

Ohio EPA Division of Surface Water Update

Government Affairs Workshop

March 7, 2013

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Overview

- Nutrients
- Bacteria WQS
- Biosolids
- Rules
- ORSANCO
- Storm Water
- Salt Storage
- 404/401 Program
- Monitoring
- Enforcement
- EA3
- eDocs





NUTRIENTS UPDATE



Nutrients

- **Ohio's Draft Nutrient Strategy**

- Released a framework in November 2011
- Two Workgroups - Nonpoint and Point Source & Urban Runoff made recommendations
- **Next steps** – finalize strategy and begin implementation

Reducing nutrient water quality impairments will require change, may be costly and will require participation of all stakeholders in a watershed.



Nutrients – Nonpoint Workgroup

- Directors' Agricultural Nutrients and Water Quality Working Group
 - Overall Recommendation – 4 R's
right fertilizer, right rate, right time & right placement
 - Soil Testing
 - Voluntary Nutrient Certification Program
 - Fertilizer Regulations
 - Authority of Division of Soil & Water Resources
 - Framework for Prioritization
 - Coordination of Resources
 - Communication and Outreach
 - SWCD Cooperation Program



Nutrient Strategy - Point Source & Urban Runoff Nutrient Workgroup

Key Recommendations for Agency & Others:

- Develop State-wide nutrient mass balance sheet
- Publish annual report on nutrient loadings & resulting water quality conditions
- Promote low cost WWTP operational experimentation
- **WWTP owners - be prepared to achieve lower limits cost effectively**
- Integrate watershed management & green infrastructure planning
- State government - appoint panel of economic, financial, & policy experts to consider implementation funding options



Nutrient Criteria

- Agency has received approval from U.S. EPA to proceed with Ohio approach
- First step in rulemaking process - Early Stakeholder Outreach to begin in **March 2013**



Lake Erie Phosphorus Task Force

- Western basin experiencing increase in algal blooms fueled by higher concentrations of dissolved reactive phosphorus
- Phase I of P Task Force looked at potential causes & sources and identified recommendations for future actions
- **Phase II of P Task Force will look at current research results & develop broader consensus on necessary management actions**
- Recommendations expected by mid-year





East Harbor State Park
Photo by ODNR

U.S. EPA'S 2012 RECREATION WATER QUALITY CRITERIA



U.S. EPA Revised Recreation Use WQS

- Released on November 26, 2012
- EPA Recreation Criteria Web Page:
 - <http://www.gpo.gov/fdsys/pkg/FR-2012-11-29/pdf/2012-28909.pdf>
- Indicator can be E. coli or Enterococcus
- Revised standard – all **PCR waters 126** (risk level of 36/1000) or 100 (risk level of 32/1000)
- No longer supporting concept of varying use intensities
- “Max” called Statistical Threshold Value (STV)
 - **All PCR waters = 410** or 320
- Waterbody’s GM should not exceed the selected GM in any 30-day interval and there should not be greater than a 10% excursion frequency of selected STV in same 30-day interval
- Since Ohio recently adopted new criteria, may not update until next triennial review



Revised Rec Use Impacts

- NPDES Permits
 - **No immediate changes** – Ohio EPA will continue to implement Ohio's rules
 - EPA developing implementation support for establishing permits and requirements using the new criteria
 - Many POTWs already transitioned to E. coli at levels similar to new criteria (Class A PCR)
 - Will need to eventually revise effluent limits downward for some facilities (No more Classes B (161) & C (206) PCR, all PCR meet 126)
 - Properly implemented and maintained disinfection processes should expect very little impact





PROGRAM UPDATES



Biosolids



- Revised program rules effective 7/1/2011
- Starting **July 2013**, beneficial users have to evaluate phosphorus loadings as well as nitrogen loadings for beneficial use
- Limits on phosphorus application based on phosphorus soil tests for beneficial use site
- Ohio EPA creating tool to assist with rate calculations

Soil Phosphorus Level (mg/kg Bray-Kurtz P1 extraction)	Agronomic Rate (use most limiting)						Additional Notes
	Nitrogen Rate	250 lbs/acre P2O5	250 to 500 lbs/acre P2O5	Single-Year P2O5	Multi-Year P2O5	P-Index	
0-40	X	X	X ₁			X	₁ Must be injected or incorporated within 24 hrs; or >50% ground cover at time of beneficial use and no further phosphorus application for 3 yrs.
41-100	X				X ₂	X	₂ Max of 5 yrs. and no further phosphorus application for number of years spread.
101-150	X			X		X	
>150						X	

Biosolids Cont.

- Starting **July 2015**, any treatment plant who beneficially uses biosolids must screen out manufactured inerts from influent sewage and septage or sewage sludge
- May be accomplished through fine screening (5/8" max aperture, but the finer the better) or other means approved by Director



Rules Update

- Proposed rules:
 - NPDES OAC 3745-33-04 & Pretreatment OAC 3745-36-03 – revisions to match SB 294 – Director authority to issue permits to facilities in non-compliance.
 - Comment period ended Feb. 26, 2013.



Rules Update

- Packages for Interested Party Review soon:
 - Permit to Install OAC 3745-42-03, -04 & -07
 - **New 3745-42-07 will define when sanitary sewers are considered accessible and available**
 - For individual building – 300 feet, for multiple buildings – 200 feet * number of buildings
 - Exemption process built into rule for cases when connection unreasonable
 - Case by case for industrial wastewater
 - Connects with ODH subdivision requirements – increases predictability & consistency



Rules Update – IPR Soon

- Water Quality Standards OAC Chapter 3745-1
 - **Very limited subset of Dec 2011 proposed rules**
 - Beneficial use designations - new: lake habitat, sport fishing recreation use and base aquatic life use. Criteria are currently in effect but not associated with named use.
 - Water quality criteria - extension of human health criteria based on MCLs applicable within 500 yards of public water supply intake statewide, inclusion of updated 2012 ORSANCO Pollution Control Standards for the Ohio River mainstem and new and revised aquatic life criteria for 6 chemicals.
 - Antidegradation - clarifications on loss of use concepts for surface waters, especially in relation to dredge and fill projects.



ORSANCO

- 2012 PCS Revisions of note include:
 - Reorganization of standards document.
 - Temperature criteria for aquatic life revised.
 - Temperature criterion for human health added.
 - Selenium criteria revised – acute removed.
 - Fecal coliform criteria for contact recreation removed.
 - E. coli criteria for contact recreation revised.
 - Variance section revised.



Variations – Ohio River

- Ohio River direct dischargers:
 - Mixing zones for bioaccumulative chemicals of concern (BCCs) will be **phased out by October 16, 2013**
- If you can't meet end of pipe standards for a BCC, you need to apply for a variance from ORSANCO & Ohio EPA



Construction Storm Water

- Draft renewal general permit public noticed for comment on January 7, 2013
- Proposed changes:
 - Requirement to renew coverage every 5 years for projects which are not complete
 - Updates to address the **required** federal non-numeric effluent limitations
 - Disturbed areas that will be dormant for over 14 days (was 21 days) must be stabilized
 - Requiring use of surface dewatering device for sediment ponds during construction (i.e., skimmer)



Salt Storage

- Storm water runoff from exposed salt piles, concentrated brine, can contaminate ground water drinking water supplies and adversely impact fish & other aquatic life in surface waters
 - This is an industrial wastewater
- **Salt piles of any size, managed outdoors for >7 days need PTI from DSW for brine collection system**
- No unpermitted discharges to surface or ground waters
- For more information see: OWRC's Recommendations for Salt Storage – Guidance for Protecting Ohio's Water Resources available at <http://www.epa.state.oh.us/ddagw/DrinkingandGroundWaters.aspx>



Section 404 Assumption



- Ohio EPA looking to pursue CWA Section 404 permitting from USACE
- Benefits – streamlined permitting, less regulatory uncertainty
- **HB 59 (Biennium Budget)** creates new 6111.32 grants director authority to pursue assumption & adopt rules



In lieu Fee Program

- SB 294 included program for 401 certifications & isolated wetlands
 - The Nature Conservancy & few others agreed to sponsor program
 - Currently 3 proposals are under review by Interagency Review Team
 - **Drafting rules** to implement program & revise mitigation preferences to match federal guidance



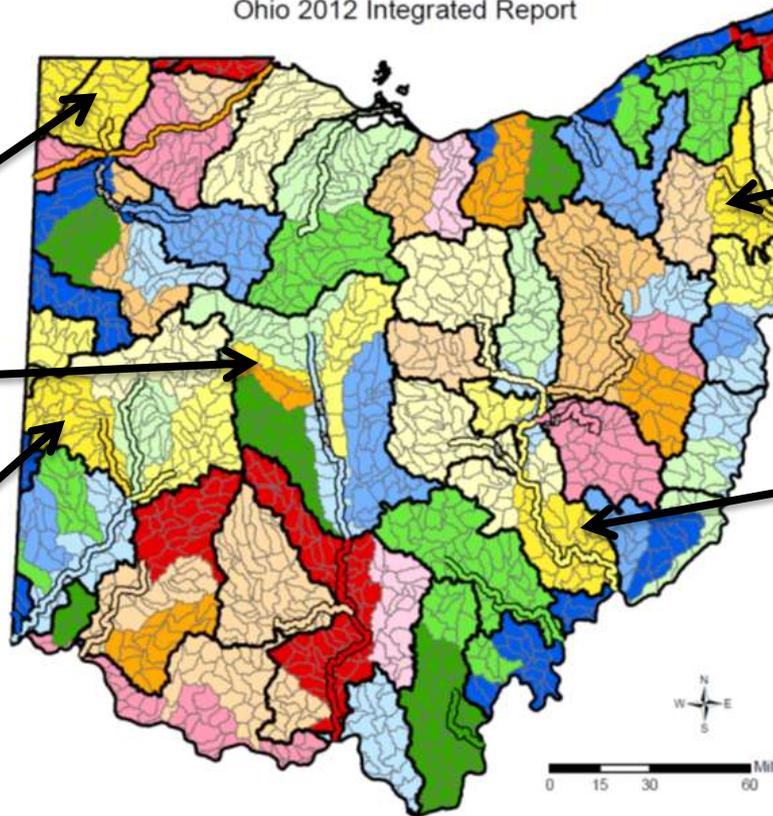
WIFIA 2013

- Senator Jeff Merkley (D-Ore.) - “Water Infrastructure Finance and Innovation Act of 2013”
- Same as 2012, except clarifies tribal communities can apply
- Loans issued by U.S. EPA, independent of existing SRFs
- **Low-interest loans to “regionally significant” water infrastructure projects , nationwide competitive application process, minimum loan \$20 million**
- Encourages green infrastructure
- Requires projects to abide by Davis-Bacon wage rates and follow “Buy American” rules for iron, steel and manufactured products.



Long-Term Monitoring Schedule

Ohio 2012 Integrated Report



Mahoning River (lower)

Wolf & Meigs Creek

St. Joseph River

Bokes Creek

Stillwater River

2013 Field Season



Updated 11/14/2011

Ohio Environmental Protection Agency



Water Quality

- **Water Quality Monitoring Oversight Committee:**
 - OWRC is supporting formation of new committee to oversee water quality monitoring across the state
 - Committee of representatives from Ohio EPA, ODNR, ODA, ODOT & USGS
 - Intended to be small, action-oriented group
 - Plan to review previously developed strategies and plans, then develop new strategy with specific action items



Enforcement – New Approach

- **Compliance enforcement plan** – Facilities in SNC
 - Road map back to compliance, last chance
- **Expedited enforcement** (streamlined DFFOs) after fewer NOVs
 - Admin. orders penalty \$1,000 - \$5,000
- Full enforcement – traditional admin. orders
 - More significant penalty
 - New internal deadlines – 3 months to invitation, then 9 months to final orders

EA3

- All historical biological data (fish, bugs, habitat) in the upload process
- Chemistry Module complete, data must be uploaded
- Water Quality Exchange data flow nearly complete
- Information currently accessible through DSW's Interactive Maps
(<http://epa.ohio.gov/dsw/gis/index.aspx>)



eDocument Search

- Agency moving to electronic filing system
- Currently noncompliance documents since Jan. 1, 2007 are available in eDocument
 - Includes NOVs, unilateral orders, DFFOs and Consent Decrees
- To search, go to: <http://epa.ohio.gov/dir/publicrecords.aspx>



Questions



Olentangy River

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