



NPDES Permit 24-hour Non-compliance Notification Requirements

Anyone who owns a facility covered by a National Pollutant Discharge Elimination System (NPDES) permit is required to submit a non-compliance notification to Ohio EPA within 24 hours for certain non-compliance events. This fact sheet clarifies under what circumstances this notification is required and the options available for submitting it.

When is a 24-hour non-compliance notification required?

There are two types of NPDES permit non-compliance that trigger 24-hour non-compliance notification requirements.

- 1) Any non-compliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the director in the NPDES permit. Many NPDES permits issued by the director of Ohio EPA contain daily maximum discharge limits for pollutants that may be discharged by the permit holder to waters of the state. While compliance is everyone's goal, daily maximum discharge limits are exceeded on occasion. When that happens, the permit holder is required to submit a non-compliance notification to DSW within 24 hours of discovery of the non-compliance.
- 2) Any unanticipated bypass resulting in an exceedance of any effluent limit in the NPDES permit or any upset resulting in an exceedance of any effluent limit in the NPDES permit. Wastewater treatment facilities may also experience an occasional unanticipated bypass or upset of some or all of the treatment units. When that happens, the permit holder is required to submit a non-compliance notification to DSW within 24 hours of discovery of the non-compliance exceeded any effluent limit in the NPDES permit.

How can I submit a 24-hour non-compliance notification?

There are two ways to submit a 24-hour non-compliance notification:

- 1) by email using prepared non-compliance notification forms available on the Internet at www.epa.ohio.gov/dsw/permits/individuals.aspx; and,
- 2) by telephone.

Both of these options are discussed later in this fact sheet.

What if the non-compliance is an emergency?

On rare occasions, NPDES permit non-compliance may constitute an emergency. An emergency must be determined on a case-by-case basis. An immediate or potential threat to public health and safety should be considered an emergency and must be reported as such.

What rules and laws apply?

- Title 40 of the Code of Federal Regulations, Part 122.41
- Chapter 6111 of the Ohio Revised Code
- Chapter 3745-33 of the Ohio Administrative Code

What is a 24-hour non-compliance notification?

A 24-hour non-compliance notification is an explanation of the events that lead to certain NPDES permit non-compliance. As the name implies, the non-compliance notification must be submitted to Ohio EPA, Division of Surface Water (DSW), within 24-hours of discovery of the non-compliance.

**Report environmental emergencies to Ohio EPA 24 hours a day, 365 days a year.
800-282-9378**

Call the Ohio EPA emergency number above within 30 minutes if you determine an emergency exists. Do not wait to make the required report. Any delay in reporting an emergency can potentially result in greater threats to human health and the environment.

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How do I submit a 24-hour noncompliance notification using email?

To access the Non-compliance Notification forms, go to www.epa.ohio.gov/dsw/permits/individuals.aspx. Look under Non-compliance Notification for forms for daily maximum discharge limit violations and bypasses and upsets.

Use the following naming instructions for the non-compliance notification report and email subject line:

- 1) save a copy of the form to your computer;
- 2) answer all questions and fill in all required information;
- 3) rename the completed form using the NPDES permitted facility name, date, county where the facility is located, and the DSW inspector's name (if available). Example: ACME_WWTP_110408_County_InspectorName.doc; and,
- 4) attach the form to an email sent to the appropriate DSW inspector or district office. The Subject line of the email should consist of the same name.

How do I submit a 24-hour non-compliance notification by telephone?

Refer to Part III, Section 12 Non-compliance Notification, of your NPDES permit for instructions on submitting a 24-hour non-compliance notification by telephone. Toll-free numbers are provided for each DSW office. Ask for your DSW inspector by name, or at least be able to provide the county where the facility is located. The information that must be reported is detailed in Section 12. **[Note: a 24-hour noncompliance notification by telephone must be followed up by a written report within five days].** This follow-up requirement is not applicable to an email 24-hour non-compliance notification, which is already a written report.

Are there other reporting requirements?

Yes. There are three other report requirements in Part III, Section 12 of your NPDES permit.

- You must report any inability to meet a required activity in the schedule of compliance in your NPDES permit. The report must be written and submitted to the appropriate DSW office within 14 days of becoming aware of the situation. Paragraph D of Part III, Section 12 contains instructions regarding the required content of the report.
- You must report all other instances of NPDES permit non-compliance not reported as part of a 24-hour non-compliance notification on your monthly Discharge Monitoring Report.
- If you become aware that you failed to submit an application, or submitted incorrect information in an application or in any report to the director of Ohio EPA, the correct information with an explanation needs to be promptly submitted.

Where can I get more information?

Contact Ohio EPA's Division of Surface Water at your district office. To view a map of Ohio EPA's district office boundaries and mailing addresses, go to www.epa.ohio.gov/districts.aspx.