

April 2003

**Storm Water Program**

In response to the need for comprehensive NPDES requirements for discharges of storm water, Congress amended the CWA in 1987 to require the U.S. EPA to establish phased NPDES requirements for storm water discharges. U.S. EPA published its Phase I regulations in the Federal Register on November 16, 1990, (40 CFR 122.26) those regulations included permit application requirements and deadlines for certain categories of storm water discharges associated with industrial activity, and discharges from municipal separate storm sewer systems (MS4s) serving populations of 100,000 or more. U.S. EPA published its Phase II regulations in the Federal Register on December 8, 1999 which amended 40 CFR 122.26, and created 40 CFR 122.30 through 122.37. Phase II created requirements for some MS4s serving populations less than 100,000, ended an exemption for publicly owned industrial facilities, and revised the industrial program (which includes construction). As an NPDES delegated state, Ohio EPA is responsible for implementing the federal storm water program.

**Municipal**

On the municipal side, the Phase I regulations covered discharges of storm water from large and medium MS4s. Large municipalities with a separate storm sewer system serving a population greater than 250,000 and medium municipalities with a service population between 100,000 and 250,000 had to obtain NPDES

permits. Initial application deadlines for large and medium municipalities were November 16, 1992 and May 17, 1993, respectively.

As part of their individual NPDES permit applications, the large and medium MS4s had to develop a storm water management program (SWMP). The Phase II regulations required small MS4s in urbanized areas, defined by the census bureau, to develop SWMPs and apply for permit coverage by March 10, 2003.

**Industrial**

The list of storm water discharges associated with industrial activity is extensive. All storm water discharges associated with industrial activity that discharge to waters of the state or through a MS4 are required to obtain NPDES permit coverage. Discharges of storm water to a combined sewer system or to a sewage treatment plant (aka, publicly owned treatment works - POTW) are excluded.

A brief description of the categories of industrial activity covered under the storm water program include:

- i) Facilities covered by effluent limitation guidelines,
- ii) Facilities covered by standard industrial classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373,
- iii) Facilities covered by SIC 10-14,

iv) Hazardous waste treatment, storage, and disposal facilities,

v) Landfills, land application and open dump sites,

vi) Steam electric power generating facilities including coal handling sites,

vii) Recycling facilities including scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including those classified as SIC 5015 and 5093,

viii) Transportation facilities classified as SIC 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171, that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations,

ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system for facilities with a design flow greater than 1.0 MGD or required to have a pretreatment program,

x) Construction activity disturbing one or more acres of land (the original Phase I threshold was five acres, but as of March 10, 2003, it was lowered to one acre),

xi) Facilities classified as SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

In depth information about standard

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industrial classification codes can be found using the following website: <http://www.osha.gov/oshstats/sicser.html>

Under Phase I, facilities under category xi that did not have materials exposed to storm water were not required to file an application of any kind. Phase II expanded the “no exposure” exemption to also include categories i through ix. Also, to be eligible for the exemption, Phase II requires the filing of a No Exposure Certification form.

As a result of changes made to the Phase I storm water regulations by the “Transportation Act” of 1991, municipalities with a population or a service population less than 100,000 were only required to obtain storm water permits for three types of industrial activities that they owned/operated. Those activities were airports, power plants, and uncontrolled sanitary landfills. Requirements for municipalities with a population greater than 100,000 that own/operate facilities with storm water discharges associated with industrial activity remained unchanged. The Phase II regulations required municipalities with a population less than 100,000 to consider all their existing industrial operations and apply for permit coverage or the no exposure exemption by March 10, 2003.

Industrial and construction activities in Ohio have two possible options for applying for a storm water discharge permit. The first option is to submit an individual NPDES permit application. The second option is to file a notice of intent (NOI) form requesting coverage under a general permit.

The general permit process is usually easier and faster than the individual permit process. Some industrial activities, such as landfills, mining, and bulk terminals (SIC 5171) are not eligible for industrial storm water general permit coverage.

### **For Additional Information**

Additional information, general storm water permits, and associated forms can be found on our website at: <http://www.epa.state.oh.us/dsw/storm>

Any questions on the storm water program can be directed to the Central Office Storm Water Section or to the appropriate district office staff.

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