

**OHIO ENVIRONMENTAL PROTECTION AGENCY
FACT SHEET FOR THE DRAFT STATEWIDE GENERAL NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT COVERING DISCHARGES OF
SANITARY WASTEWATER FROM SELECT HOUSEHOLD SEWAGE TREATMENT
SYSTEMS**

I. Background

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

The purpose of issuing NPDES permits to discharges from select household sewage treatment systems (HSTSs) such as single family, two family or three family dwellings or residential dwellings or appurtenances as defined by Chapter 3701-29 of the Ohio Administrative Code is to ensure that any wastewater discharges from these facilities are in compliance with all applicable state and federal water pollution control laws. Also, public health and safety will be better served by having such an applicable control document.

Ohio EPA has elected to issue a statewide general permit to possibly provide coverage of discharges from select replacement and/or new HSTSs in situations where on-site dispersal of the wastewaters is not an option. Part I of the general permit provides a definition of those facilities eligible for coverage under the general permit. This is the second HSTS General Permit that Ohio EPA has elected to issue in order to provide coverage for these select systems. NPDES Permit No. OHK000001 was issued on December 22, 2006 and provides potential coverage for discharging HSTSs in counties that have chosen to sign an implementation Memorandum of Understanding (MOU) with Ohio EPA. This new HSTS General NPDES Permit does not require an MOU be signed, as required by the provisions of Amended Substitute House Bill Number 119 which became effective July 2007. Provisions within this new law required this new permit to be developed.

The limits included in this general permit are representative of the best available demonstrated control technology for sanitary wastewater discharges as outlined by Ohio EPA rules. The general permit is intended to cover any HSTS that meets the eligibility requirements and was designed to meet these limits and that would consequently have a minimal impact on the environment.

The conditions under the heading "eligibility" are very important because discharges not eligible, such as co-mingled discharge streams, HSTSs discharge proposals from newly created lots, discharges to exceptional quality waters and discharges from industrial facilities, are addressed there.

II. Description of General Permit Coverage and Type of Discharge

The permit provides potential coverage for discharges from select new or replacement HSTSs serving single family, two family or three family dwellings or residential dwellings or appurtenances as defined by Chapter 3701-29 of the Ohio Administrative Code to waters of the state. The permit does not cover any discharges that the Director of the Ohio EPA has determined to be contributing to a violation of a Water Quality Standard (WQS) as determined in Ohio Administrative Code Chapter 3745-01.

For the purpose of this permit, a new discharging HSTS is one that is to serve a new residential dwelling being constructed on an existing lot only when on-site treatment is not an option as determined by OAC 3701-29: Household Sewage Treatment Rules as administered by the local board of health and meets the eligibility

requirements of the general permit, including the adequate receiving stream characteristics.

A replacement HSTS is one being installed to serve an existing residential dwelling that has inadequate sewage treatment and on-site dispersal is not an option as determined by OAC 3701-29 and meets the eligibility requirements of the general permit.

III. Description of Permit Conditions

Notice of Intent - Single family, two family or three family dwellings or residential dwellings or appurtenances as defined by 3701-29-01 of the Ohio Administrative Code that will require the installation of a new or replacement HSTS with a discharge as permissible in accordance with OAC 3701-29 must submit a Notice of Intent (NOI) application to apply for coverage under the general permit. The USEPA's regulations at 40 CFR 122.21 (a) exclude facilities covered by general permits from requirements to submit an application for an individual permit.

NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of facilities covered by the general permit, their identities, locations, mailing addresses, and nature of discharge.

To apply for general permit coverage the applicants/homeowners will be required to complete and submit an NOI application form that is available from Ohio EPA, along with an application fee of \$200. The NOI application form, and appropriate fees shall be submitted to the following address:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216 - 1049

Any HSTS that is granted coverage under this general permit, may be required to connect into a publicly owned treatment works during the time this permit is effective, whenever a sanitary wastewater system of a publicly owned treatment works becomes available and accessible.

IV. Eligibility Determining Factors

1. Except for discharges identified under item 2 below, this permit may cover all point source discharges of wastewater from select new and replacement household sewage treatment systems (HSTS) serving an individual 1, 2 or 3 family dwelling as long as the following are met:
 - a. An independent third party evaluation is completed verifying that the conditions of this permit are met. Such an evaluation can be completed by a registered sanitarian of the local health district, a professional engineer registered in the state of Ohio, a soil scientist or other professional experienced in HSTS design, etc.
 - b. All site review documentation, in accordance with OAC 3701-29, shows that it is not feasible to design an HSTS in accordance with OAC 3701-29 that could eliminate the need for a point source discharge.
 - c. An HSTS in accordance with OAC 3701-29 is designed to meet the applicable final effluent limitations and monitoring requirements in the permit.
2. The following wastewater discharges associated with household sewage treatment systems are not eligible for coverage under this general permit:
 - a. any discharge in any local health district jurisdiction that has signed an MOU in accordance with the

provisions of paragraph 1. of Part I.D of NPDES Permit No. OHK000001;

- b. any discharge from a household sewage treatment system permitted to be installed, by the local health district, prior to January 1, 2007;
- c. any discharge that is mixed with another discharge, not covered by this permit, prior to reaching the receiving waters. If the wastewater discharge from a replacement system does combine with another waste stream prior to reaching the receiving waters, but the replacement system discharge can be sampled separately in accordance with the effluent sampling capability requirement in OAC 3701-29, the wastewater discharge may be covered by this permit;
- d. any discharge from a new lot created after January 1, 2007;
- e. any discharge from a new or existing dwelling where any property line and/or structure associated with the household sewage treatment system is located within 400 feet of central sewer and it is determined that the publicly owned treatment works the sewers are tributary to has sewer and treatment capacity to accept the connection and there are no physical, legal or financial barriers prohibiting such connection. If it is determined that such a barrier exists, documentation of such as determined by the independent third party review shall be included with the notice of intent application described in the permit;
- f. any discharge or source that would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;
- g. any discharge from an existing household sewage treatment system;
- h. any discharge from a household sewage treatment system, except for a replacement system meeting the eligibility criteria, to outstanding state waters, superior high quality waters or outstanding national resource waters, other than Lake Erie, as defined by and identified in rule 3745-1-05 of the Ohio Administrative Code, or direct tributaries to these waters within one mile of these waters;
- i. any discharge from a household sewage treatment system (except for a replacement system meeting the eligibility criteria) to any waters of the state other than a perennial stream with a watershed drainage area of at least 5 (five) square miles;
- j. any discharge from a household sewage treatment system, except for a replacement system meeting the eligibility criteria, to any municipal separate storm sewer system, roadside ditch, agricultural ditch, swale or other manmade waters or drainage course.

V. Effluent Limitations and Monitoring Requirements

Effluent limitations and monitoring requirements are based on Water Quality Standards and best available demonstrated control technology for new sanitary wastewater discharges as outlined by OAC 3745-1-05.

VI. Notice of Termination

Each individual facility covered by the general permit must submit a Notice of Termination (NOT) form to terminate coverage under this permit once the wastewater discharges are eliminated. Failure to submit a NOT form constitutes a violation of the permit and is a violation of ORC 6111.

VII. Permit Justification–Antidegradation Review

The potential exists to authorize new discharges to waters of the state as a result of the issuance of this general permit. Therefore, the issuance of this permit is subject to review under the provisions of Ohio's

Antidegradation Rule (OAC 3745-1-05). Under this review, Ohio EPA can only issue the permit after there has been a review of alternatives to the discharges, social and economic issues related to the activity, a public participation process and appropriate intergovernmental coordination and it has been determined that the lowering of water quality is necessary to accommodate important social and economic development in the state. These issues have been considered and such a review has been conducted in making the draft recommendation of the permit in question.