

Ohio Environmental Protection Agency
Fact Sheet For
National Pollutant Discharge Elimination System (NPDES)

General Permit for Total Phosphorus
Dischargers to the Maumee River Watershed

I. Background

The Federal Water Pollution Control Act [also referred to as the Clean Water Act (CWA)], the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111) provide that the discharge of pollutants to waters of the state from any point source is unlawful unless the discharge is in compliance with an effective NPDES permit.

Ohio EPA has elected to issue a general permit to authorize the discharge of total phosphorus from the most significant point sources within Ohio's portion of the Maumee River Watershed. The purpose of issuing this general permit is ensure compliance with wasteload allocations assigned to point sources in the Maumee Watershed Nutrient Total Maximum Daily Load Report (TMDL).

This general permit supplements the conditions in each permittee's respective individual NPDES permit. Total phosphorus, measured as a seasonal load, is the only pollutant regulated by this general permit. The conditions and total phosphorus limits imposed by and defined in this general permit are associated with the individual wasteload allocations for total phosphorus assigned to the covered facilities in the Maumee Watershed Nutrient TMDL. The discharge of other pollutants shall continue to be covered under each facility's NPDES individual permit. Additionally, individual permits will continue to include several conditions pertaining to total phosphorus, including but not limited to effluent monitoring, discharge optimization, or applicable effluent limits (such as those associated with OAC 3745-33-06(C) or a local TMDL).

II. Antidegradation

This permit does not authorize new discharges of pollutant loading to waters of the State, and therefore, is not subject to the Antidegradation Rule in Ohio Administrative Code (OAC) 3745-1-05. As a result of this, any new facility seeking authorization under this general permit must concurrently undergo an antidegradation review as part of the individual NPDES permit application process. The addition of new facilities will require allocation from the allowance for future growth reserved under this general permit, therefore it is recommended that new facilities apply for individual and general permit coverage concurrently.

III. Eligibility for General Permit Coverage and Type of Discharge

a. The general permit covers the point source discharges from publicly operated treatment works and industrial facilities to Ohio's portion of the Maumee River Watershed which have been identified as having the most significant total phosphorus loads. Ohio EPA has identified 39 facilities that may be eligible for coverage under this general permit. Attachment 1, Table 1 lists the 39 facilities in alphabetical order with their associated NPDES individual permit numbers and Individual Load Limits, which are based on individual wasteload allocations assigned in the Maumee Nutrient TMDL. Figure 1 shows the location of each within the Maumee Watershed.

- b. Additional facilities may be eligible for coverage under this general permit if determined by Ohio EPA to be significant point sources of phosphorus.
- c. All facilities covered by this general permit must have an individual NPDES permit which regulates other applicable pollutants.
- d. Ohio EPA may determine that a permittee is ineligible for continued authorization under this general permit due to violations of effluent limits. Part 1, Item C.4 of the permit describes the procedure by which such a determination may be made and Attachment 2 of this fact sheet provides example scenarios for applying this procedure.
- e. Any facility with a total phosphorus effluent limit of associated with OAC 3745-33-06(C) in their individual permit must comply with that limit. If a permittee reports violations such limit in four out of five months within a critical season, that facility will be ineligible for further coverage under this general permit. Limits based on this rule are a basic threshold for effective operation of treatment technology. A failure to operate at this level is best addressed through a compliance schedule in the facility's individual NPDES permit and that such a facility should not benefit from the flexibility offered by the general permit.

IV. General Permit Coverage

A. Initial Coverage

Consistent with 40 CFR 122.28(b)(2)(vi), the Director will notify each of the 39 facilities that it is covered by the general permit, without the requirement to submit a Notice of Intent to be covered. Permit coverage will become effective when the permittee receives written notification from the Director that coverage is authorized.

B. Subsequent Application for Coverage

After coverage is issued to the 39 facilities under the initial general permit, other dischargers that are seeking coverage under this permit and are determined by Ohio EPA to be eligible, must complete and submit an NOI form that is available from Ohio EPA. The NOI application form shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service in the link below.

<https://ebiz.epa.ohio.gov/login.html>

C. Termination of Coverage

Coverage under this general permit is not mandatory, therefore a permittee may elect to terminate coverage. Additionally, permittees may be required to terminate coverage under the general permit to address noncompliance. To terminate coverage, the permittee shall complete and submit a Notice of Termination (NOT) form that is available from Ohio EPA. The NOT application form shall be submitted through the Ohio EPA eBusiness Center Division of Surface Water NPDES Permit Application STREAMS service in the link below.

<https://ebiz.epa.ohio.gov/login.html>

Following termination of coverage under this general permit, compliance with the individual wasteload allocation assigned by the Maumee Watershed Nutrient TMDL will revert to the facility's respective NPDES individual permit. Any permittee terminating their coverage under the general permit shall submit to Ohio EPA an application to modify their individual NPDES permit to incorporate effluent limits consistent with the assumptions and WLA from the Maumee Watershed Nutrient TMDL.

V. Permit Conditions

A. Cumulative and Individual Load Limits

40 CFR 122.28(a)(3) requires that general permits include water quality-based effluent limits (WQBELs) imposed pursuant to 40 CFR 122.44. In accordance with 40 CFR 122.44.(d)(1)(vii)(B), which requires that WQBELs be consistent with the assumptions and requirements of any wasteload allocation assigned by an applicable TMDL, this general permit includes Individual Load Limits for each permittee based on their respective individual wasteload allocations assigned by the Maumee Watershed Nutrient TMDL.

Assessments of compliance with those Individual Load Limits will use a watershed-based approach, as a Cumulative Load Limit is also established. The Cumulative Load limit is defined as the sum of the individual wasteload allocations of all permittees covered by this general permit plus the allowance for future growth and is expressed in kilograms. The value of the limit may change from year-to-year, depending on whether the list of covered facilities changes. All permittees covered under this general permit will be collectively responsible for compliance with a Cumulative Load Limit.

The sum of the Individual Loads from the individual permittees authorized under the general permit is referred to as the Cumulative Load. If the Cumulative Load is less than the Cumulative Load Limit, then all permittees are considered to be in compliance with the permit. Should the Cumulative Load exceed the Cumulative Load Limit, each permittee's individual wasteload allocation becomes effective as an Individual Load Limit. Permittee's whose individual load meets their respective Individual Load Limit are considered to be in compliance with the permit. Permittee's whose individual load exceeds their respective Individual Load Limit are considered to be in violation of the permit.

Permittees will only be considered to be in violation of the permit for a season if both the Cumulative Load Limit and their respective Individual Load Limit are exceeded. Ohio EPA may re-evaluate the eligibility of permittees in violation of the permit. Part I of the permit provides details on a procedure for maintaining compliance for the group at-large by terminating the coverage of individual facilities in violation of the permit and Attachment 2 provides an example scenario for applying this procedure.

B. Monitoring

The only parameter-specific monitoring requirement of this general permit is to report the calculated Individual Load once per year, in the July Discharge monitoring Report (eDMR). While effluent data regarding total phosphorus concentration (in mg/L) and daily flow rate (in million gallons per day) will be used to calculate the Individual Seasonal Load, monitoring of these parameters is not required by this general permit. These monitoring requirements will be maintained in each facility's respective individual NPDES permit.

C. Season Report

No later than September 1st of each year, each permittee is required to submit a season report to Ohio EPA Northwest District Office. The season report will characterize the total phosphorus load discharged by the permittee during the season and provide additional relevant information regarding facility operation and performance.

Due to the seasonal nature of the TMDL critical period, the remainder of the annual calendar can serve as an "off-season", in which data from the concluded season can be evaluated and any eligibility determinations, if necessary, can be made in preparation for the upcoming season. A generalized annual schedule of events for the general permit is presented in Attachment 3.

VI. Procedures for Participation in the Formulation of Final Determinations

The draft action shall be issued as a final action unless the Director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the Administrator of the U.S. Environmental Protection Agency.

Within thirty days of the date of the Public Notice, any person may request or petition for a public meeting for presentation of evidence, statements or opinions. The purpose of the public meeting is to obtain additional input on the permit. Statements concerning the issues raised by the party requesting the meeting are invited. Input may be presented by the applicant, the state, or other parties, and following presentation of such input, other interested persons may present testimony of facts or statements of opinion.

Requests for public meetings shall be in writing and shall state the action of the Director objected to, the questions to be considered, and the reasons the action is contested. Such requests should be sent to HClerk@epa.ohio.gov or mailed to:

**DSW Permits Processing Unit
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049**

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted by email to epa.dswcomments@epa.ohio.gov (preferred method) or delivered in person or by mail no later than 30 days after the date of this Public Notice. Deliver or mail all comments to:

**Ohio Environmental Protection Agency
Attention: Division of Surface Water
Permits and Compliance Section
P.O. Box 1049
Columbus, Ohio 43216-1049**

The Ohio EPA permit number and Public Notice numbers should appear on each page of any submitted comments. All comments received no later than 30 days after the date of the Public Notice will be considered.

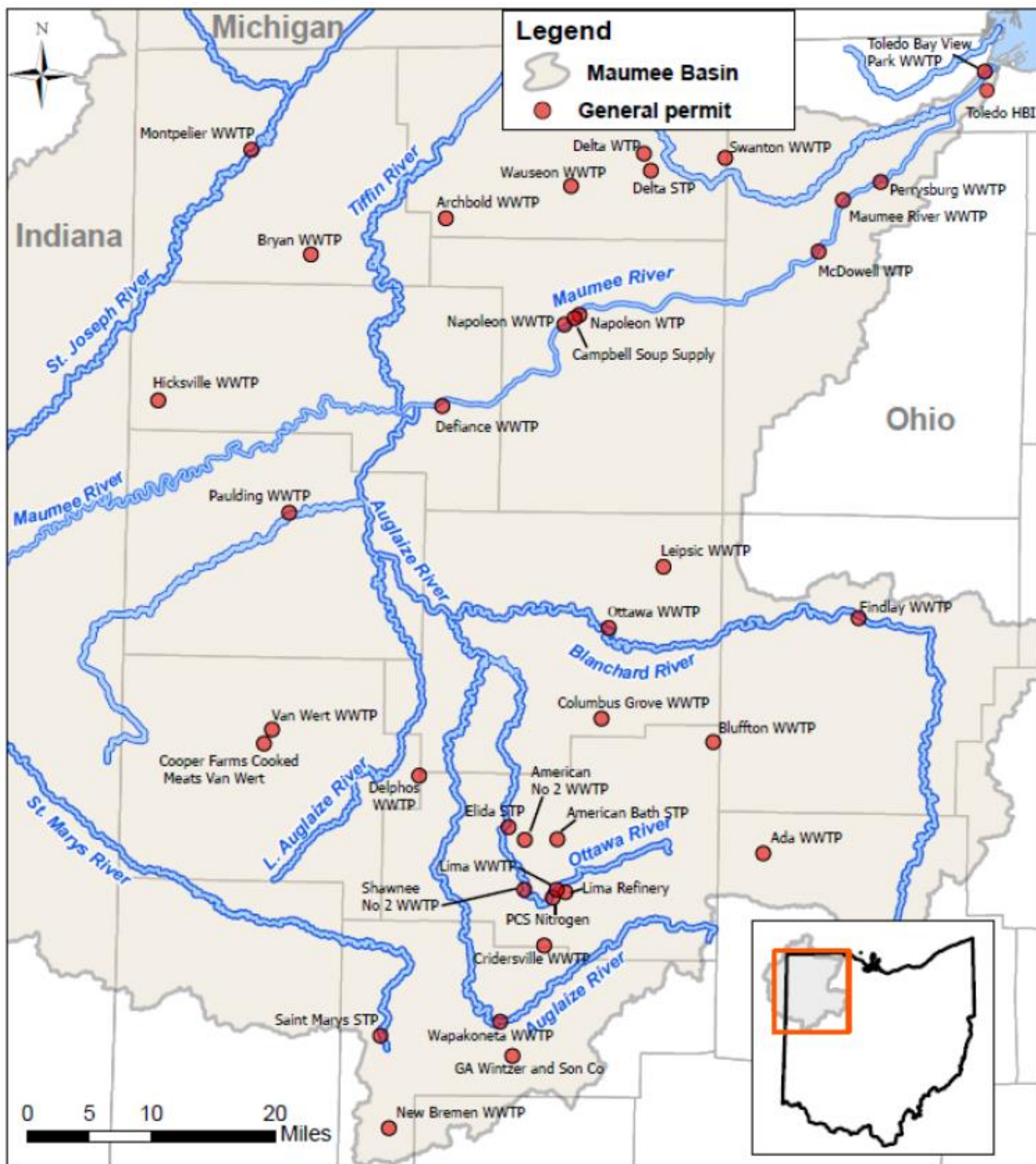
Citizens may conduct file reviews regarding specific companies or sites. Appointments are necessary to conduct file reviews, because requests to review files have increased dramatically in recent years. The first 250 pages copied are free. For requests to copy more than 250 pages, there is a five-cent charge for each page copied. Payment is required by check or money order, made payable to Treasurer State of Ohio.

For additional information about this fact sheet or the draft permit, contact David Brumbaugh at david.brumbaugh@epa.ohio.gov or (614) 644-2138.

Attachment 1. Eligible Facilities Details**Table 1.** Eligible Facilities, associated NPDES individual permit numbers, and Individual Load Limits

Facility Name	Application No.	Ohio NPDES No.	Limit
Village of Ada WWTP	OH0020583	2PB00050	500
Allen County American II WWTP	OH0037338	2PH00006	300
Allen County American-Bath WWTP	OH0023841	2PH00007	370
Allen County Shawnee II WWTP	OH0023850	2PK00002	750
Village of Archbold WWTP	OH0020796	2PD00017	620
Village of Bluffton WWTP	OH0020851	2PC00005	470
City of Bowling Green McDowell WTP	OH0030848	2IW00010	290
City of Bryan WWTP	OH0020532	2PD00018	770
Campbell Soup Supply Co.	OH0003298	2IH00021	2500
Cooper Farms Van Wert	OH0078417	2IH00110	120
Village of Columbus Grove	OH0024759	2PC00004	350
Village of Cridersville WWTP	OH0020222	2PB00048	340
City of Defiance WWTP	OH0078417	2PD00013	1500
City of Delphos WWTP	OH0024899	2PD00029	1000
Village of Delta WTP	OH0041823	2IW00070	180
Village of Delta WWTP	OH0020974	2PB00003	310
Village of Elida WWTP	OH0024996	2PB00046	340
City of Findlay WPCF	OH0025135	2PD00008	3200
G.A. Wintzer and Son Co.	OH0002593	2IK00002	110
Village of Hicksville WWTP	OH0025771	2PB00042	400
IronUnits LLC Toledo HBI	OH0146633	2ID00018	430
Village of Leipsic WWTP	OH0020826	2PB00040	370
Lima Refining Company	OH0002623	2IG00001	600
City of Lima WWTP	OH0026069	2PE00000	4000
Lucas County WRF	OH0034223	2PK00000	4800
Village of Montpelier WWTP	OH0021831	2PD00003	250
City of Napoleon WTP	OH0029963	2IW00190	140
City of Napoleon WWTP	OH0020893	2PD00000	620
Village of New Bremen WWTP	OH0020346	2PB00034	380
City of Ottawa WWTP	OH0026921	2PD00028	750
Village of Paulding	OH0020338	2PD00027	300
PCS Nitrogen Ohio	OH0002615	2IF00004	1800
City of Perrysburg WWTP	OH0021008	2PD00002	2000
City of St Marys WWTP	OH0021415	2PD00026	750
Village of Swanton WWTP	OH0020524	2PB00025	390
City of Toledo Bay View WWTP	OH0027740	2PF00000	27,900
City of Van Wert WWTP	OH0027910	2PD00006	1000
City of Wapakoneta WWTP	OH0027952	2PD00019	1500
City of Wauseon WWTP	OH0023400	2PD00016	370

Figure 1. Maumee Watershed map with eligible facility locations



Attachment 2. Termination Procedure Example Scenarios

Scenario 1: Following the conclusion of the first season after the general permit became effective, all permittees submitted their calculated Individual Seasonal Load via electronic Discharge Monitoring Report, using two significant figures. After reviewing relevant data (which are fictitious and for illustrative purposes only), Ohio EPA determined that the Cumulative Load (66,170 kg) exceeded the Cumulative Load Limit (64,100 kg) this season. After completing a root cause analysis, Ohio EPA determined it was appropriate to enact the termination procedure.

Following the first step of the termination procedure described in Part I, Item C.4 of the permit, the Mass Difference was calculated for each facility (Mass Difference equals Individual Load minus Individual Load Limit). Table 2 presents the Individual Load, Individual Load Limit, and Mass Difference for each facility (ranked by Mass Difference, largest to smallest).

A positive Mass Difference indicates that a permittee exceeded their respective Individual Load Limit and is in violation of the general permit. To address violations, individual facilities will be terminated until the recalculated Cumulative Load falls below the Load Threshold.

Following the procedure, the permittee with the largest Mass Difference (in this case, Facility #1) was terminated. The Individual Load and Individual Load Limit from Facility #1 was removed, then the recalculated Cumulative Load and Load Threshold were determined, giving values of 60,270 kg and 60,970 kg, respectively.

Because the season being evaluated was in the first permit cycle of the general permit, facilities only need be terminated until the Cumulative Load falls at least 0% (i.e. any amount) below the Load Threshold. The Cumulative Load is below the Load Threshold, therefore additional terminations are not necessary.

Table 2. Scenario 1 Loads Limits, and Mass Differences for Individual Facilities

FACILITY	Load	Limit	Mass Δ
Facility 1	5,900	3200	2,700
Facility 2	7,100	4800	2,300
Facility 3	3,000	1800	1,200
Facility 4	1,100	110	990
Facility 5	1,900	1000	900
Facility 6	1,200	300	900
Facility 7	1,000	340	660
Facility 8	850	400	450
Facility 9	820	380	440
Facility 10	960	600	360
Facility 11	690	370	320
Facility 12	650	350	300
Facility 13	610	310	300
Facility 14	970	750	220
Facility 15	560	430	130
Facility 16	440	370	70
Facility 17	170	120	50
Facility 18	260	250	10
Facility 19	610	620	-10
Facility 20	280	290	-10
Facility 21	120	140	-20
Facility 22	310	340	-30
Facility 23	150	180	-30
Facility 24	320	390	-70
Facility 25	250	370	-120
Facility 26	180	300	-120
Facility 27	430	620	-190
Facility 28	1,800	2000	-200
Facility 29	530	750	-220
Facility 30	220	500	-280
Facility 31	3,700	4000	-300
Facility 32	110	470	-360
Facility 33	380	770	-390
Facility 34	960	1500	-540
Facility 35	170	750	-580
Facility 36	27,000	27900	-900
Facility 37	43	1000	-957
Facility 38	310	1500	-1,190
Facility 40	120	2500	-2,380
AFG	--	1,400	--

Iteration	Load	Threshold	% below
Cumulative Load Limit	66,170	64,100	--
Load Threshold (excl. 1)	60,270	60,970	1.0

Mass Δ = mass difference

Scenario 2: Following the conclusion of the 17th season after the general permit became effective, all permittees submitted their calculated Individual Seasonal Load. After reviewing relevant data (which are fictitious and for illustrative purposes only), Ohio EPA determined that the Cumulative Load (66,170 kg) exceeded the Cumulative Load Limit (64,100 kg) this season. Facilities were ranked by Mass Difference to identify those in violation of their respective Individual Load Limits.

Following the procedure, the permittee with the largest Mass Difference (in this case, Facility #1) was terminated. The Individual Load and Individual Load Limit from Facility #1 was removed, then the recalculated Cumulative Load and Load Threshold were determined, giving values of 60,270 kg and 60,970 kg, respectively. Because this season is in the fourth, coverage termination must continue until the recalculated Cumulative Load is 10% below the Load Threshold. After terminating Facility #1, the Cumulative Load is only 1.0% below the Load Threshold, therefore another facility's coverage must be terminated.

After excluding Facility 2, the Cumulative Load (53,170 kg) falls only 5.2% below the Load Threshold (56,170 kg), therefore additional terminations are necessary. After several iterations of this procedure that resulted in the termination of Facilities 3, 4, and 5 (see the last rows of Table 3), the Cumulative Load falls 11.3% below the Cumulative Load, therefore additional terminations are not necessary.

Table 3. Scenario 2 Loads Limits, and Mass Differences for Individual Facilities

FACILITY	Load	Limit	Mass Δ
Facility 1	5,900	3200	2,700
Facility 2	7,100	4800	2,300
Facility 3	3,000	1800	1,200
Facility 4	1,100	110	990
Facility 5	1,900	1000	900
Facility 6	1,200	300	900
Facility 7	1,000	340	660
Facility 8	850	400	450
Facility 9	820	380	440
Facility 10	960	600	360
Facility 11	690	370	320
Facility 12	650	350	300
Facility 13	610	310	300
Facility 14	970	750	220
Facility 15	560	430	130
Facility 16	440	370	70
Facility 17	170	120	50
Facility 18	260	250	10
Facility 19	610	620	-10
Facility 20	280	290	-10
Facility 21	120	140	-20
Facility 22	310	340	-30
Facility 23	150	180	-30
Facility 24	320	390	-70
Facility 25	250	370	-120
Facility 26	180	300	-120
Facility 27	430	620	-190
Facility 28	1,800	2000	-200
Facility 29	530	750	-220
Facility 30	220	500	-280
Facility 31	3,700	4000	-300
Facility 32	110	470	-360
Facility 33	380	770	-390
Facility 34	960	1500	-540
Facility 35	170	750	-580
Facility 36	27,000	27900	-900
Facility 37	43	1000	-957
Facility 38	310	1500	-1,190
Facility 40	120	2500	-2,380
AFG	--	1,400	--

Iteration	Load	Threshold	% below
Cumulative Load Limit	66,170	64,100	--
Load Threshold (excl. 1)	60,270	60,900	1.0
Load Threshold (excl. 1, 2)	53170	56100	5.2
Load Threshold (excl. 1, 2, 3)	50170	54300	7.6
Load Threshold (excl. 1, 2, 3, 4)	49070	54190	9.4
Load Threshold (excl. 1, 2, 3, 4, 5)	47170	531900	11.3

Attachment 3. Approximate Annual Schedule of Events

Date	Item	Action	Permit Condition
March 1 to July 31	Critical Season	Permittee collect total phosphorus (mg/L) and flow rate (MGD) data	Individual Permit
August 20	Individual Seasonal Load	Permittee submit Individual Seasonal Load (kg) to July eDMR for general permit	GP Part III
September 1	Season Report	Permittee submit Season Report w/ required information	GP Part IV, Item D
November 1	General Permit Annual Report	Ohio EPA release General Permit Annual Report - Determination of compliance with Cumulative Limit - Identify facilities in violation - Publish list of permittees, Cumulative Limit for upcoming critical season	--
November 1	Termination Notices	Ohio EPA send termination notices to individual facilities identified by termination procedure	GP Part I, Item C.4.b