

Impacts of Changes in Ohio EPA MS4 General Permit OHC000004 on HCSWD Programs and Co-Permittees - Update

Topic	Permit Section(s)	Description of Change	Implications	Timeline	Potential Impact			Level of Effort	Responsible Entity or Entities					
					Regs	Policy	Cost		SWCD	HP+D	HCPH	CPs	District	
General	Appendix A	Appendix A identifies the regulated MS4 co-permittees that must implement new performances standards for identified TMDL pollutants in the associated TMDL watershed: - Dissolved Nitrogen and Total Phosphorus (Mill Creek communities) - Total Suspended Solids (Lower Little Miami communities) - E-coli and CBOD - a deicing agent (Lower Little Miami; Hamilton County, Anderson, Symmes & Sycamore Twps)	There will be impacts to permit compliance activities in identified TMDL MS4 communities. (More detail later in this table.)	No deadline - clarifying language		X	X	Varies				X	X	
	1.B.4	Implementation of new, specific BMPs/performance standards throughout permit will meet goals of TMDLs.	For MS4s with TMDLs, new performance standards are required - some involve choosing from a list. These are in addition to other permit requirements. (More details on these BMPs/performance standards in later permit language.)	No deadline - clarifying language	X	X	X	Varies	X	X	X	X	X	
	1.B.4 and Appendix A	TMDL performance standards for communities located in multiple watersheds apply only to the parts of the community served by an MS4 operated by the community that discharges to the water body covered by the TMDL.	There may be different identified TMDL pollutants to be addressed that will apply to different parts of a co-permittee community if it is in more than one TMDL watershed.	No deadline - clarifying language				High				X	X	
	1.B.4 and Appendix A	Permit states that implementation of new TMDL-related performance standards are applicable only to drainage areas leading to MS4 discharges in TMDL watersheds for MS4 communities and pollutants identified in Appendix A.	This may lead to complexities for communities in more than one TMDL watershed. For MCM1 and MCM2 compliance, it may be simpler to develop education, outreach, public participation and public involvement materials and activities that cover all TMDL pollutants identified within the District.	No deadline - clarifying language	?	X	X	High				X	X	
	1.D.2.	NOI submittal requirements for co-permittees, language relating to co-permittees who leave.	Applies only to co-permittees who leave.	N/A										X
	1.D.2., II.A.4, & II.B	NOIs must be submitted online using an Ohio EPA web portal. All co-permittees must submit an NOI. These must be submitted within 90 days of permit issuance - July 1, 2021.	New process for District and co-permittees.	Due July 1, 2021			X						X	X
	III.A.2.	The updated SWMP must be submitted online with the 2021 Annual Report - by April 1, 2022.	This is a decrease from two years in the prior permit.	1 year		X	X	Moderate	X	X	X	X	X	X

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MCM1	III.B.1.c.iv	If your small MS4 discharges to a watershed with a U.S. EPA approved TMDL, your storm water public education and outreach program shall, at a minimum, <b>target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five storm water themes</b> or messages over the permit term. Single themes or messages may target multiple pollutants.	The existing public and education outreach materials will need to be updated to add one theme for each TMDL pollutant identified for the regulated co-permittee MS4s in Appendix A. The option to combine TMDL pollutants may make this easier to implement. Per the final permit language, this only applies to those co-permittees with TMDL(s) and only those areas within the co-permittee under that TMDL.	During 5-year permit term		X	X	Moderate - High	X			X	
	III.B.1.c.v.	Reporting requirements revised to include identification of target pollutants provided and an estimate of the people reached "in your jurisdiction".	Means that the District must identify/estimate the number of people educated <b>within each co-permittee community</b> . Need to be able to demonstrate we have performed activities in each co-permittee community over the permit term. We have been moving towards this already, but will need to increase recordkeeping for public education & outreach mechanisms.	Assuming when updated eBiz website is released (~ 1 year)		X	X	Low - Moderate	X			X	X
MCM2	III.B.2.c.ii.	"If your small MS4 discharge to a watershed with a USEPA approved TMDL, your storm water public involvement/participation <b>program shall, at a minimum, target each TMDL pollutant identified for your small MS4 at least once to satisfy your minimum of five public involvement activities</b> over the permit term. Single public involvement activities may target multiple pollutants.	Future events would need to include <b>one event targeting each identified TMDL pollutant for each small MS4 with identified TMDL pollutants in Appendix A</b> . As it stands now, this only applies to those co-permittees with TMDL(s) and only those areas within the co-permittee under that TMDL.	During 5-year permit term		X	X	Moderate	X	X?	X?	X	
	III.B.2.iii.	Reporting requirements revised to include identification of target pollutants for each activity and an estimate of the people reached "in your jurisdiction"	Means that the District must include an estimated number of people who participated <b>within each co-permittee community</b> . Need to be able to demonstrate we have performed activities in each co-permittee community over the permit term.	Assuming when updated eBiz website is released (~ 1 year)		X	X	Moderate	X	X?	X?	X	X

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MCM3	III.B.3.b.	Comprehensive MS4 map must include all <b>public and private</b> post-construction controls <b>and the type of practice for each</b> . This must be accomplished within 5-years of the effective date of the permit term.	This applies only to controls that were installed since the Construction General Permit for MS4s was implemented.	5 years			X	Low for HP+D, may be moderate for co-permittees		X			
	III.B.3.c.i. & ii.	A new requirement for the list of on-site sewage disposal system stipulating all that are " <b>located within your jurisdiction and are connected or discharging to your small MS4</b> ".  Map should show " <b>all HSTs located within your jurisdiction and connect or discharge to your small MS4 ...</b> "	Complexity of accomplishing this depends on whether this information is currently available.	5 years		X	X	?		?	X		
	III.B.3.g.	Adds desalinated and debrominated pools and non-planned firefighting activities to list of non-storm water discharges.	Need to determine if this requires an update/amendment to Article II District regulations. May need to modify regulation - which will take time by District and co-permittees.	Not specified	?		X	Moderate				X	X
	III.B.3.i.iv.	Program to detect and address IDDE ... description shall address the following: "Your program to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented to the extent allowable under State law."	Verify whether current District Article II illicit discharge regulations meet this criteria and will need to include this rationale in the updated SWMP. Modify if necessary.	Not specified - assume 1 year	?		X	Low - Moderate			X	X?	X
	III.B.3.j.i.	"If you are renewing coverage under OHQ000004, your storm water illicit discharge detection and elimination program shall have already included an initial dry-weather screening of all your storm water outfalls. .... For reference, see the definition of outfall from an MS4" in Part VI of this permit."	Removed the proposed dry weather screening of 1000 outfall locations and allows the District to focus on a prioritized approach to outfall screening based on knowledge gained from prior 10 years.	Completed			X						
	III.B.3.j.iii.	Data collected each year shall be evaluated and priorities and goals shall be revised annually based on this evaluation.	Ohio EPA expects that the long-term outfall surveillance program be evaluated and revised each year if necessary. This includes re-prioritization.	Annually									

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	III.B.3.j.v.	You shall notify Ohio EPA within 24 hours if any of the following illicit discharges are detected discharging into your small MS4: - Illicit sanitary cross connections - Leaking or broken sanitary sewer lines that are actively contributing sewage to the MS4	Speeds up a process already being implemented. Specifies date, location & general description to be reported.	On-Going				Low			X	X	
	III.B.3.j.vi.1	"Your illicit discharge detection and elimination program shall include the following performance standard:  Include an <b>annual employee training which includes illicit discharge detection and elimination topic(s).</b> "	Applies to MS4 discharges to watershed(s) with TMDLs and the following TMDL pollutants (nutrients, e. coli, bacteria, DO & organic enrichment are identified for that MS4.	Already part of MCM6 Facility staff training.			X	Moderate			X		
	III.B.3.j.vii.	Adds to <b>reporting requirements</b> - includes illicit discharges detected during outfall screening and other methods. This includes a <b>summary of performance standard activities.</b>  The <b>list of identified but not eliminated illicit discharges will include an estimate of volume, source and type</b> (continuous/intermittent/one-time, <b>types of pollutants and receiving water(s).</b>	Meeting this requirement can best be accomplished by setting up the current IDDE database to keep track of the required information.  The District will also need to let the co-permittees know about their additional recordkeeping and reporting responsibilities for those that elect to perform IDDE work on their own.	Annually		X	X	Low - Moderate			X	X	X
MCM4	III.B.4.	Addition of "non-sediment pollution controls" throughout	Covered in our Article III District Regulation and MS4 plan review process.	Completed				Low	X			X	
	III.B.4.b.vi.	Program will include "a written enforcement escalation plan..." for procedures used during sanctions.	Requires a detailed written plan/protocol.	In progress by SWCD. 1 year for Co-Permittees		X		Low	X			X	
	III.B.4.c.i.	Ordinance must meet the current Construction General Permit (OHC000005).	Article III meets the CGP requirements.	Completed	X			Low				X	X
	III.B.4.c.ii.	<b>Software or a checklist are to be used to document each SWP3/plan review. Copies must be retained. Documentation of any communications regarding the SPW3/plan review must also be maintained.</b>	SWCD is already using a checklist. Co-permittees who are performing development services on their own will need to receive and use this checklist. The new Accella program will eventually help with implementation.	Being implemented now by SWCD. 1 year for co-permittees		X		Low	X			X	X
	III.B.4.c.iii.	An <b>inspection checklist will be used for all MS4 construction site inspections.</b>	Verify that current checklists are up to date with SWCD and co-permittees. Modify if necessary.	1 year		X		Low	X			X	X

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	III.B.4.b.i. - viii.	"You shall document the decision process for the development of a construction site erosion and sediment control program." which will include "Your program to ensure compliance with your erosion and sediment control regulatory mechanism, including sanctions and enforcement mechanisms you will use to ensure compliance. <b>Include a written enforcement escalation plan describing</b> your procedures for when you will use certain sanctions including nonmonetary penalties (such as stop work orders), fines, bonding requirements ..."	Prepare formal documentation of enforcement escalation plan meeting these requirements for SWCD and co-permittees who are performing development services on their own.	No timeline specified. Will be part of updated SWMP which is due in 1 year.				Varies	X			X	X
	III.B.4.c.iv.	For MS4s with identified <b>TSS or nutrient</b> TMDL pollutants there is an <b>increased inspection schedule (once every 14 days) for sites not in compliance</b> with any of the following: construction has started with no MS4 reviewed and approved SWP3 in place, failure to install sediment basins as first step in SWP3 7 days prior to grading and/or grubbing, failure to implement sediment/erosion controls, or dewatering results in turbid discharges. To continue until site is in compliance.	Build these situations and timetables into standard inspection protocols. Only applies to sites in TMDL watersheds with TSS or nutrient TMDL pollutants.  Co-permittees who are performing development services on their own will need to be informed of this requirement.	No timeline specified. Will be part of updated SWMP which is due in 1 year.		X	X	Moderate	X			X	
MCM5	III.B.5.d. & e.vi.	You shall ensure adequate long-term operation and maintenance of <b>post-construction runoff controls, including provisions for when property changes ownership.</b>  The program will document "How you will ensure the long-term operation and maintenance (O&M) of <b>any implemented or installed post-construction runoff controls.</b> Options to help ensure that future O&M responsibilities are clearly identified <b>and enforceable</b> include an agreement between you and another party entity such as the post- development landowners or regional authorities.	Ohio EPA is focused on MS4s ensuring the long-term performance of installed post-construction storm water controls and that enforcement mechanisms are in place. A formal, long-term post-construction inspection program, including enforcement protocols, will need to be developed, implemented and documented.	Not specified in permit. Will be part of updated SWMP which is due in 1 year.		X	X	Moderate - High		X		X	
	III.B.5.f.i.	Ordinance shall meet the Construction General Permit requirements (OHC000005).	Article V of the District regulations was amended to accomplish this.	Completed	X	X		Low		X		X	

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	III.B.5.f.ii.	<b>Software or a checklist is to be used consistently in the SWP3/plan review.</b> "Documentation or communications regarding review and plan revisions shall be maintained."	The checklist that has been developed will be used for all plan reviews and copies retained to meet recordkeeping requirements.  Provide checklist and documentation requirements to co-permittees.	No timeline specified. Will be part of updated SWMP which is due in 1 year.		X		Low		X		X	
	III.B.5.f.iii.	<b>Software or standard checklist to be used for all inspections.</b>	Verify that this is taking place and that documentation exists.  Provide checklist to co-permittees.			X		Low		X		X	
	III.B.5.f.iv.	Added language about ensuring long-term O&M plans are in place <b>after changes of ownership.</b>  <b>Maintain a copy of all long-term O&amp;M plans</b> and agreements and document inspections.  One site inspection, at a minimum, for each post-construction control during permit term is required.	Evaluate current process for O&M plans and changes in ownership & modify if necessary.  Implement new recordkeeping requirement.  Co-permittees performing development services must be notified of this change.	No timeline specified. Will be part of updated SWMP which is due in 1 year.		X	X	?		X		X	
	III.B.5.f.v.	New TMDL performance standards: "a. ... an <b>educational opportunity to contractors, SWP3 designers, and/or employees</b> on OHC000005 Table 4b practices and/or other <b>green infrastructure practices</b> during the permit term..."	Applies only to MS4 co-permittees identified in Appendix A with TSS or nutrients listed as TMDL pollutants.	One in 5-year permit term				Moderate		X		X	X

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	III.B.5.f.v.	<p>New TMDL performance standards:</p> <p>Each applicable co-permittee <b>must do one of the following:</b></p> <p><b>"b. Retrofit one existing storm water practice that solely provides a peak-discharge function to meet the performance standard ... in accordance with Table 4a or 4b,</b></p> <p><b>c. Perform restoration of at least three hundred linear feet of -channelized stream where natural channel stability and floodplain restoration will reduce stream erosion, or</b></p> <p><b>d. Updated your ordinance or other regulatory mechanism to require OHC000005 Table 4b practices and/or other green infrastructure where feasible, or</b></p> <p><b>e. Install one (1) or more OHC000005 Table 4b practices to treat a minimum of 1 acre of existing impervious area developed prior to 2003. "</b></p>	<p>Applies only to MS4 co-permittees identified in Appendix A with TSS or nutrients listed as TMDL pollutants.</p> <p><b>Co-permittees can work together to implement</b> but the size/quantity, length required is multiplied by the number of co-permittees participating together.</p> <p><b>Co-permittees can work with outside entities</b> as long as the project is within the same TMDL watershed boundary.</p> <p>May be implemented outside the MS4 boundary but must be within the identified TMDL watershed.</p>	Begin to implement performance standard option(s) within 2 years.	X	X	X	High		X		X	X
	III.B.5.f.vi.d.	<p>New reporting requirement: <b>Number of enforcement actions taken for failure to adequately install post-construction runoff controls and the number of enforcement actions taken for failure to maintain</b></p>	<p>These can be built into the current recordkeeping and reporting processes.</p>	Annually		X		Low		X		X	X
	III.B.5.f.vi.g.	<p>New reporting requirement: <b>Summary of activities related to TMDL performance standards</b></p>	<p>Will develop a mechanism to monitor and track. This is complicated by the number of co-permittees that will be required to perform one of the activities.</p>	<p>Not specified. Annually after SWMP developed assumed.</p>		X	X	Moderate		X		X	X
MCM6	III.B.6.d.iii.2	<p>The permit adds "handling" of salt/sand" as an activity to be controlled.</p>	<p>Will need to incorporate into MCM6 MS4 facility staff training and co-permittees will need to track. Modify FSWP forms to include this change.</p>	<p>No timeline specified. Will be part of updated SWMP which is due in 1 year.</p>				Low			X	X	

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	III.B.6.d.iii.3	Modified to add "management of" waste handled by the MS4, and amended to include " <b>street sweeping/catch basin cleanings</b> " to the list of MS4 wastes to managed and properly disposed.	The permit is focusing on quantifying all performance metrics in MCM6.  Will need to incorporate updated language regarding activities to be tracked in MCM6 MS4 facility training. Also update the FSWP forms to include these new activities.	No timeline specified. Will be part of updated SWMP which is due in 1 year.		X	X	Moderate			X	X	X
	III.B.6.e.iii.	"Your <b>salt piles shall be covered</b> with no run-on and subsequent run-off of salt. All tanks of <b>brine or other liquid road treatments shall have secondary containment or alternatively bollard or barrier protection.</b> "	All facilities without these controls will need to install them within two years. This should be added to the MCM6 MS4 facility staff training.  These practices are currently being recommended in the MCM6 FSWP program with MS4 facility staff.	2 years		X	X	Low for District; High for co-permittees			X	X	X
	III.B.6.e.iv.	The permit contains <b>new timelines for stabilization after ditch/MS4 maintenance</b> has been performed. Timelines depend on distance from waterways.	An education and outreach program - possibly part of the MCM6 MS4 facility staff training. This will likely require a change in procedures for most co-permittees.	2 years		X	X	Moderate to high			X	X	
	III.B.6.e.vii.	New TMDL performance standards for identifies MS4s in Appendix A.  <b>Each MS4 community partially or wholly in TMDL watershed(s) will need to develop and implement one of these programs:</b>  1. A <b>street sweeping program - all curbed streets twice a year, or</b> 2. A <b>catch-basin cleaning program - all catch basins at least once every 5 years, or</b> 3. A <b>leaf/yard waste collection program</b> in the portion(s) of their community located in a TMDL watershed; or 4. <b>For small MS4 facilities that do not require an NPDES industrial storm water general permit coverage, but require a SWPPP- conduct at least quarterly facility inspection and document a series of requirements during each visit.</b>	This will be a time, staff, and resource intensive requirement to meet.  The fourth option could be met, for applicable MS4 facilities, by altering the current FSWP program forms for the required documentation and requiring quarterly facility walkthroughs/inspections.	2 years		X	X	High			X	X	X

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	III.B.6.e.viii.	<p>New quantity recordkeeping and reporting requirements:</p> <p><b>Document the amounts of wastes properly disposed from your small MS4 and your municipal operations, including the disposal location;</b></p> <p><b>Document whether your road salt storage is covered, tons of salt used, gallons of brine used (and concentration), lane miles treated and measures taken to minimize usage;</b></p> <p><b>Document the gallons used of pesticides and herbicides and measures taken to minimize usage;</b></p> <p><b>Document the pounds used of fertilizer and measures taken to minimize usage;</b></p> <p><b>Document the amount of street sweeping and catch basin cleaning material collected and properly disposed, including disposal locations.</b></p>	<p>Co-permittees will need to track their usage, quantities, where disposed of (applicable to street sweeping and catch basin cleaning materials) and report this information to the District annually.</p> <p>This information should be added to the MCM6 MS4 facility training materials.</p>	Annually		X	X	High			X	X	X