information

Monitoring locations	Land Use	Locations	Receiving stream
MH_1	Med. density residential.	Dunsworth Rd. and Billingsley Ave	Olentangy River
MH_2	Commercial	Sawmill Place Blvd and Bent Tree	Olentangy River
MH_3	Industrial	Joyce Ave. and Windsor Ave.	Alum Creek
MH_4	High den. residential	Wicklow Rd. and Richardson Ave.	Scioto River
MH_5	Multi-family residential	Petzinger Rd and Courtright Rd.	Mason Run

PART VI. STANDARD PERMIT CONDITION

- A. **RECORDS RETENTION.** The Permittee shall retain all of the following records for the municipal separate storm sewer system for a minimum of three years, including:
1. All sampling and analytical records (including internal sampling data not reported);
 2. All original recordings for any continuous monitoring instrumentation;
 3. All instrumentation, calibration and maintenance records;
 4. All system operation and maintenance records;
 5. All reports required by this permit; and
 6. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application.
 7. These periods will be extended during the course of any unresolved litigation, or when requested by the U.S. EPA Administrator or the Ohio EPA. The three-year period for retention of records shall start from the date of sample, measurement, report, or application.
- B. **NOTIFICATION REQUIREMENTS.**
1. The Permittee shall call the Ohio EPA Emergency Spill Number (1-800-282-9378) within 24 hours of knowing or having reason to believe that the discharges from the Permittee's MS4 will threaten the receiving stream or public health. This number should be used in an emergency situation in which the discharge is beyond the control of the Permittee.
 2. For the telephone reports required by Part VI.B.1, the following information shall be included.
 - a. The times at which the discharge occurred (if known), and was discovered;
 - b. The approximate volume and the characteristics of the discharge (if known);
 - c. The location of the discharge into the MS4, and the location of the municipal outfall;
 - d. The receiving stream(s) effected by the discharge;
 - e. The circumstances which created the discharge (if known);
 - f. The name(s) and telephone number(s) of the responsible party, if known;
 - g. What remedial steps are being taken; and
 - h. The name(s) and telephone number(s) of the person(s) responsible for such remedial steps.
 3. These telephone reports shall be confirmed in writing within five days of the knowledge of the discharge. The report shall include the following:
 - a. The type of discharge;
 - b. The extent of the discharge;
 - c. The cause of the discharge;
 - d. The period of the discharge including exact dates and times;
 - e. If uncorrected, the anticipated time the discharge is expected to continue; and
 - f. Steps being taken to reduce, eliminate, and/or prevent recurrence of the discharge.

4. Compliance Schedule Events:

If the Permittee is unable to meet any schedule of this permit, the Permittee shall submit a written report to the Central Office of Ohio EPA in Columbus with a Copy to the Northeast District Office of the Ohio EPA within 14 days of becoming aware of such a situation. The report shall include the following:

- a. The compliance event which will not be met;
- b. The cause of the failure to meet the condition;
- c. The remedial action being taken; and
- d. The probable date by which the condition will be met.

5. The Permittee shall include all significant, but non-emergency events not reported under paragraphs 1, 2, or 3 of Part VI.A. with the Annual Report required in Part II.C. The reports shall contain the information listed in paragraphs 2 and 3 of Part VI.A.
6. Where the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

C. **TRANSFER OF OWNERSHIP OR CONTROL.** This permit can neither be transferred nor assigned, nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

1. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the Permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty days prior to the proposed date of transfer;
2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;
3. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to modify or revoke the permit and to require that a new application be filed;
4. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

D. **DUTY TO COMPLY.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

E. **PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.**

1. ORC Section 6111.07 prohibits any person from knowingly submitting false information or records or failing to submit information or records pertaining to discharges required as a condition of a permit.
2. ORC Section 6111.99 establishes that whoever violates the provisions of ORC Section 6111.07 division C, shall be fined not more than \$ 25,000 per violation.
3. ORC 6111.99 provides that any person who violates Sections 6111.042., 6111.04., 6111.05., or division (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

- F. **DUTY TO REAPPLY.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.
- G. **NEEDS TO HALT OR REDUCE THE ACTIVITY NOT A DEFENSE.** 40CFR 122.41(c) states that it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- H. **DUTY TO MITIGATE.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit.
- I. **AUTHORIZED DISCHARGES.** All discharges authorized herein shall be consistent with the terms and conditions of this permit. Any discharge violation may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.
- J. **DUTY TO PROVIDE INFORMATION.** The permittee shall furnish to the Director, within a time specified by the Director, any information which the Director may request to determine compliance with this permit. The permittee shall also provide to the Director upon request copies of records required to be kept by this permit
- K. **OTHER INFORMATION.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Director, he or she shall promptly submit such facts or information.
- L. **SIGNATORY REQUIREMENTS.** All applications, reports or information submitted to the Director shall be signed and certified by:
1. For a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
 2. A duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- M. **CERTIFICATION.** Any person signing documents under this section shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

- N. **OIL AND HAZARDOUS SUBSTANCE LIABILITY.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA or section 106 of CERCLA.
- O. **SOLID DISPOSAL.** Collected screening, slurry, sludge, and other solids shall be disposed of in such a legal manner as to prevent entry of those wastes into waters of the state.
- P. **CONSTRUCTION AFFECTING NAVIGABLE WATERS.** This permit does not authorize or approve the construction of any on-shore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.
- Q. **PROPERTY RIGHTS.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- R. **SEVERABILITY.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- S. **STATE/ENVIRONMENTAL LAWS.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- T. **OPERATION AND MAINTENANCE.** The permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWMPs. Operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- U. **MONITORING AND RECORDS.**
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 2. The permittee shall retain records of all monitoring information including all sampling and analytical records, all instrumentation, calibration and maintenance records and all original recordings for continuous monitoring instrumentation, all system operation and maintenance records, all the reports required by this permit, and records of all data used to complete the application for this permit; latest version of SWMP, for a period of at least 3 years after coverage under this permit terminates. This period may be extended by request of the Director at any time.
 3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures, when available, for the analytical techniques or methods used; and

- g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

V. **MONITORING METHODS**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

W. **PERMIT MODIFICATION OR REVOCATION**

1. After notice and opportunity for hearing, the permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term, for cause including, but not limited to the following:
 - a. changes in State or Federal statutes or regulations or standards;
 - b. other modifications deemed necessary by the Director to meet the requirements of the Clean Water Act.
 - c. violation of any terms or conditions of the permit.
 - c. all modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.
 - d. Changes in any conditions that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - e. Obtaining this permit by misrepresentation or failure to disclose all relevant facts.
 - f. Impacts on receiving water quality caused, or contributed to, by discharges from the MS4.
2. Pursuant to rule 3745-33-06, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the Ohio EPA at least ninety days before the date on which it is desired that the modification becomes effective.

X. **INSPECTION AND ENTRY.** The permittee shall allow the Director or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

Y. **AVAILABILITY OF REPORTS.**

Except for data determined by the Ohio EPA to be titled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.

Z. **APPLICABLE FEDERAL RULES.** All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

PART VII. DEFINITIONS.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Publ. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)

"Columbus Municipal Separate Storm Sewer System" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by the City of Columbus; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

"Director" means the director of Ohio EPA or an authorized representative.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

"Flood control project", means any regional flood control structure constructed in the MS4 system. Regional flood control structures are those structures that are designed for mitigating the effect of flooding from watersheds involving at least one other jurisdiction and includes detention /retention basins, channels, levees, etc. etc.).

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges identified in Part III. D. 2. Sources identified and in compliance with Part III.D.2 of the permit are not considered illicit discharges.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Large or medium MS4" means all municipal separate storm sewers that are either:

(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or

(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium MS4.

"Major outfall" means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

"MEP" is an abbreviation for "Maximum Extent Practicable," the discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p). MEP may be achieved in phases by using management practices, control techniques and system design and engineering methods which are designed to reduce storm water pollutant discharges from the MS4 and are technically and economically feasible.

"MS4" is an acronym for "municipal separate storm sewer system" and is used to refer to either a Large or Medium Municipal Separate Storm Sewer System.

"Outfall" means a point source where a MS4 discharges to water of the states and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the state.

"Permittee" refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the State.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Structural Controls", Structures and conveyances used to collect, convey or store storm water or to remove pollutants from storm water (e.g., infiltration device, constructed wetland, bio-filter, extended detention basin, vegetated swale, water quality inlet, catch basin, etc.).

"Toxic materials", means any material which can cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological or reproductive malfunction or physical deformities in any organism or its offspring, or which can become poisonous after concentration in the food chain or in combination with other substances.

"Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Industrial Activity" As defined in 40CFR 122.26 b (14).

"SWMP" is an acronym for "Storm Water Management Program."

"Types of Samples"

1. Grab samples are individual samples collected instantaneously.
2. Composite Sample: a composite sample shall mean:
 - a. A flow-weighted composite sample, which is a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge at the time the sample is collected; or
 - b. a time-weighted sample, which is a mixture of equal volume aliquots collected at a constant interval of time.
 - c. a mixture of equal volume aliquots collected at equal increments of flow volume.

"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.