



Permitting for Environmental Results (PER)

NPDES Profile: Ohio

PROGRAM RESPONSIBILITY

State of Ohio: NPDES authority for base program, pretreatment, general permitting, federal facilities, biosolids (sewage sludge)

EPA Region 5: NPDES authority for biosolids (land application of septage and incineration of sewage sludge)

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information please contact Eric Nygaard, Ohio Environmental Protection Agency, (614) 644-2024, or Peter Swenson, EPA Region 5, (312) 886-0236.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Ohio:

The Ohio Environmental Protection Agency (OEPA) was granted authority to administer various parts of the National Pollutant Discharge Elimination System (NPDES) permit program on the following dates:

Base NPDES permit program	March 11, 1974
Authorization to regulate federal facilities	January 28, 1983
Pretreatment program authorization	July 27, 1983
General permits program authorization	August 17, 1992
Sewage sludge program authorization	March 16, 2005

Ohio's NPDES program is operated by OEPA's Division of Surface Water, one of eight programmatic divisions. The NPDES program is budgeted into three main program areas: 1) the NPDES permit and compliance program; 2) the stormwater program; and 3) the water quality program. The NPDES permit and compliance program includes all permit and compliance activities (including modeling to support permit development), data management, and legal support for the direct discharge, pretreatment, sewage sludge, and agricultural programs. The stormwater program includes all stormwater activities related to permits and compliance, data management, and legal support, etc. The water quality program encompasses the water quality standards (WQS) program, including water quality assessment activities done in support of the total maximum daily load (TMDL) program and water quality assessment

activities required under the Clean Water Act (CWA). Such activities include modeling support for TMDLs and stream assessment work done for biological and chemical attainment. While these activities often support NPDES permits, they are budgeted separately as water quality activities.

The total budget for the three NPDES program areas (NPDES permit and compliance, stormwater, and water quality) includes administrative costs, direct personnel, rent, equipment, etc.). The full time equivalent (FTE) personnel totals for NPDES, stormwater, and water quality listed below include administrative FTEs allocated to each program.

The State fiscal year (SFY) 2004 budget for administering the NPDES program consists of 83.5 FTEs and approximately \$8.6 million for NPDES; 18.9 FTEs and approximately \$1.7 million for stormwater; and 57.8 FTEs and approximately \$6.8 million for Water Quality. A portion of the budget funds activities of the OEPA laboratory.

OEPA's Division of Surface Water operates out of five district offices and a central office (CO). The CO staff for the NPDES program is primarily focused on program administration, drafting major NPDES permits, data management, modeling and related chemical sampling, WQS development/rules, enforcement (including attorneys, administrative permit processing, and monthly operating report data entry), and quality assurance/quality control for the State's Surface Water Information Management System (SWIMS) and EPA's Permit Compliance System (PCS). CO's Ecological Assessment Section conducts a majority of the biological evaluations and coordinates most seasonal field work.

District Office staff primarily handle compliance inspections, complaints, enforcement case development/support, minor NPDES permit drafting, water quality assessments, and chemical sampling needed to support the field survey and TMDL programs. No major changes to the program have occurred in the past year.

The following is a breakdown of OEPA's universe of permitted facilities:

Major NPDES permits	296
Minor NPDES permits	2,857
Non-stormwater general permits	4
Non-stormwater permittees under general permits	758
Municipal stormwater individual permits	4
Stormwater construction general permits	1
Stormwater construction facilities	13,242
Stormwater industrial general permits	1
Stormwater industrial facilities	2,501
Municipal stormwater general permits	2

The number of staff members employed since receiving NPDES program authorization generally kept pace with the growth in the NPDES program responsibilities until the late 1990s. In the late 1990s, however, OEPA experienced a shortfall in inspections and permits due to staffing levels. OEPA estimates that at least 100 FTEs are needed to meet its base program needs in the NPDES area alone. Since 2000, OEPA's FTE numbers have been on a steady decline while there have been significant responsibilities added in the TMDL and stormwater programs. For example, the number of FTEs allocated to the NPDES program was reduced from 90.3 in SFY 2001 to 83.5 FTEs in SFY 2005. At the

same time, OEPA has been working to eliminate its permit backlog, while continuing to address needs in the stormwater and TMDL programs. In the Water Quality program, which includes TMDL development, resources decreased from 66.0 FTEs in SFY 2001 to 59 FTEs in SFY 2005. Budget constraints have resulted in fewer staff and an inability to replace experienced staff when they leave.

The percentage of overall funding for the NPDES program which is supported by federal grants is lower today than when the program was first authorized in the 1970s. Currently, approximately one third of the program funding is from federal grants, one third from the general revenue fund, and one third from fees. OEPA expects that in the next State biennium budget, significant reductions in the State general revenue fund will occur due to continued shortfalls in tax receipts.

EPA Region 5:

Until OEPA was authorized to implement the sewage sludge (biosolids) programs within Ohio in March 2005, EPA Region 5 carried out direct implementation activities in the sewage sludge program.

The NPDES Programs Branch has approximately 0.25 FTEs committed to direct implementation of the sewage sludge program in Ohio. This staffing is adequate for the current work being done (assistance, regulation review, program approval review).

Ohio recently passed legislation that allows for the collection of fees to implement the federal program. The Ohio Attorney General has submitted a statement that the State has adequate authority to implement the federal sewage sludge program. On May 12, 2004, the Governor of Ohio submitted an application to implement the federal sewage sludge program, except for incineration and land application of septage. Region 5 determined that the application was complete and gave final program approval on March 16, 2005.

The Region has not seen any permit writer staff turnover in recent years. To ensure that quality permits continue to be written, additional staff members are currently being trained by the senior staff.

2. State Program Assistance

Region 5 provided significant assistance in helping Ohio obtain sewage sludge (biosolids) program approval. Region 5 provided contract assistance to review Ohio's existing program, which helped identify areas of the program which needed to be updated. The Region worked with Ohio to update the identified areas, including State rules, and helped OEPA in developing its sewage sludge program application. Region 5 determined that the application was complete and gave final program approval on March 16, 2005.

3. EPA Activities in Indian Country

Not applicable because there are currently no federally recognized Tribes in Ohio.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

There is one active withdrawal petition in Ohio. This petition deals with issues related to CAFO permitting and enforcement and was filed in 2000 by Neighbors Against Pollution and Citizens for Putnam County for Clean Air and Water.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Ohio:

Ohio statutes mandate public participation, while regulations contained in the Ohio Administrative Code (OAC) contain public participation requirements. The basic requirements for public participation are contained in OAC Sections 3745-47. These procedural rules identify the requirements for permit fact sheets, public notices, certified mailings, public hearings, and other such activities. Additional regulations such as title 40 Code of Federal Regulations (CFR) section 124 and OAC 3745-1-05 antidegradation rules provide more project-specific requirements.

While there is no specific definition of what constitutes the “public” in OEPA statutes or regulations, OAC 3745-47 defines “person” as: “(T)he State of Ohio or any agency thereof, the federal government or any agency thereof, any other State or agency thereof, any interstate agency, any municipal corporation, political subdivision, public or private corporation, individual, partnership, or other entity.”

Depending on the complexity or controversy associated with a project, OEPA public notices up to five times at different stages during the issuance of an NPDES permit. Most NPDES permit projects require two to three public notices. The procedure includes public noticing of application, issuance of draft/proposed permit action, public hearing application, public hearing of the draft permit, and final permit action. All draft and final NPDES permit actions are public noticed, while other notices are done on a case-by-case basis. All notices provide information related to the project, the status of the project in the permitting process, where the public can obtain further information related to the project, where and when comments should be submitted, or, if the action taken is a final issuance, appeal rights. Every public notice generated by the agency is made available to the general public through a number of media. All public notices are: (1) printed in the newspaper with the greatest circulation within the county where the project is located, (2) printed in the Weekly Review, which is a circular developed by OEPA to which individuals can subscribe, and (3) made available on OEPA's Web site, <http://www.epa.state.oh.us>. OEPA is investigating the possibility of providing such public notices via e-mail in the future.

OEPA also maintains a mailing list for certain projects and mails notices to interested parties, including citizens, other government agencies, environmental groups, citizen groups, and anyone who requests notice or information related to NPDES permits.

OEPA conducts public hearings when there is “significant public interest” related to an NPDES project. No standard in regulation or statute states what constitutes “significant public interest.” In general, OEPA conducts public hearings on NPDES permit projects if there is any documented public interest. A public hearing is mandatory for all permit actions based on new permit applications or increased activity

in higher quality waters in Ohio such as Outstanding National Resource Waters, Outstanding State Waters, or Superior High Quality Waters as categorized in the Antidegradation Rules.

OEPA receives a transcript of the comments and testimony during public hearing and provides written responses to all issues raised before issuing a final permit. In addition, Ohio reviews and responds to all public comments received during the written comment period and will not issue a final permit until all comments are evaluated and a response is generated.

Most of the records OEPA generates or receives are open to the public. The exceptions to the definition of “public records” under Ohio law include documents relating to enforcement, attorney-client communication, trial preparation, and law enforcement investigatory records. The exceptions to the definition of “public records” are narrower than those under the Freedom of Information Act (FOIA). All “public records” are available for public review and most of these are available at OEPA’s field offices and CO. Individuals have full access to all documents related to a permitting activity and may request documents on public hearing, notices, comments, etc. If a project is complex or controversial, OEPA may also create a repository of information pertaining to that NPDES application within the community where the project may be located. This is usually the case only when a public hearing is being held on the project. A written summary of questions and OEPA responses (called the responsiveness summary) is prepared for each hearing and mailed to all attendees of the hearing and to the interested party mailing list. Copies are also available on request.

Ohio’s antidegradation rules are contained within Ohio’s WQS and play a role in the permitting process whenever OEPA receives an application requesting an increase in or a new discharge of pollutants. For such projects, the antidegradation rules provide for additional or more explicit public participation activities than those specified above. The rules require public notice of the receipt of the application in a local newspaper; development of an informational fact sheet informing the public of the proposed activity and how they may become involved; first class mail delivery of all notices or fact sheets pertaining to a given project to an extensive interested parties mailing list maintained by OEPA; public hearings for any activities on “exceptional” quality waters; and additional intergovernmental coordination activities. The rules specify these additional activities because the proposed project will be a “new” discharge of pollutants, and OEPA feels that additional input from the general public is warranted.

Of Ohio’s permits, approximately 120 major NPDES permits and 9 minor permits are available on EPA’s Web site. Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>.

EPA Region 5:

The Region follows the public participation requirements found at 40 CFR sections 123.61-501.31. The Region sends public notice to all persons on the mailing lists provided by the appropriate State agencies. Copies of the public notice are posted on the Region’s Web site at <http://www.epa.gov/region5/water/npdestek/notices.htm>.

6. Permit Issuance Management Strategy

The State of Ohio:

OEPA successfully met the national goal to reduce the backlog of expired permits to 10% by July 2003. Since that time, the numbers have fluctuated somewhat, but the backlog has consistently been about 10%. The State issues major and significant minor permits on a watershed basis and implemented the following four major categories of process improvements to accomplish the national goal: (1) integration of the TMDL and NPDES process; (2) increased use of general permits; (3) electronic permit drafting and data management; and (4) streamlining the permit drafting process.

Major dischargers:

- No major dischargers have permits that have been expired for more than 10 years.
- In July 2003, Ohio accomplished the national goal of having 90% of its permits current (unexpired).
- As of January 7, 2005, 90% of major facilities were covered by current permits¹
- Sixteen permits have been expired for over two years.

The State has implemented a five-year basin permitting strategy for major dischargers. Each of OEPA's districts is divided into five areas, each with a roughly equal number of major permits and roughly equal number of permits to be issued each year. By adopting a basin approach to permitting, OEPA is able to conduct modeling and biological work once within a five-year cycle, thereby maximizing the agency's modeling and biological resources.

Minor dischargers:

- Ninety-four percent of the minor facilities covered by individual permits have current permits.
- When facilities covered by general permits are included, 81.3% of minor facilities are covered by current permits (one expired general permit covers 505 facilities)²
- Twenty-five minor permits have been expired for over 10 years, and 114 permits have been expired for over two years.

In addition to the improvements already made, the State plans to adopt the following streamlining initiatives in the next two years:

- Implement additional improvements to OEPA's electronic permit drafting system to further reduce the level of effort to renew individual permits.

¹ The National Data Sources column of the Management Report, measure 19, shows 86.1% of major facilities covered by current permits, based on data as of June 30, 2004.

² The National Data Sources column of the Management Report, measure 20, shows 80.9% of minor facilities covered by current individual or general permits, based on data from PCS as of June 30, 2004 for individual permits and data from ePIFT as of March 2004 for general permits. The 81.3% mentioned above is based on data from PCS as of December 31, 2004 and data on general permits from Ohio's general permit tracking as of February 2005.

- Issue additional general permits.
- Improve various State database systems to allow OEPA to reissue selected minor NPDES permits with minimal effort while still complying with CWA requirements.

Table 1: Percentage of Facilities Covered by Current Permits in Ohio

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	69%	74%	71%	76%	81%	83%	87%	84%
Minor Facilities Covered by Individual Permits	74%	69%	77%	73%	87%	79%	92%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	N/A	N/A	N/A	N/A	80%	85%	80%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03 (Values in the National Data Sources column of the Management Report, measures 19 and 20, are PCS data as of 6/30/04.)

7. Data Management

The State of Ohio:

Ohio utilizes a client-server based software application called State's Surface Water Information Management System (SWIMS) to maintain information on all regulated NPDES sources. SWIMS automates the development and issuance of NPDES permits and their compliance screening for all Ohio NPDES permitted dischargers. The data generated from this software includes permit requirements, application information, and monitoring data for both traditional major and traditional minor permittees. SWIMS also allows electronic submission of individual permit discharge monitoring report (DMR) data. Effluent monitoring required by general permittees is currently not tracked electronically. Improvements to SWIMS are underway to allow OEPA to track all notices of intent (NOIs) and any effluent monitoring data for non-stormwater general permits.

OEPA currently requires that sanitary sewer overflows (SSOs) be reported as unauthorized discharges. Many publicly owned treatment works (POTWs) report these to OEPA's spill database under this paragraph of the permit. Not all POTWs realize, however, that this paragraph applies to SSOs. To clarify this, as of July 1, 2004, OEPA began including specific SSO reporting and public notification requirements in all reissued NPDES permits. Ohio is also actively working with an external advisory group to address SSOs and satellite systems (those collection systems owned and operated by an entity that does not own or operate a wastewater treatment plant, but which are tributary to a wastewater treatment plant owned or operated by another entity). OEPA plans to issue a permit to cover satellite systems in spring 2005. The data required by these permits will be entered into SWIMS. Ohio believes that these activities will dramatically increase its ability to address SSO problems in the State.

OEPA utilizes several smaller local databases to manage programs not yet covered by SWIMS. These databases include general permits, pretreatment, concentrated animal feeding operations (CAFOs), biosolids, compliance inspections, enforcement actions, and combined sewer overflow (CSO) report tracking. Ohio intends to incorporate these data into SWIMS in the future.

SWIMS has the capability to contain all data relating to general permits. Ohio has entered all non-stormwater general permits into SWIMS. The following information can be tracked electronically for the NOIs entered into SWIMS: permittee name, address, and contact; facility/site name, location and contact; receiving waters of municipal separate storm sewer systems (MS4); general permit coverage being sought; start/end dates of projects and acreage disturbed (for construction); square miles of drainage area (for MS4s); and fee information. Ohio is very diligent in continually improving SWIMS.

SWIMS data are up-to-date and are readily available to OEPA staff. SWIMS data can be easily retrieved and provided to interested parties. Ohio emphasizes the importance of the accuracy of the data entered into SWIMS and submitted to PCS, and has a continuing quality improvement effort. Recent improvements include interface changes between SWIMS and PCS, development of a new hard-copy screening tool, and initiation of a self-monitoring quality assurance report. In addition, the State's performance with respect to entering Water Enforcement National Data Base (WENDB) data into PCS in a complete, timely manner has consistently been excellent. Several data elements, including latitude/longitude data for facilities and pipes, however, are not consistently transmitted to PCS. Ohio has submitted a grant proposal to EPA for assistance in improving the types of data and how the data is transmitted to PCS. Ohio is optimistic that this grant proposal will be accepted and that these improvements will be completed over the next several years.

Ohio collects latitude and longitude data at both the facility and pipe level, primarily through permit application requirements. Ohio has initiated a project to have OEPA's staff collect latitude and longitude data and associated metadata using global positioning system (GPS) units for outfall location, sampling location, and facility location for all individual NPDES permitted facilities. All NPDES facilities are expected to have accurate latitude and longitude data within two years.

OEPA plans to interface with Integrated Compliance Information System (ICIS-NPDES) in the future.

OEPA is placing chemistry data into EPA's Storage and Retrieval System (STORET). Currently, Ohio is working to get all legacy data (pre-Oracle) into STORET v2.0. The State will be sending additional updates once the legacy data is in and quality assured. As with many other States, biological data is still not being uploaded to STORET.

EPA Region 5:

The Region uses PCS to track all biosolids data required in the annual report for Class 1 and major facilities. The Region provides preprinted DMRs for these facilities. This helps to facilitate the data-entry process. Not all facilities use the preprinted form or complete the form in its entirety, however, slowing the data entry process and possibly creating erroneous reporting or numeric violations.

Section II. Program Implementation

1. Permit Quality

The State of Ohio:

SWIMS has a number of tools that improve both quality and timeliness of NPDES permits. The permit writers can choose a set of default parameters that are specific to the type of discharge or industrial category, and can use the SWIMS application to add requirements such as compliance schedules and toxicity testing requirements.

OEPA has developed the following two models to calculate wasteload allocations (WLAs) for conservative pollutants.

- The Conservative Substance Wasteload Allocation (CONSWLA) model is used most often in streams with multiple discharge points. The State has a spreadsheet model to allocate loads to individual dischargers. This model contains tables of water quality criteria (WQC) and calculates WLAs for all designated uses.
- The standard program calculates the projected effluent quality values and compares this to the WLA to determine the pollutant discharge limits.

For dischargers within the Great Lakes basin, OEPA develops water quality-based effluent limits (WQBELs) for toxic pollutants and for whole effluent toxicity (WET) consistent with the procedures in the Final Water Quality Guidance for the Great Lakes System” (“Great Lakes Guidance” 40 CFR Part 132). This includes procedures for determining when there is reasonable potential that pollutants in a permittee’s discharge are present at levels that will cause or contribute to a WQS violation (including WET) and therefore require the development of a limit; procedures to account for background concentrations of pollutants in the development of permit limits; and procedures to address situations in which discharges are to impaired water bodies for which a TMDL has not yet been established. EPA disapproved the State’s proposed procedures relating to determining “reasonable potential” for WET and subsequently over-promulgated procedures consistent with the Great Lakes Guidance. The State is required to follow these procedures. OEPA issues permits with WET monitoring requirements and acute and chronic WET limits using reasonable potential procedures in the Lake Erie basin in accordance with federal guidance.

OAC Chapter 3745-2 includes detailed procedures that OEPA follows in implementing water quality based requirements for chemical-specific pollutant parameters and WET in NPDES permits, including the determination of reasonable potential, the development of WQBELs, and how in-stream concentrations of pollutants are factored into the calculation of effluent limits.

According to State rules, OEPA’s director may consider biological assessment data in addition to chemical-specific or WET data when evaluating the reasonable potential for environmental impacts from a permitted discharge. Based on bioassessment information, the director may choose to a) derive a site-specific criterion; b) establish limits consistent with the attainment of the designated use; or c) not apply a chemical specific or WET criterion in the form of an effluent limit in a permit if OEPA

determines that the stream impairment is not due to a given pollutant. In cases b and c above, Ohio's alternate reasonable potential procedure may result in decisions about inclusion of WQBELs that are inconsistent with EPA's independent applicability policy.

Permit quality is checked at several levels. All draft permits, majors, and minors are reviewed by the District Permit Supervisor. In addition, the CO permit processing supervisor randomly selects permits for staff review. Finally, all permits are reviewed for administrative errors. The results of the quality review are logged into SWIMS. A District/CO workgroup periodically reviews any errors listed in the reviews to determine if systemic problems exist that need to be fixed. New permit writing staff are trained by more experienced staff and attend EPA's permit writers' course. Individual staff have personalized training plans to address job-specific needs.

Note: In developing the "permit quality" section of the program profile, State permits were not independently evaluated or compared to a national "standard". Rather, the discussion is based primarily on an assessment of the quality assurance/quality control procedures established by Ohio and routine permit quality reviews performed by EPA Region 5.

EPA Region 5:

Region 5 works with the State on a continuing basis to assure that permits implement key program elements, including proper controls on toxic pollutant parameters such as mercury and WET, CSOs, CAFO manure and wastewater, and all necessary permit limits based on WLAs. Region 5 reviews a sample of draft permits each year. In the past year Region 5 reviewed about eight major permits. The State provides EPA with copies of the permit application, public notice, fact sheet, draft permit, and supporting documents. Public notices, fact sheets, draft permits, and final issued permits are sent to EPA for all major dischargers and certain other permits. Region 5 communicates any comments or concerns to the permit writer on an informal basis. Most issues are addressed in this fashion. In cases where these cannot be resolved, EPA has the option to formally comment on the permit or file an objection. During the past year, Region 5 provided a number of recommendations related to CSO permit conditions in Ohio NPDES permits. The Region has found the State's permit fact sheets to be clear and to contain complete information, including the bases for limitations and requirements. The Region completes a review checklist for every permit that is reviewed.

2. Pretreatment

The State of Ohio:

Ohio received authorization to administer the pretreatment program on July 27, 1983. Ohio has approved 99 local pretreatment programs.³ Many of these programs, such as Cincinnati's Metropolitan Sewer District and Cleveland's Northeast Ohio Regional Sewer District, are national leaders and are regarded as very strong pretreatment programs.

A goal of OEPA's pretreatment program is to permit 100% of significant industrial users (SIUs) with control mechanisms to implement applicable pretreatment standards and requirements. OEPA's permit

³ The National Data Sources column of the Management Report, measure 8, shows 98 pretreatment programs, based on data from PCS. The count of 99 pretreatment programs is based on data from Ohio's pretreatment tracking database. Several facilities in PCS have incorrect entries in the field indicating the status of the pretreatment program. Ohio and Region 7 are working to reconcile these sources and correct the list in PCS.

framework is designed to ensure that permits are issued to all SIUs within the State, regardless of the POTW's pretreatment program approval status. SIUs discharging to POTWs with approved pretreatment programs are identified by industrial user surveys. Nearly all of the State's 1,207 SIUs discharging to POTWs with approved programs and all 174 (known) SIUs that discharge to POTWs without approved pretreatment programs have control mechanisms, for a total of 1,381 known SIUs in Ohio.

A highlight of Ohio's program is its strong indirect discharge permit (IDP) program. The Ohio IDP program permits, monitors, inspects, and provides enforcement to the SIUs that discharge to POTWs without approved pretreatment programs. OEPA's IDP program identifies new indirect dischargers through its "permit-to-install" process (which implements an application and State-issued permit process for industrial facilities to obtain approval to convey or generate wastewater), incidental field observations, complaint investigations, local newspapers, and local sewer authority referrals. When resources allow, OEPA intends to conduct a statewide industrial survey to identify new SIUs in non-pretreatment cities that have not been permitted. With this program, OEPA prevents toxic discharges to smaller POTWs and thereby reduces the potential of severe environmental harm from these facilities.

OEPA issues permits to new indirect dischargers within six months of application receipt and renewals within six months of expiration date, maintaining a backlog of less than 10% at all times. CO drafts IDPs for all districts except for OEPA's Northwest District Office (NWDO). The districts comment on draft IDPs from CO within a month. CO reviews all IDPs renewed by NWDO.

OEPA follows a thorough inspection checklist and provides follow-up letters that list recommended and required actions. Notices of violation (NOVs) are sent to any facility in significant non-compliance (SNC). If repeated violations with environmental consequences occur, the case is referred for enforcement.

OEPA maintains SWIMS to draft IDPs, store monitoring information, and screen for violations. SWIMS can electronically accept IDP applications and monitoring data.

- During the five-year period between July 1, 1998, through December 31, 2003, OEPA conducted permit compliance inspections (PCIs) and/or audits of 86 (87%) pretreatment programs.⁴ Some were audited or inspected more than once during this period. Thirty-seven PCIs were conducted during SFY 2003.
- For approved pretreatment programs with deficiencies, typically an inspection follow-up letter is sent and the program is allowed 30 days to respond. Pretreatment programs are given from 30 days to 12 months to correct deficiencies and return to compliance. If the program is still unresponsive, OEPA pretreatment coordinators have the ability to place these programs on the quarterly non-compliance report (QNCR) and refer programs for enforcement action. If repeated violations with environmental consequences occur, the case is referred for Director's Findings and Orders.

⁴ The National Data Sources column of the Management Report, measure 23, shows 82.7%, or 81 of 98, pretreatment programs inspected/audited during this time frame. The additional data reflects inspections/audits for two facilities that, for unknown reasons, did not appear in Envirofacts though they are active in PCS; three inspections/audits that have not yet been entered into PCS; and the changes in the pretreatment program universe in measure 9 (see above).

- OEPA reviewed 100 pretreatment annual reports from the approved programs during SFY 2003. CO forwards the annual reports to the district staff within a week of receipt. District staff reviews the annual reports and addresses any deficiencies within 60 days of their receipt of the report and also addresses them during audits, PCIs, and reconnaissance inspections. CO conducts all technical reviews of local limit submissions and takes the lead in substantial modifications to sewer use ordinances, enforcement response plans, local limits, control mechanisms, etc., with significant input from District Office coordinators. Generally, CO approves new program submissions, with significant district input, within a year of submission of the program application. CO completes substantial modifications review within 90 days of receipt with significant input from the District Office.
- CO forwards all non-substantial modifications to the district within a week of receipt. The district reviews and sends out a determination letter to the entity within 45 days of the original receipt.
- Ohio inspects 60% of entities with effective State-issued IDPs each year. The district forwards paperwork of inspections to CO within a month of conducting the inspection.
- All DMRs for indirect discharge permittees are screened for violations and SNC. NOV's are sent to the entity within 30 days of the reporting deadline. The Districts send a violations/SNC report to CO at the end of March and September of every year.

3. Concentrated Animal Feeding Operations

The State of Ohio:

In a 2000 petition, Neighbors Against Pollution and Citizens for Putnam County for Clean Air and Water alleged OEPA was improperly administering CAFOs. Region 5 reviewed these allegations in the course of responding to another petition concerning an array of federal environmental programs administered by Ohio filed in 1997 by the Ohio chapter of the Sierra Club, Ohio Citizen Action, and the Ohio Environmental Council. This petition was denied in 2003. The Region has been working closely with the State as it acts to fulfill the commitments that formed the basis for denial of the 1997 petition. To date, OEPA has inspected all large CAFOs, compelled more than 50 CAFO dischargers to apply for permits, and has issued two individual and one general permit for CAFOs in January 2005.

The Ohio regulatory program for CAFOs presently is split between OEPA and the Ohio Department of Agriculture (ODA). ODA issues State installation and operating permits and OEPA issues NPDES permits. Inspections and enforcement are done by both agencies.

Two large CAFOs in Ohio possess NPDES permits. One of these permits was issued under the old regulations. In June 2004, the State asked the public to comment on a draft general permit for CAFOs. The comment period closed in July 2004. EPA worked with OEPA and finalized the general permit in January 2005. The State permit includes effluent limitations based on EPA's current Effluent Limitations Guidelines and New Source Performance Standards. The permit also requires implementation of the nine minimum control measures codified in 40 CFR section 122.42(e) and a nutrient management plan based on the State's technical standards for nutrient management and the conditions of the permit.

In the State regulations scheduled for amendment in the future, EPA expects that OEPA will require CAFOs to apply for permits (or seek a “no potential to discharge” determination) no later than the applicable date in 40 CFR section 122.23(g).

Ohio has a very complete and current inventory of large CAFOs. In September 2003, the State completed its periodic (i.e., pro-active) inspections of all large CAFOs in the State.

4. Stormwater

The State of Ohio:

Overall, Ohio has four stormwater permits in place to cover stormwater discharges under the Phase II regulations. All are current. Ohio also has four Phase I permits, three of which are current.⁵

Construction: The State issued a revised stormwater general permit for construction activities on April 21, 2003. Persons who disturb one or more acres of land must obtain permit coverage. The revised general permit requires the development and implementation of a stormwater pollution prevention plan, including practices to control erosion and sedimentation.

Industrial: The State renewed its general permit for industrial activities with an effective date of August 1, 2000, and an expiration date of July 31, 2005. Facilities covered under this general permit are required to develop and implement a stormwater pollution prevention plan and minimize sources of stormwater contamination.

Municipal Systems: On December 27, 2002, the State issued two new general permits for municipal systems subject to the Phase II regulations, one for municipal systems in rapidly urbanizing areas and one for all remaining municipal systems. Both permits require the development and implementation of a stormwater management plan that includes the six minimum measures EPA established in the Phase II regulations. Nearly all of the 280 municipalities designated have applied for coverage. The State has four municipal systems permitted under Phase I of the national stormwater program. The permits for Columbus and Dayton expire in 2005. The permit for Toledo expires in 2009. Development of the draft permit for Akron is underway.

OEPA currently has an electronic system in place to track all NOIs for coverage under the State’s general permits for discharges of stormwater from industrial activities, MS4s, and construction sites.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Ohio:

Combined Sewer Overflows: OEPA’s current inventory includes 87 cities with CSOs regulated by 88 permits (one city has two facilities with CSOs). All are regulated by NPDES permits, Orders, or Consent Agreements that contain requirements consistent with the National CSO Control Policy,

⁵ The National Data Sources column of the Management Report, measure 28, shows 2 Phase I stormwater permits not current. The Toledo permit was expired at the time the national data was gathered (as of July 1, 2004) and has since been reissued.

including requirements to develop and implement long term control plans (LTCPs) and to implement the Nine Minimum Controls (NMC).⁶

Currently, all seven large communities (over 75,000 population) and all smaller communities are under schedules to develop or implement LTCPs. All Ohio CSO communities are subject to permit or enforcement requirements to develop an LTCP, or have already submitted an LTCP. For many of the small communities, permit requirements have already been negotiated to include a schedule for sewer separation.

Ohio lists 102 communities that currently operate or previously operated combined sewers. LTCPs for 55 of these have been submitted to OEPA review. Fourteen communities have eliminated their CSOs by separating their sewers, leaving 88 permitted facilities with CSOs. Twenty-eight communities are in the process of implementing projects required by an approved LTCP. The majority of these are sewer separation projects for smaller and mid-sized communities. OEPA generally provides for formal approval of LTCP (under Section 6111 of the Ohio Revised Code (ORC), Plan Approval). Schedules for completing approved LTCP projects are placed into the NPDES permit or Order.

All 88 CSO facilities have enforceable requirements to implement the NMC. Assessing compliance with the requirement to implement the NMCs is a current CSO enforcement priority. To help accomplish this, Ohio has had staff members participate in Region 5 CSO inspection training. Ohio is also working with Region 5 to conduct joint CSO compliance inspections. To date, eight joint inspections have been conducted.

OEPA permits require CSO communities to notify public and public health authorities of CSO events (one of the NMC). OEPA is in the process of evaluating these procedures to assure they are sufficient.

Sanitary Sewer Overflows: Where SSOs are discovered, OEPA takes action to put the community on a schedule to eliminate the SSOs. This schedule will either be included in Director's Final Findings and Orders or a Consent Order.

In some cases POTWs provide treatment to wastewater from satellite communities, which do not own or operate their own wastewater treatment facilities. In such cases, overflows may occur in the satellite collection system of a community not regulated under an NPDES permit. Ohio EPA works with POTWs covered by NPDES permits to encourage the use of contracts and agreements between the satellite community and POTW to address inflow and infiltration issues and to eliminate SSOs. (All active CSOs in satellite communities are covered under their own NPDES permit). In Ohio, CSOs in satellite communities are typically owned by and are the responsibility of the NPDES permit holder. Examples include the Northeast Ohio Regional Sanitary District and the Metropolitan Sanitary District in Cincinnati.

Ohio is developing a general NPDES permit for satellite collection systems to strengthen the State's ability to address SSOs from these systems. Once issued, satellite systems with active SSOs would be required to obtain coverage under the permit. The permit would prohibit bypasses and overflows not in

⁶ The National Data Sources column of the Management Report, measure 25, shows 94.0% of CSO permittees required to develop LTCPs. This is based on data as of June 2004. Requirements for the remaining permittees have been put in place since that time.

compliance with 40 CFR 122.41 and would require reporting of all overflows. The permit would require communities to implement capacity, management, operation, and maintenance (CMOM) requirements similar to those envisioned by EPA. The draft satellite general permit was issued for public comment in May 2004. Final issuance is expected in 2005.

Ohio has recently drafted updated permit requirement to address SSO reporting requirements and in July 2004 began including specific SSO reporting requirements in the NPDES permits it issues to POTWs. The requirements will include immediate notification of the appropriate city or county board of health of any SSO that may “imminently and substantially endanger human health” (e.g., dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs). In addition, permits will require communities to report SSOs on a monthly basis. OEPA will enter this information into SWIMS. Finally, permits will require an annual summary report of SSOs, including overflows that do not reach waters of the State.

6. Biosolids

The State of Ohio:

OEPA was recently authorized to administer the sewage sludge (biosolids) program (CWA Part 503). In March 2000, the Ohio General Assembly passed House Bill (HB) 197 to provide the statutory authority for the OEPA Director to seek authorization of the program. HB 197 modified the ORC to provide the OEPA Director the authority to adopt, enforce, modify, and rescind rules necessary to implement the sewage sludge program. HB 197 also modified the ORC to include an annual sewage sludge fee in order to fund the program. Each dry ton of sewage sludge treated or disposed in the State of Ohio is assessed a fee of \$3.50, with a cap of \$600,000 per year on all monies collected.

Shortly after the passage of HB 197, OEPA began drafting rules that became effective in April 2002 as Ohio’s Sewage Sludge Rules, OAC Chapter 3745-40. The purpose of OAC Chapter 3745-40 is to “establish standards applicable to the disposal, use, storage, or treatment of sewage sludge, which standards are intended to reasonably protect public health and the environment, encourage the beneficial reuse of sewage sludge, and minimize the creation of nuisance odors.” The Ohio Attorney General submitted a statement that the State has adequate authority to implement the federal sewage sludge program. On May 12, 2004, the Governor of Ohio submitted an application to implement the federal sewage sludge program. Region 5 determined that the application was complete and gave final program approval on March 16, 2005.

OEPA is already implementing a CWA part 503-type sewage sludge management program based on statute and rules. Funded by annual sewage sludge fees, OEPA hired two full-time staff members in 2003 to cover sewage sludge management duties in the field and office. These staff members perform compliance evaluation inspections at POTWs that land-apply sewage sludge. They review monthly data submitted by POTWs to ensure compliance with pollutant limits and monitoring and reporting requirements. They also perform authorization inspections at proposed land application sites. Field reconnaissance inspections are conducted at land application sites to verify compliance with site restrictions and management practices. These staff members also review and recommend for approval the management plans and NPDES permits that regulate sewage sludge generators.

OEPA has also funded two college interns through the annual sewage sludge fees to track authorized sewage sludge application sites. The interns are developing a geographic information system (GIS) to add authorized sludge sites to a digital base map. Each authorized sludge site receives a unique identification number through the Surface Water Information Management System. The GIS project will be useful to manage the numerous land application sites and associated data such as cumulative pollutant loadings or proximity to source water assessment and protection (SWAP) areas.

EPA Region 5:

Until Ohio received authorization, EPA Region 5 was responsible for the direct implementation of the sewage sludge program in the State of Ohio. Activities included providing outreach to the regulated community, assisting the State in seeking program approval, and providing technical and compliance assistance. The Region sent out forms in December or January to all major POTWs and to others required to submit annual reports by February 19. The annual report data were entered into the PCS but were not reviewed. EPA Region 5 did not verify that all annual reports were submitted, and does not proactively track compliance. Enforcement actions related to sewage sludge were typically initiated in response to complaints, or were part of more comprehensive enforcement actions.

The level of effort has been reduced due to reduced funding for the program nationwide. In order to increase Regional activities and provide for more proactive management of the sewage sludge program in the future, both the permitting and enforcement programs within EPA Headquarters will need to reinvest in the program or provide dedicated funds for program implementation to the Region.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Ohio:

OEPA's Division of Surface Water developed a Civil Enforcement Training Manual (CETM) in 1997. The manual is a comprehensive outline of the enforcement program and includes guidance on appropriate enforcement response and escalation of enforcement response, and constitutes the OEPA enforcement management system (EMS). As described in the EMS, the majority of enforcement actions are referred by staff in the OEPA District Offices. The CO staff refers some enforcement actions. For example, the OEPA CAFO program is based in the CO. CAFO cases thus are by default a CO referral. Citizen complaints may result in an enforcement case although typically there would be a thorough investigation by OEPA staff before a decision to take an enforcement action would occur. Cases referred to the CO for enforcement are reviewed by the OEPA Legal Office for content. If the referral is complete, the Division of Surface Water Enforcement Committee, along with the Legal Office and typically the Attorney General's Office (AGO), decides whether the case should be an administrative action or a referral to the AGO. Administrative cases involve the negotiation of Director's Final Findings and Orders (DFF&O) between OEPA and the entity. A case may be referred to the AGO for negotiation for a variety of reasons: 1) entities are in contempt of existing Orders; 2) the preliminary penalty calculations are high; and, 3) the administrative negotiations have failed to reach an agreement. The AGO attempts to negotiate a Consent Order with the entity. If negotiations fail, a court case may be filed by the AGO.

In evaluating whether or not to pursue a formal enforcement action, OEPA considers the answers to seven questions identified in the CETM. These questions are: 1) Is the facility making progress towards compliance?; 2) How many violations are there and do they trigger SNC?; 3) What is the environmental impact of the violations?; 4) How effective will formal enforcement be in achieving compliance?; 5) Is the facility part of a special initiative or within a priority watershed?; 6) How long has non-compliance been going on?; and, 7) Have there been previous enforcement actions against the facility? Answers to any or all of these may be required before staff refer an entity for enforcement.

The State has an Enforcement Screening Worksheet to assist staff in evaluating enforcement response. In addition, Table VI-A of the CETM provides recommended ranges of enforcement response for common violations. Where formal enforcement action is found not to be appropriate, a variety of informal actions may be used, including telephone call with follow-up letter, NOV, inspection/meeting, or Director's Warning Letter.

With respect to the pretreatment program, Ohio requires the submittal of self-monitoring data every six months from regulated entities. OEPA screens the data for apparent violations and calculates SNC based on SNC criteria in rule. An SIU in a municipality that does not operate its own pretreatment program would be sent an NOV. If repeated violations with environmental consequences occur, the case is referred for Director's Findings and Orders. For approved pretreatment programs with deficiencies, typically an inspection follow-up letter is sent and the program is allowed 30 days to respond. Pretreatment programs are given from 30 days to 12 months to correct deficiencies. If the program is still unresponsive, OEPA pretreatment coordinators have the ability to place these facilities on the QNCR and refer for enforcement action.

The CETM includes Ohio's penalty policy, which includes calculating economic benefit of non-compliance, gravity and gravity adjustment calculations that include impact on humans and the environment, and, if appropriate, an ability-to-pay determination. Ohio utilizes the EPA's BEN model for calculating the economic benefit of noncompliance. The economic benefit is calculated in most, but not all cases, (e.g., orders to install sewers to abate unsanitary conditions do not typically include a penalty). Negotiations begin using the full economic benefit amount. Whether the full economic benefit is recovered is a case-by-case situation, but the small number of penalty orders with large economic benefit calculations do not recover the full economic benefit of non-compliance. Sometimes this is based on an ability-to-pay study, and other times the dollar amount negotiated does not cover the entire economic benefit of non-compliance. Ohio's policy is to recover economic benefit when possible, though ability to pay and other factors sometimes prevent this.

Since January 28, 1987, of 567 settled administrative cases, 208 (36.7%) of the DFF&O included a monetary penalty. A number of cases involved orders to install sewers in response to failing septic systems. When proceeding under this authority, OEPA does not typically pursue a penalty. Since December 14, 1984, 535 judicial cases were settled and 360 (67.3%) of the settlements had a monetary penalty. In the past three SFYs, Ohio has collected approximately \$4 million in penalties.

Ohio tracks permit requirements, DFF&O requirements, and Consent Order requirements in a number of ways. Fixed date milestones are tracked by district office staff, in SWIMS, or by Revenues or Central Accounting System software (for monetary penalties). Ohio has a goal of monitoring 100% of the actions. The State believes this is generally met. SWIMS provides ticklers to remind staff of due or overdue milestones. There is some question as to whether all orders are entered into SWIMS. OEPA has been asked to confirm that this is happening.

Data from the past several years indicate that the State has had a relatively high SNC rate for majors. This was due in part to the fact that effluent data below the practical quantification level (PQL) were reported in PCS as violations although by definition it is not possible to prove that these were violations. OEPA revised its PCS coding such that the information relating to these results is available for review in conjunction with other available effluent data, in order that compliance may be better evaluated. In addition, the reported SNC rates are inaccurate due to compliance schedule data not being entered consistently into SWIMS (e.g., the entity complied with the terms of a compliance schedule but that fact had not been entered into SWIMS). Ohio updated and corrected this data.

As a result, the Region expects that the SNC rate in Ohio will improve. The Region has established a goal for the SNC rate of 10% or less, as measured on a quarterly basis.⁷ Recently, the State has been able to meet this goal. The Regional goal has been in place for many years, and has been incorporated in Environmental Performance Partnership Agreements (EnPPA) or State work plan agreements.

Administrative actions concluded in 2002, 2003, and 2004 (through November), numbered 29, 32, and 53, respectively.⁸ Ohio settled 26 judicial actions in 2003 and 16 in 2004 (as of November 11, 2004). (See OEPA's Web site for more details.) For the cases that were settled in 2002, OEPA collected \$3 million. For those cases settled in 2003, OEPA collected \$1.8 million. As of November 11, 2004, OEPA had collected approximately \$10 million for cases settled in 2004. In addition, several of OEPA's cases (Columbus, Toledo, Youngstown, Hamilton County Municipal Sanitation District) will require nearly \$4 billion in new pollution controls to prevent sewer overflows.

EPA Region 5:

As a general note, the Region manages against two primary indicators of the health of the State's NPDES enforcement program. As mentioned above, an SNC rate for majors of 10% or less as measured on a quarterly basis is one of these goals. Data management issues have limited the Region's ability to assess OEPA's attainment of these goals. The second goal is that the State maintain the active exceptions list (AEL) at below 2%.

As long as a State is generally able to meet these indicators, the Region does not perform in-depth reviews to determine if penalty sizes were appropriate, if the number of formal enforcement actions was acceptable, and if enforcement actions were timely, believing that deficiencies in any of these areas would ultimately be reflected in SNC and AEL rates. However, the Region will be performing NPDES enforcement file reviews in all of its States over the next 2 ½ years, where these factors, among others, will be evaluated.

The Region targets its efforts to ensure base program integrity, as well as maximize environmental benefits of its actions. In terms of the base program, the Region monitors the QNCR and the AEL to ensure that they remain below 10% and 2% respectively. These targets are routinely met. Generally, since most NPDES program elements have been authorized, State enforcement action is the primary mechanism for managing against these goals; EnPPA agreements and annual workplans contain language that indicates that where these goals are not met, federal enforcement action will be a priority. Currently, a high priority for the Region is enforcement relating to CSOs and SSOs. In particular, 42% of the nation's CSO permittees are in the Region, and enforcement relating to this pollution source has been a priority. The Region has had a CSO strategy since 1986, and it was most recently updated in 2003. The Region's focus is on those CSOs impacting high priority beaches, drinking water sources, or

⁷ The Management Report National Data Sources column, measure 34, reports an annual SNC rate which can be expected to be larger than the rate measured on a quarterly basis, as it is quite likely that the total number of facilities in SNC at any time during a year will be greater than the number in SNC in any individual quarter.

⁸ The National Data Sources column of the Management Report, measures 37 and 38, show a total of 21 formal enforcement actions in FY 2003. However, data from State databases reveal that an additional 41 formal enforcement actions occurred in 2003. EPA believes that the discrepancy is a result of an effort EPA undertaken in 2002, to consolidate the number of codes which were used for PCS data entry. Up until that time, Ohio had used code number 87 to report the vast majority of its FEAs. This code was abolished in 2002. EPA believes the State may have continued to attempt to use the abolished code during 2003, leading to failed entry, and consequently the data discrepancies. EPA will continue to work with the State to ensure that appropriate coding is now being used.

other environmentally sensitive areas. Other wet weather sources of pollution are also being targeted. To this end, the Region has also developed a CAFO permitting and enforcement strategy, and is updating its stormwater strategy. It is in the early stages of developing a strategy to address failing on-site systems.

When Region had direct implementation responsibilities for the biosolids program in Ohio, enforcement actions relating to biosolids were generally complaint driven.

The NPDES program has had an EMS since the 1980s. This system is out of date, and development of new operating procedures has been a priority for completion by the end of 2004.

The Division has a manual system maintained by the enforcement process manager for monitoring the status of cases within the pipeline. A monthly meeting is held to update status of all proposed actions. In addition, meetings are scheduled with the Office of Regional Counsel, approximately every six weeks to go over the status of cases and potential bottlenecks. In 2002, the Division also consolidated a number of databases that were used to track permittee progress in complying with enforcement actions and made a concerted effort to review all open cases and close out those for which it was appropriate. Approximately 40% of the open cases were closed out as a result of this effort.

2. Record Keeping and Reporting

The State of Ohio:

The State maintains accurate and up-to-date records. These records are maintained in SWIMS, the District Offices, and the Division of Surface Water Enforcement Section. Further information may be available from the OEPA Legal Office and the AGO, depending on the case.

3. Inspections

The State of Ohio:

Ohio has established minimum inspection frequency criteria based on facility type. In addition, monthly operating reports (MORs) and compliance data are screened by district staff and inspections increased if appropriate. Compliance reports generated by SWIMS allow inspectors to quickly identify compliance problems at facilities they oversee, both majors and minors. A concern for EPA, however, is that the State routinely falls short of meeting inspection commitments. For example, in the years 2000-2002 PCS data indicate that the State inspected between 52% and 58% of its majors, against a commitment of at least 70%. Similarly, the data reveal that OEPA inspects relatively few its minors, although the number has been showing an encouraging upward trend. The State and EPA also believe that there may have been a problem historically in recording inspections in PCS. According to the State's in-house records, approximately 840 inspections at minor facilities were performed in 2003. This is a significant proportion (about 30%) of the total universe of minor facilities, and well above the Region's goal of 20% coverage. The Region will work with OEPA in the context of preparation for PCS modernization to ensure that a mechanism is in place to record all inspections in PCS. Finally, Ohio also has a law that allows local health districts to contract with OEPA to inspect smaller (under 25,000 gallons per day [gpd]) sanitary dischargers. These inspections are in addition to any that OEPA conducts. Ohio is attempting to expand this program.

Both field inspections and file reviews are essential elements of Ohio's program. Ohio utilizes a variety of field inspections in the NPDES program such as audits, compliance sampling inspections (CSIs), compliance evaluation inspections (CEIs), and reconnaissance inspections (RIs). File reviews are a component of many of these field inspections. Following are brief descriptions of the different types of OEPA field inspections:

- 1) CEI is a non-sampling inspection designed to verify permittee compliance with applicable permit self-monitoring requirements, effluent limits, and compliance schedules;
- 2) CSI involves the collection of representative samples required by the permittee's NPDES permit;
- 3) Performance audit inspection is used to evaluate the permittee's self-monitoring program;
- 4) RI is used to obtain a preliminary overview of a permittee's NPDES permit compliance status;
- 5) Pre-permit inspection is simply a CEI or CSI conducted prior to issuing an NPDES permit;
- 6) Operation and maintenance inspection is an inspection of the operation and maintenance of an unpermitted wastewater treatment facility.

A highlight of Ohio's program is its formal process for establishing annual enforcement priorities. Each year OEPA compliance staff members in each district meet with CO and develop enforcement and compliance priorities. Generally, sectors or facilities with significant public health/environmental impacts are targeted, as are sectors/facilities with high noncompliance rates. Also, TMDL recommendations play a significant role.

Through EnPPA discussions, as well as more frequent topic-specific discussions, (e.g., CSOs) the State and EPA work to establish respective roles in EPA priority sectors and initiatives. To document procedures to be followed and to ensure full communication in certain of these work-sharing activities, the State and Region 5 have recently entered into a memorandum of understanding to better define areas of cooperation and work sharing regarding CSO enforcement actions.

EPA Region 5:

The Region has developed a CWA inspection strategy that describes the manner in which inspections are prioritized and agreed to between the States and EPA. As described in this strategy, a variety of factors influence selection of inspection targets, including national and Regional priorities, case close-out needs, multi-media initiatives, complaints and coverage requirements. In the two States for which EPA is the pretreatment authority, the Region targets its efforts through evaluation of environmental indicators (e.g., whether the concentration of metals in biosolids is increasing) and coverage factors (e.g., how long it has been since the State or EPA performed an audit at the municipality). The Region requests that the States perform all other coverage inspections, though most States have had difficulty in meeting these commitments in recent years. The Region is working with the States to increase the number of inspections they perform, but does not have the resources to backstop any State shortfalls. In addition, the Region is concerned that the current requirements for coverage inspections may impede the States and EPA from focusing on those inspections that might result in greatest environmental benefit, and believes that this is an issue that warrants policy discussion at the national level.

4. Compliance Assistance

The State of Ohio:

For NPDES permitted dischargers, Ohio has a technical assistance group that is available to consult with POTWs at no charge. The Ohio technical assistance group is recognized as one of the best in the country. OEPA district office staff members are also in the field and are a ready source of technical assistance. OEPA CO staff members are available for certain programs that are primarily run out of CO, such as the pretreatment and biosolids management programs. Technical assistance and an ongoing field inspection presence are viewed as key to averting non-compliance.

Ohio measures the outcome of compliance assistance through tracking of DMRs and periodic field surveys of the stream segment. The results of enforcement actions generally are measured and summarized in annual reports available on the following Web site:

<http://www.epa.state.oh.us/index.html>.

Data for the past two years are summarized below. In 2002, the following were addressed by DFF&Os or Consent Orders:

- 1,229 lots with failing on-site systems
- 227 sewage overflows (CSO or SSO)
- 512 acres of development with inadequate stormwater controls
- 56.45 acres of landfill with leachate concerns
- 39.06 acres of illegally filled wetlands
- 1,618 feet of streams illegally impacted by dredge and fill operations
- 188,000 gallons per day of sewage discharge untreated to waters of the State

For pollutants that primarily affect aquatic life, the biocriteria are the most fundamental measure of success (being the highest level indicator used for aquatic life) and the main indicator of aquatic life use attainment. Results can also be tracked by comparing effluent chemical data before and after pollutant reductions.

The calendar year 2003 data are as follows:

- 3,200 feet of stream mitigated under the 401 program
- 56,500 gpd of sewage removed from package treatment plants and tied into Regional wastewater treatment plants
- 571 failed on-lot systems sewered (individuals or small unsewered municipalities)
- 19 CSOs addressed

- 854 acres with stormwater concerns addressed
- 3,497,912 gpd of wastewater treatment plant flow upgraded to provide further treatment

Strengths of Ohio's program are the breadth of its compliance assistance and its efforts to measure the outcome or effectiveness of that assistance.

EPA Region 5:

Within the first year after the new biosolids regulations were published, the Region hosted a satellite broadcast to explain the regulation and its requirements. The Region reached nearly half of the regulated community with this broadcast. The Region has also instituted a small community compliance assistance program for biosolids modeled after the operation and maintenance evaluation (OME) program.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Ohio:

OEPA has a strong program for monitoring and assessing the health of the State's rivers and streams. OEPA is also developing a program for addressing water quality issues related to wetlands. Ohio has developed Indices of Biotic Integrity (IBIs) for wetlands using plants, invertebrates, and amphibians. The State has completed testing of IBIs in all ecoregions and calibrated its rapid assessment method with the IBI data. That information now is used to guide wetland permitting decision making and mitigation performance evaluation. Ohio is working with Kenyon College on wetland health assessment across the Cuyahoga River basin using a probabilistic sampling design. This information will feed into more detailed work in a few watersheds within the Cuyahoga basin. The data from the assessment work are being designed for use by local communities for planning purposes, such as developing green infrastructure/open space plans and identifying the locations of the highest quality wetlands.

In 1990, OEPA initiated a rotating basin cycle to better coordinate the collection of ambient monitoring data so that information and reports would be available in time to support water quality management activities such as the reissuance of NPDES permits and periodic revision of WQS. Ohio uses a geometric design for monitoring water quality on a watershed basis. This design allows Ohio to intensively monitor each watershed and provide data to support a variety of Clean Water Act programs. Each year, Ohio monitors approximately 300-400 sites using the geometric design. Ohio assesses each watershed as an assessment unit for purposes of integrated reporting (i.e., if one water body is determined to be not meeting water quality standards, the entire watershed is listed in Category 5). Ohio also provides estimates of the percentage of streams in each watershed that are in attainment. Like many Region 5 States, Ohio's program focuses on aquatic life use and biological endpoints for much of its determination of water quality status. Increased focus on other water body types (e.g., lakes) and human health uses (e.g., swimming) could increase the number of waters identified as impaired. Increased monitoring of fish tissue contaminants could also increase the number of waters with identified impairments, particularly in lakes/reservoirs. Ohio currently is not assessing lakes and reservoirs, but plans to assess lakes in reservoirs in the future, contingent upon resource availability.

Additionally, the State is participating in the national probabilistic stream survey as part of a five-state consortium, and the wetlands pilot monitoring program is employing a probabilistic design. The State currently does not have plans to integrate a probabilistic design into its rotating basin streams program.

Ohio EPA has developed a draft monitoring strategy document that is consistent with the EPA's "Elements of a Water Monitoring and Assessment Program" document. A September 2004 draft was submitted to Region 5 and comments were received in late November. The overall Region 5 assessment of the Ohio strategy is that Ohio has developed a draft monitoring strategy that addresses each of the elements identified in EPA's guidance. The strategy addresses CWA objectives and provides at least some information on all waterbody types (streams/rivers at multiple scales, in-land lakes and reservoirs, Lake Erie, wetlands, and groundwater). It is planned that the Ohio monitoring strategy will be revised based on Region 5 comments and finalized by the end of June, 2005.

OEPA uses a variety of data to support the permit program. Biological and water quality studies are periodically conducted on rivers and streams, primarily as input to the Integrated Report and to support development of TMDLs. These studies include fish and macroinvertebrate sampling and water chemistry data, and often include sediment chemistry data as well. Effluent toxicity testing is coordinated with field sampling efforts. Other data, such as fish tissue monitoring and biomarker data, are collected as needed for a given stream survey. Many NPDES dischargers are evaluated in this process, although not all major dischargers can be evaluated every permit cycle. These studies are typically done 12 to 24 months prior to permit issuance to provide chemical, biological, and toxicity data for the permit review. Trend analysis from survey to survey is done in each study. Permits are issued on a rotating five-year basis, using any monitoring done before that. Periodically, the Permits, Modeling, and Ecological Assessment sections meet to update the five-year planning so that changes in any area can be coordinated with related programs.

2. Environmental Outcomes

The State of Ohio:

The number of river and stream miles assessed in Ohio rose significantly between 2000 and 2002. In 2000, Ohio assessed 8,232 miles of streams for aquatic life use. In 2002, the State assessed 40,178 miles. This increase is primarily due to a change in the way Ohio reports its data. Within a watershed, Ohio is now using its data to estimate the percent of streams meeting/not meeting uses. In 2000, the State reported that 54.6% of assessed miles supported aquatic life use. With the new watershed approach undertaken in 2002, a new system for tracking trends needs to be established.

In 2002, 70% of the river and stream miles (including large rivers) in the State were assessed for aquatic life and 42% for recreation. Of the river and stream miles assessed, (including large rivers), 48% fully support the aquatic life use. Ohio did not assess lakes in its 2002 Integrated Report. (see page 8 of http://www.epa.state.oh.us/dsw/tmdl/2002IntReport/Ohio2002IntegratedReport_100102.pdf) Region 5 is working with Ohio to include a plan for assessing lakes and reservoirs in Ohio's monitoring strategy.

3. Water Quality Standards

The State of Ohio:

Ohio's WQS are found at OAC 3745-1. Ohio's classes of designated uses are found at OAC 3745-1-7, and the use designations assigned to specific water bodies are found in OAC 3745-1-8 through OAC 3745-1-34. Ohio assigns each water body in Ohio a use in each of the following classes: aquatic life, water supply (including public, agricultural, and industrial), and recreation. The aquatic life uses are tiered based on the biological expectations for the water body consistent with OEPA's system of numeric biological criteria, resulting in seven subclasses of aquatic life uses. Assignment to a subclass is based on available biological and habitat data collected by OEPA. Recreational uses are also tiered, resulting in three subclasses: bathing waters, primary contact, and secondary contact.

Ohio's water quality criteria meet the requirements of CWA 303(c)(2)(b) and include both numeric criteria and narrative criteria with a mechanism for deriving numeric expressions of the narrative for use in NPDES permits. Ohio's WQS are established and enforced to protect designated uses. This is done through NPDES permits and, where appropriate, through TMDLs to address point and nonpoint source discharges. Ohio's last revisions to its WQS were completed and approved by EPA in 2003.

Ohio is one of the first States in the nation to establish biological criteria to protect its waters. To assure designated uses are met, Ohio has established biological criteria for fish and macroinvertebrates in OAC Rule 3745-1-07. These criteria apply to streams designated Warmwater Habitat, Exceptional Warmwater Habitat, and Modified Warmwater Habitat. The biological criteria are the main source of data for determining aquatic life attainment status for the water quality inventory prepared under CWA section 305(b) and listing of impaired water bodies on the section 303(d) list. Ohio's biocriteria for fish and macroinvertebrate communities are established using data from least-impacted sites (reference sites) for headwater, wading, and boatable streams in each of five ecoregions. Ohio is also developing biocriteria for wetlands that will complement the rapid assessment methodology currently used by OEPA.

Use attainability analyses and changes to designated uses are regular and frequent in Ohio, owing to the wealth of biological and habitat assessment data generated by OEPA. Ohio submits updates to rules listing the uses of specific water bodies on an annual or biennial basis as part of its regular rotating basin schedule for monitoring and assessment. These data are also available to assist OEPA permit writers in developing NPDES permits. Ohio's WQS contain provisions that describe the applicability of the uses and water quality criteria and implementation procedures for Ohio's antidegradation policy.

Ohio protects against aquatic toxicity by utilizing narrative WQS for toxicity, listed in OAC Rule 3745-1-04(D): "To every extent practical and possible as determined by the director, these waters shall be ... free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone." These water quality standards are implemented as toxic units (TUs) (0.3 TU_a and 1.0 TU_c for ambient waters) as specified in OAC Rule 3745-2-09. As TUs, toxicity is allocated using the same WLA procedures used for chemical standards to protect aquatic life.

Ohio's WQS for chemical parameters are based on EPA criteria development recommendations. Where data are available on a sufficient number of species, there are different criteria for different aquatic life uses (for ammonia-nitrogen and dissolved oxygen, primarily). The WQS list criteria for metal, inorganic pollutants, and organic pollutants for water bodies designated for aquatic life uses, human health uses, appropriate water supply and recreation uses, and wildlife protection in the Lake Erie Basin. Ohio's WQS also contain rules allowing OEPA to develop new human health and aquatic life criteria as needed. These criteria are published on OEPA's Web site.

Many WQS for metals are established for both total-recoverable and dissolved forms. The total recoverable criteria apply to streams unless a site-specific dissolved metals translator (DMT) has been established. Where DMTs exist, they have been "truth-tested" against levels of metals known to impair streams, as measured by the biocriteria. Biocriteria-based values have been used to modify DMT values if the DMTs appear not to be protective of the designated use.

OEPA has a robust antidegradation rule (OAC Rule 3745-1-05). The rule contains public notice and participation procedures for new sources and permittees that apply to increase pollutant discharge levels over levels allowed by their current permit. The rule specifies use of best available demonstrated control technology, development of an alternatives analysis on the need to discharge, and the conditions under which a detailed social and economic justification is required for the increase. The rule also identifies higher-quality waters that have assimilative capacity set-asides and more rigorous public notice and

hearing requirements. This rule was revised in October 1996 and July 2003 to incorporate the rulings of Ohio's courts and to add clarification to the requirements.

Ohio's narrative criteria address: 1) suspended solids and sludge; 2) oil, scum, and other floating materials; 3) nuisance colors and odors; 4) toxicity; and 5) nutrients resulting in nuisance growths.

Sludges, oils and scum, and color and odor are gross level indicators that are usually controlled by treatment technology-based conditions in permits. Prior to permit renewal, OEPA field staff inspects outfalls and discharges to determine if narrative conditions or specific limits are needed in reissued permits. Also, third-party reports and complaints are reviewed to determine if permit restrictions are necessary.

When conditions that might indicate a violation of narrative criteria are identified, necessary limitations, monitoring, and compliance schedules are established in the permit to correct the problem. Common examples include limits to control oil and grease discharges and daily monitoring requirements for color, odor, and turbidity for small sewage treatment plants.

An important tool available to OEPA for assessing the need for nutrient controls is the State's biocriteria. The biocriteria are used to develop nutrient "targets" for streams to be used in TMDLs. These targets are designed to maintain biocriteria, and therefore also protect against the nuisance conditions prohibited in the narrative WQS. Targets are developed by comparing biological index measurements of nutrient impaired waters against the same measurements on unimpaired streams. A regression of biological index measurements against nutrient concentrations allows nutrient targets to be established for streams.

Ohio has developed a nutrient criteria development plan that has been reviewed and accepted by EPA. Ohio is currently collecting field data to support adoption of nutrient criteria by 2007. Until 2007, the need for nutrient limits in a permit is based on an evaluation of the biocriteria downstream of the discharger. If chemical sampling and the biocriteria support the need for limits, the State either 1) develops and implements these limits through a TMDL (e.g., Upper Little Miami River TMDL) or 2) pending development of the TMDL, issues permits with a technology based limit (e.g., 1 mg/L phosphorus).

Ohio's WQS at OAC 3745-1 do not address compliance schedules. Ohio Compliance Schedule Rules are at OAC 3745-33-05. Ohio has criteria for E. coli to protect recreational uses.

4. Total Maximum Daily Loads

The State of Ohio:

OEPA includes representatives from the permitting program on the TMDL development teams. Integration of the permitting process is explicitly discussed in the OEPA TMDL process document. Permitting decisions are made during the TMDL development process, allowing concurrent development of TMDLs and permit limits needed to meet the TMDL. TMDLs in Ohio are developed on a watershed basis, allowing the impacts of all dischargers to be assessed during TMDL development, and allowing permits to be developed on a watershed/basin approach. To date, TMDLs developed by OEPA have included WLAs as appropriate and have included WLAs for sources regulated by general permits.

In establishing WQBELs for discharges to impaired waters where a TMDL has not been established, OEPA reviews the discharge and the impairment according to an informal decision tree:

- If the pollutant in question is not a cause of the impairment, the standard WLA and reasonable potential procedures will assure attainment of the water quality criteria.
- If the pollutant is a cause of the impairment, and point sources are the only source of the pollutant, the standard WLA and reasonable potential procedures will be equivalent to a TMDL for that pollutant.
- If there are other sources of a pollutant, or other impairments that increase the effect of a pollutant (e.g., habitat impairment), OEPA will make some judgments about the relative contribution of the point source to the impairment. In these situations, OEPA will require best available technology-equivalent treatment for a pollutant (if it does not already exist) to address the point source contribution of a pollutant. If the point source is a more significant contributor of the pollutant, OEPA would require reductions to meet a WQBEL, which may include final limits based on different treatment, source reduction/trading, remediation, or habitat improvement alternatives. Under no conditions would additional load be granted to a discharger unless other source reductions in the water body segment were documented.

OEPA has developed the largest number of TMDLs of the six Region 5 States. Through fiscal year 2003, OEPA had developed TMDLs for 274 water body-pollutant combinations, addressing 312 impairments.⁹ In FY 2004, OEPA developed TMDLs for an additional 136 water body-pollutant combinations, addressing 163 impairments. OEPA uses watersheds to list waters, which complicates determining the percentage of TMDLs completed. The State, however, appears on pace to develop TMDLs in a timely fashion. Delays are generally related to resource issues for the TMDL program, but the process has been improved due to OEPA developing TMDLs on a watershed basis. Point sources may be a significant source of impairment in selected TMDLs, but OEPA has indicated that permits will be issued if TMDLs are significantly delayed.

Ohio is to be commended for the State's significant pace of TMDL development, which in some years has exceeded the State's goals. The State is on track to meet its long-term program targets. Of the TMDLs established through FY 2003 in Ohio, nearly all include NPDES point sources.

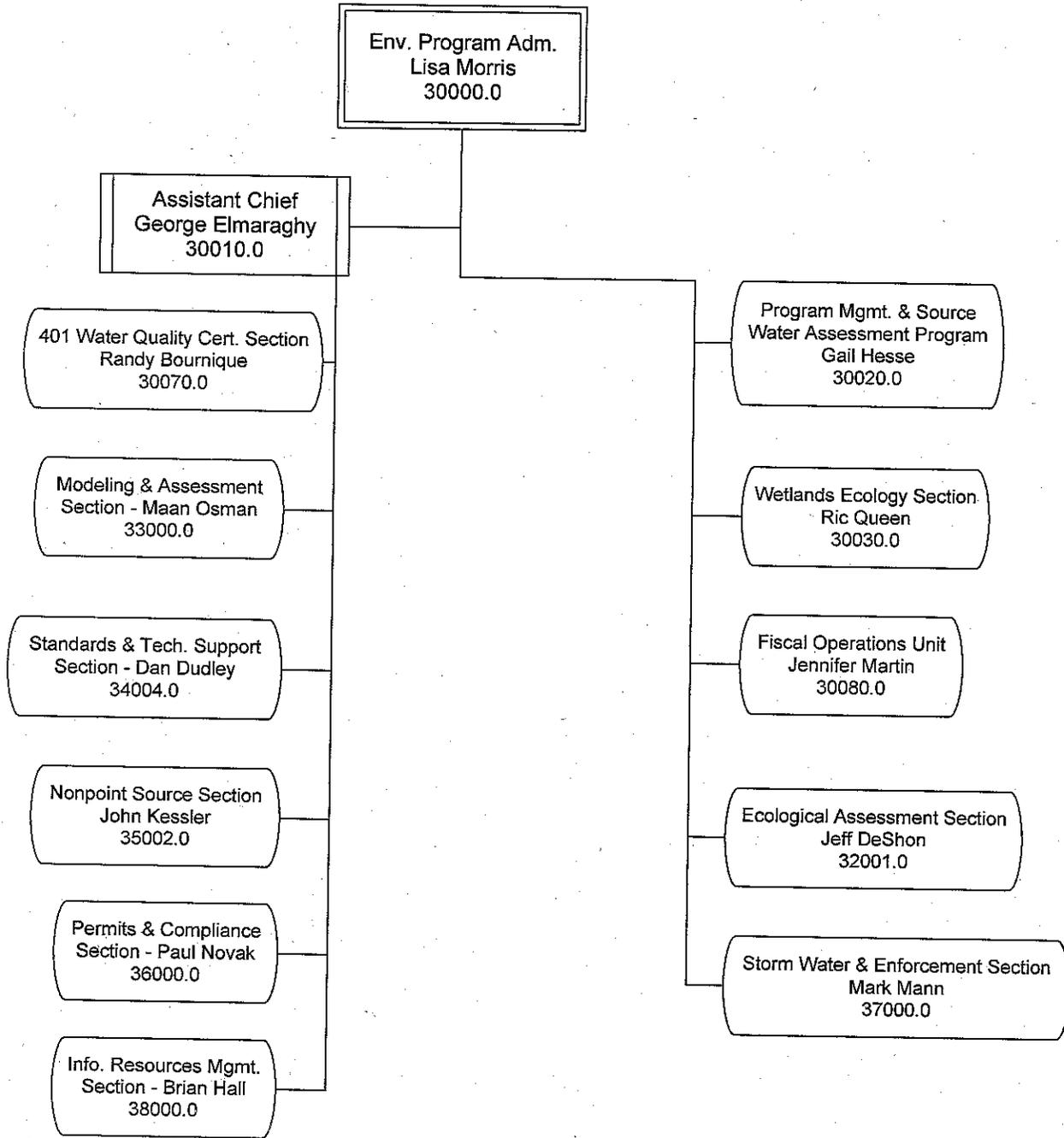
5. Safe Drinking Water Act

The State of Ohio:

OEPA is completing its Source Water Assessment program as required by the 1996 reauthorization of the Safe Drinking Water Act. OEPA's assessments for public water systems that use surface water include information from the NPDES program such as ambient water quality data to characterize the general condition of the surface water, NPDES permits, and regulated livestock operations. OEPA has identified that source water protection will be integrated with the CWA programs to protect Ohio's water resources by incorporating source water protection initiatives into the State's ongoing Watershed Strategy and assessing surface water designated uses.

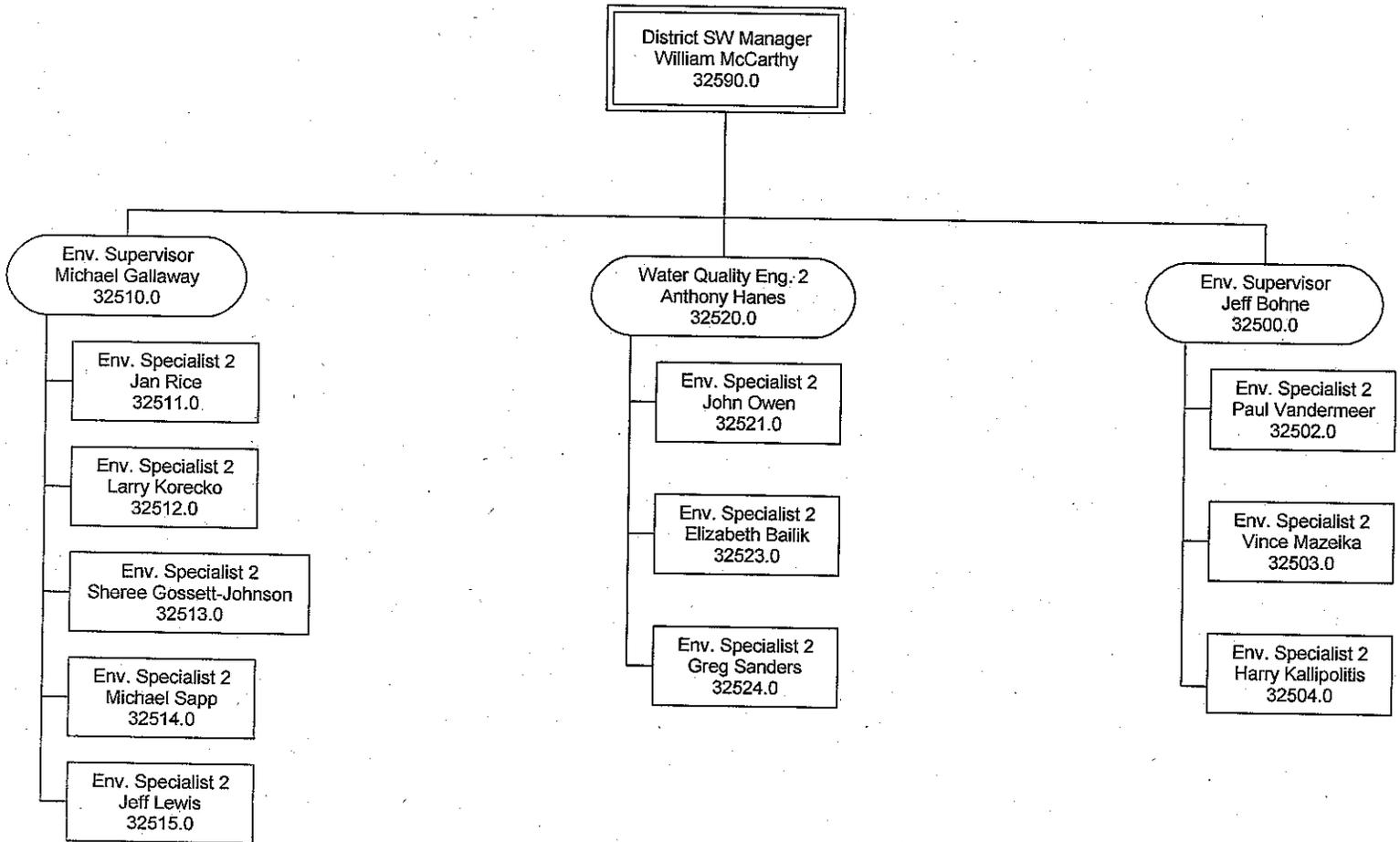
⁹ The National Data Sources column of the Management Report, measure 54, shows 302 TMDLs completed through FY 2003. Region 5 recently compiled information on Ohio's TMDLs and the official record shows TMDLs for 274 water body-pollutant combinations completed through FY 2003. Data in NTTs will be corrected to correspond with these official records.

**DIVISION OF SURFACE WATER
PPE APRIL 3, 2004**



113 DO's
107 CO
220 positions
4 vacants
216 filled

Division of Surface Water
Central District Office



Division of Surface Water
Northeast District Office

District SW Manager
John Januska
32190.0

Env. Specialist 3
Bryan Schmucker
32195.0

Adm. Assistant 1
Tonya Gaines
32191.0

Office Assistant 3
Tracy Sabetta
32192.0

Office Assistant 3
Ed Wilk
32193.0

Water Quality Eng. 2
Dennis Lee
32110.0

Env. Specialist 2
William Zawiski
32111.0

Env. Specialist 2
Philip Rhodes
32112.0

Env. Specialist 2
Michael Stevens
32113.0

Env. Specialist 2
Donald Kwolek
32116.0

Env. Specialist 2
Donna Kniss
32117.0

Water Quality Eng. 2
Ron Bell
32120.0

Env. Specialist 2
Marie Underwood
32121.0

Env. Specialist 2
Peter Killmer
32122.0

Env. Specialist 2
Charles Allen
32123.0

Env. Specialist 2
Dean Stoll
32124.0

Env. Specialist 2
Jennifer Bennage
32125.0

Env. Specialist 2
Douglas Hiestand
32127.0

Water Quality Eng. 2
Richard Blasick
32140.0

Env. Specialist 2
Sandra Cappotto
32133.0

Env. Specialist 2
Ermelindo Gomes
32134.0

Env. Specialist 2
Mark Bergman
32136.0

Env. Specialist 2
Dan Bogoevski
32137.0

Env. Supervisor
David Stroud
32100.0

Env. Specialist 2
Paul Anderson
32102.0

Env. Specialist 2
Robert Davic
32103.0

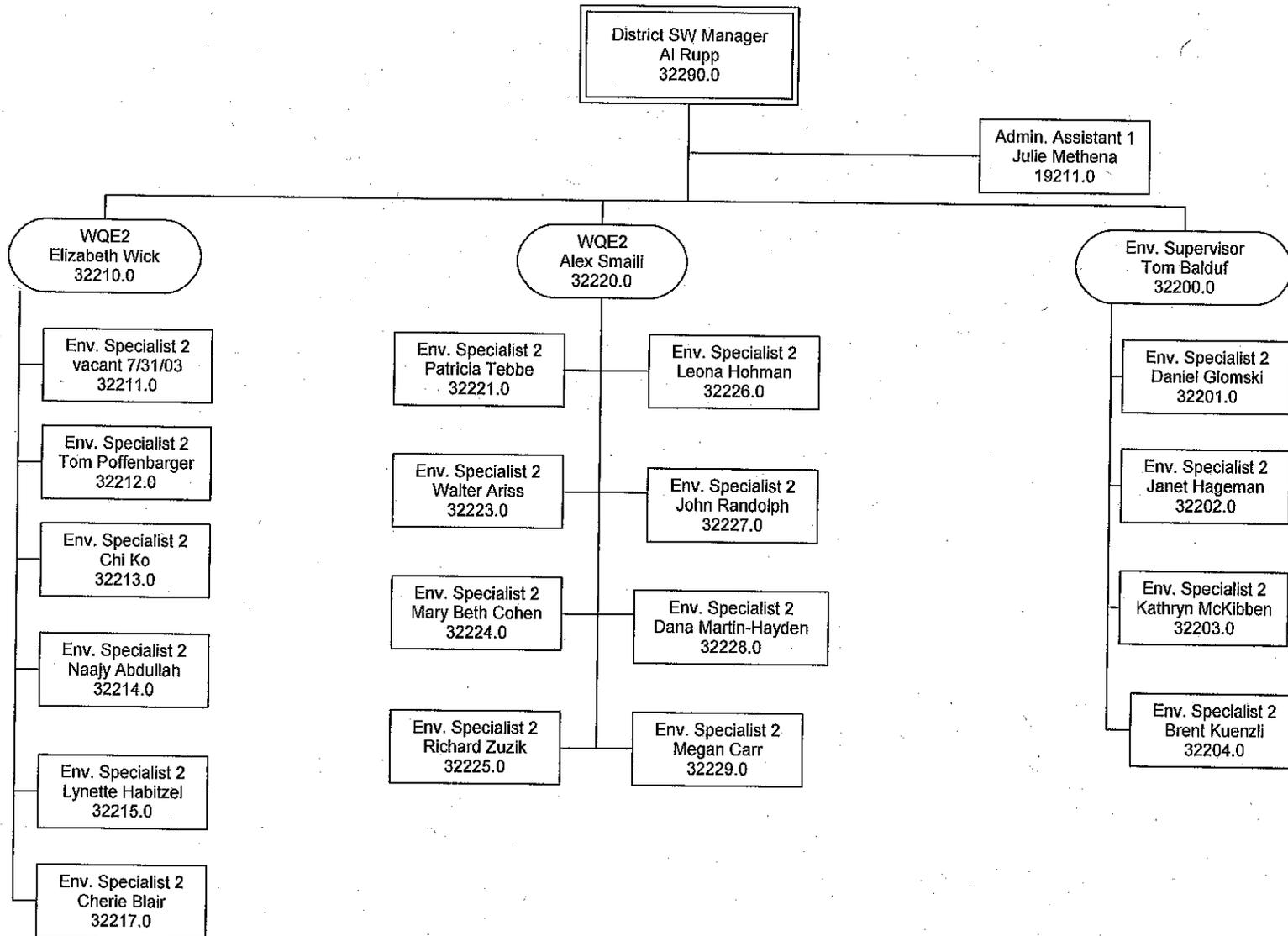
Env. Specialist 2
Steve Tuckerman
32104.0

Env. Specialist 2
Kelvin Rogers
32106.0

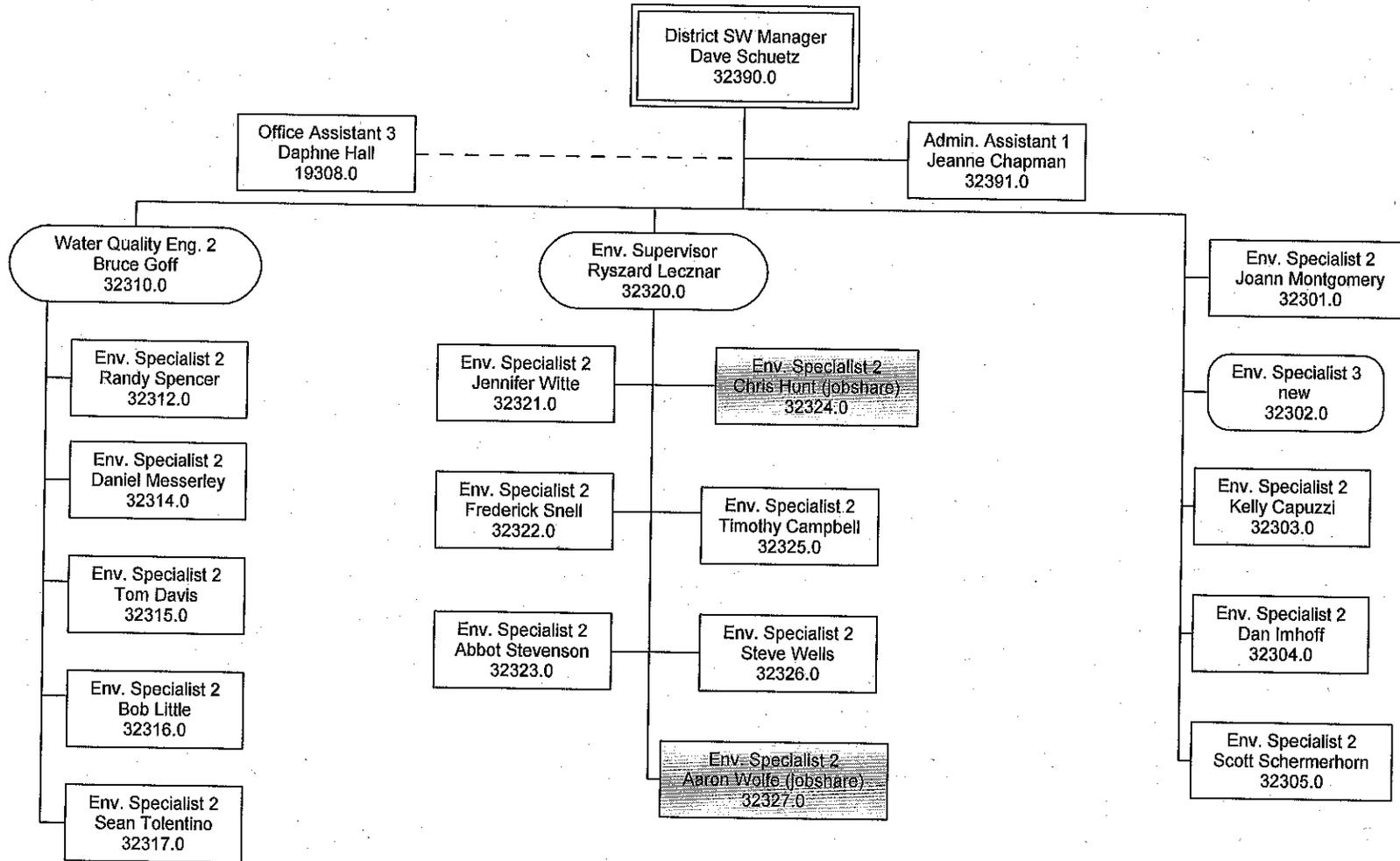
Env. Specialist 2
Ted Conlin
32107.0

Env. Specialist 2
Roger Thoma
32108.0

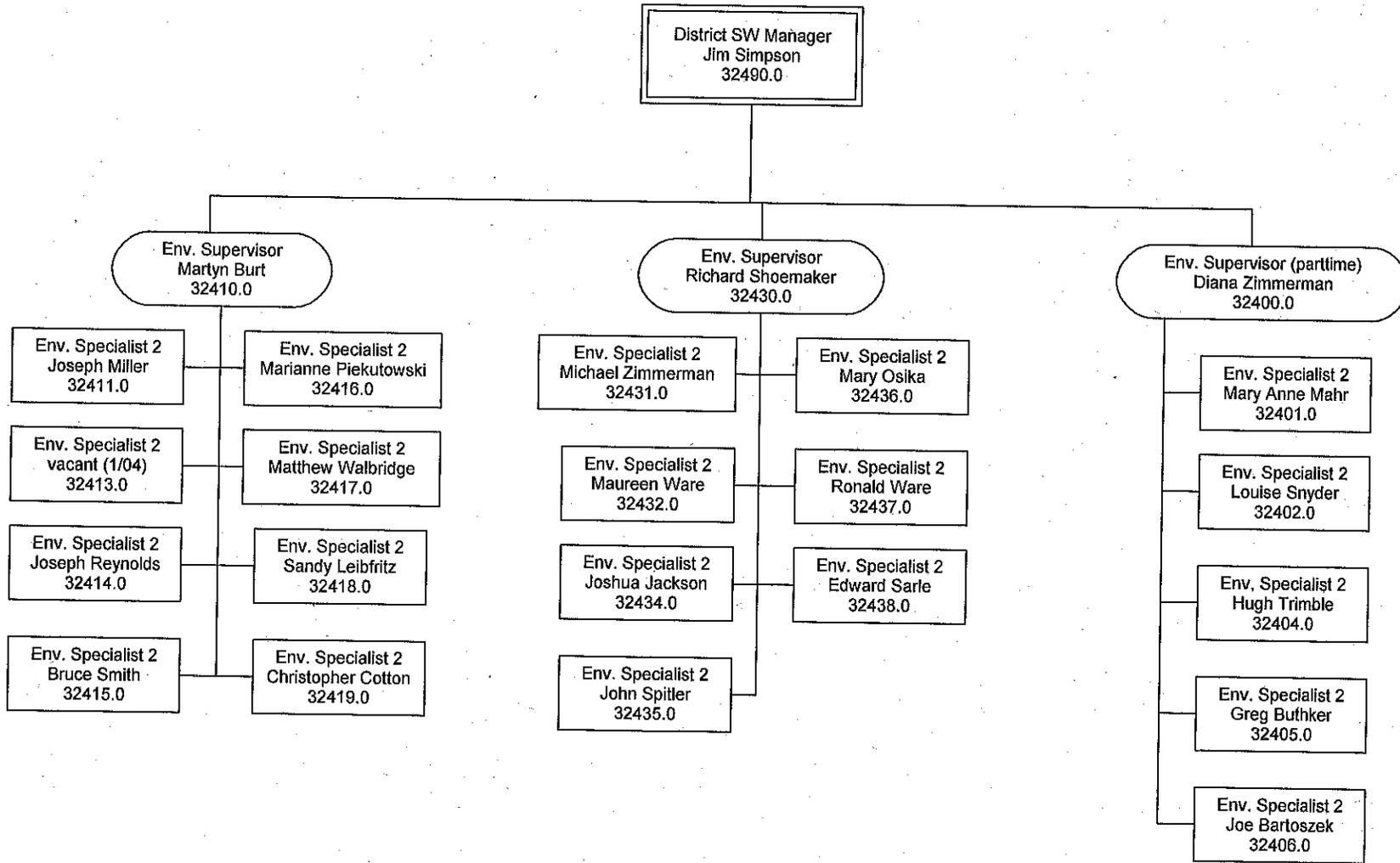
Division of Surface Water
Northwest District Office



Division of Surface Water
Southeast District Office



Division of Surface Water
Southwest District Office



NPDES Management Report, Winter 2005

Ohio

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	296	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	2,857	0		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	758	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	17,564	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	1,846	2		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	1,055	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	98	--	99	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	1,207	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	88	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	144	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	67.5%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	TBD	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	1	n/a		
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	1	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	86.1%	n/a	90.0%	
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	80.9%	n/a	81.3%	
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	82.7%	--	86.9%	
	24	% SIUs w/control mechanisms	II.2		99.2%	99.3%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	94.0%	--	100.0%	
	26	% CAFOs covered by NPDES permits	II.3		35%	1%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	2	n/a	1	
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	49%	0%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	67%	50%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	20%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	4%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	88%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	5	3	9	
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	16	4	53	

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NNTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

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NPDES Management Report, Winter 2005

Ohio

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
					State Activities	EPA Activities	State Activities	EPA Activities
Water Quality Progress								
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	57,936	n/a	
	40	Lake acres (27,775,301 total)	IV.2		n/a	118,963	n/a	
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	905	--	
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	150	0	
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--	
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a	
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	0	
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--	
	47	% river/stream miles assessed for recreation	IV.2		13.8%	41.8%	n/a	
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	70.4%	n/a	
	49	% lake acres assessed for recreation	IV.2		49.4%	0.0%	n/a	
	50	% lake acres assessed for aquatic life	IV.2		48.5%	0.0%	n/a	
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	1	n/a	
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	Y	n/a	
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	Y	n/a	
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	302	--	274
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	263	0	
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	300	--	
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	--	n/a	
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	--	n/a	
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--	

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