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OHIO ENVIRONMENTAL PROTECTION AGENCY
GENERAL PERMIT AUTHORIZATION TO DISCHARGE WASTEWATER
FROM SELECTED NEW, REPLACEMENT AND/OR UPDATED
HOUSEHOLD SEWAGE TREATMENT SYSTEMS
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111)and regulations adopted thereunder, discharges of wastewater, as defined in Part I.C. of this permit, are authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", from the outfalls at the sites and to the receiving waters identified in the applicant's Notice of Intent application (NOI) on file with Ohio EPA in accordance with the conditions specified in Parts I through VI of this permit.

It has been determined that a lowering of water quality of various waters of the state associated with granting coverage under this permit is necessary to accommodate important social and economic development in the state of Ohio. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and intergovernmental comments received concerning the proposal.

Granting of permit coverage is conditioned upon payment of applicable fees, if any, and submittal of the Notice of Intent form or individual NPDES permit application where applicable.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA (see Part II).

Scott J. Nally
Director

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 7-15-13

Part I. COVERAGE UNDER THIS PERMIT

A. **Permit Area.** This permit covers the entire state of Ohio.

B. **Applicability.** Ohio Revised Code Chapter 6111 provides that discharges of pollutants from a point source to waters of the state are unlawful, unless authorized by an NPDES permit. Dischargers who are eligible for coverage under this permit and who submit a Notice of Intent application (NOI) in accordance with the requirements of Part II of this permit are in compliance with the NPDES application requirements for such wastewater discharges.

C. **Eligibility**.

1. Except for discharges identified under paragraph I.C.2., this permit may cover all point source discharges of wastewater from new, replacement and/or updated 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. The site review documentation, established in accordance with OAC 3701-29, provides justification that it is not feasible to design an HSTS for a new or replacement 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 Part III of this permit.

2. **Limitations on Coverage.** 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 a MOU in accordance with the provisions of paragraph 1. of Part I.D of NPDES Permit No. OHK000002;

   b. any discharge from a household sewage treatment system permitted to be installed, by the local health department, prior to January 1, 2007, unless that system can be updated in accordance with the provisions of this permit;

   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, and meets the effluent sampling capability requirement in OAC 3701-29 making it possible to sample the wastewater discharge separately, 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 (Part I.C.1.a.) shall be included with the notice of intent application described in Part II;

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, other than an adequately updated system in accordance with the provisions of this general permit;

h. any discharge from a household sewage treatment system, except for a replacement or updated 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 or updated system meeting the eligibility criteria, to any waters of the state that are not considered 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 or updated system meeting the eligibility criteria, to any municipal separate storm sewer system, roadside ditch, agricultural ditch, swale or other manmade waters or drainage course.

D. Authorization.

1. Authorization to discharge under this general permit shall only be granted in those local health district jurisdictions where there is no Memorandums of Understanding (MOU) signed between the Health Commissioner, Ohio Department of Health and the Ohio EPA.

2. The applicants or dischargers of wastewater to be authorized under this general permit must submit a NOI, along with a copy of any independent third party evaluation as identified in paragraph 1, Part I.C. above, in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director.

3. After the NOI form and any additional information required is reviewed by the Ohio EPA, the applicant, local health district having jurisdiction, and the Ohio Department of Health shall be notified as to Ohio EPA's approval or denial for coverage under this general permit.

4. The Director may require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. No NOIs will be accepted prior to the effective date of this permit.

2. Coverage under the general permit is transferable.

B. **Contents of Notice of Intent.** The applicant shall submit an approved NOI form provided by Ohio EPA. The NOI shall include the information required by the NOI form and its instruction sheet and any additional information required under this permit. Failure to follow the NOI instructions may result in the NOI being returned to the applicant.

C. **Where to Submit.** NOIs must be signed in accordance with Part V of this permit. A check in the amount designated on the form, payable to "Treasurer, State of Ohio," must accompany the NOI form. NOIs are to be submitted to the Ohio EPA at the following address:

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

D. **Additional Notification.** For dischargers at 1, 2 or 3 family dwellings that discharge wastewater associated with replacement or updated household sewage treatment systems through a municipal separate storm sewer system, Ohio EPA shall forward copies of the NOI to the operator of the storm sewer system through which the replacement household sewage treatment system discharges.

E. **Renotification for Permit Renewal.** In order to receive authorization to discharge beyond the date of expiration of the general permit (i.e. renew existing general permit), the permittee shall notify the Director of its intent to be covered under the new general permit within 45 days after the effective date of the renewed general permit. All permittees will be notified by Ohio EPA of the need for submission of new NOIs and/or appropriate application fees.

F. **Notice of Termination (NOT).** When a discharge that is authorized by this permit is eliminated, the permittee or local health district, shall submit either a Notice of Termination or appropriate alternative notification.

1. The Notice of Termination shall include the information required by the NOT form and its instruction sheet.
2. All Notices of Termination are to be sent, using the form provided by the Director, to the following address:

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

Part III. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Table A.1. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES FROM HSTS DESIGNED IN ACCORDANCE WITH OAC 3701-29, DISCHARGING TO WATERS OTHER THAN LAKE ERIE.

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

EFFLUENT CHARACTERISTICS			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS (3)	
Reporting Code	Units	Parameter	Concentration 30 Day	Daily	Meas. Frequency	Sample Type
00056	GPD	Flow Rate	-	-	1/year	24HrTot.Est.
00530	mg/l	Total Suspended Solids	-	18	1/year	Grab
00610	mg/l	Nitrogen, Ammonia(NH_3)				
		(summer)	-	2.0	1/year	Grab
		(winter)	-	4.5	1/year	Grab
80082	mg/l	$CBOD_5$	-	15	1/year	Grab
31648	#/100ml	*E. coli*	-	523	1/year	Grab
00083	-	color, severity (1)	-	-	1/year	Estimate
01330	-	odor, severity (1)	-	-	1/year	Estimate
01335	-	turbidity, severity (1)	-	-	1/year	Estimate
00300	mg/l	Dissolved Oxygen	not less than 6.0 at any time		1/year	Grab
50060	mg/l	Chlorine, total residual (2)	not to exceed 0.038 at any time		1/year	Grab

(1) See Part IV, paragraph E.
(2) See Part IV, paragraph F.
(3) Additional operational monitoring requirements shall comply with those listed in OAC 3701-29 for all system components, including service contracts as applicable.

Table A.2. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES FROM HSTS DESIGNED IN ACCORDANCE WITH OAC 3701-29, DISCHARGING DIRECTLY TO LAKE ERIE.

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements.

EFFLUENT CHARACTERISTICS			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS (3)	
Reporting Code	Units	Parameter	Concentration 30 Day	Daily	Meas. Frequency	Sample Type
00056	GPD	Flow Rate	-	-	1/year	24HrTot.Est.
00530	mg/l	Total Suspended Solids	-	18	1/year	Grab
00610	mg/l	Nitrogen, Ammonia(NH_3)				
		(summer)	-	2.0	1/year	Grab
		(winter)	-	4.5	1/year	Grab
80082	mg/l	$CBOD_5$	-	15	1/year	Grab
31648	#/100ml	*E. coli*	-	235	1/year	Grab
00083	-	color, severity (1)	-	-	1/year	Estimate
01330	-	odor, severity (1)	-	-	1/year	Estimate
01335	-	turbidity, severity (1)	-	-	1/year	Estimate
00300	mg/l	Dissolved Oxygen	not less than 6.0 at any time		1/year	Grab
50060	mg/l	Chlorine, total residual (2)	not to exceed 0.038 at any time		1/year	Grab

(1) See Part IV, paragraph E.
(2) See Part IV, paragraph F.
(3) Additional operational monitoring requirements shall comply with those listed in OAC 3701-29 for all system components, including service contracts units as applicable.

Part IV. SPECIAL CONDITIONS

A. This permit may be modified, or revoked and reissued, to comply with any applicable standards or regulations.

B. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

C. Samples taken in compliance with the effluent monitoring requirements shall be collected following treatment and prior to either direct discharge to the receiving stream or discharge to the receiving stream via a storm sewer.

D. Sample results shall be submitted to the local health district having jurisdiction and shall be available to Ohio EPA upon request.

E. For turbidity, odor and color, use the following table to determine the value between 0 and 4 that is reported.

REPORTED VALUE*	SEVERITY DESCRIPTION	TURBIDITY	ODOR	COLOR
0	None	Clear	None	Colorless
1	Mild			
2	Moderate	Light Solids	Musty	Grey
3	Serious			
4	Extreme	Heavy Solids	Septic	Black

* interpolate between the descriptive phrases

F. **Disinfection.** Effluent disinfection is not directly required. However, the permittee is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Disinfection may be required if Ohio EPA determines that future bacteriological studies or emergency conditions indicate the need.

G. Dechlorination. If dechlorination is necessary to achieve compliance with the residual chlorine limit in this permit, the discharger shall utilize the system=s dechlorination device if available, or shall apply for an alteration permit from the local health district having jurisdiction.

H. Nothing in this permit should be considered to authorize any construction or operation that also requires a permit or other authorization from the local health district having jurisdition.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Ohio Revised Code Chapter 6111 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions.

   a. Criminal

      (1) Ohio Revised Code Chapter 6111 provides that any person who violates permit conditions is subject to a fine and or imprisonment.

      (2) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information. ORC Section 6111.99 provides that any person who knowingly submits false information or records or fails to submit information or records shall be fined not more than $25,000.

      (3) ORC Section 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

      (4) ORC Section 6111.99 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

      (5) ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042., 6111.05., or paragraph (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

   b. Civil

      Ohio Revised Code Chapter 6111 provides that any person who violates a permit condition is subject to a civil penalty.

B. Continuation of the Expired General Permit. An expired general permit continues in force and effect until a new general permit is issued provided the NOI has been submitted within 45 days after the effective date of the renewed general permit.

C. Need to halt or reduce activity not a defense. 40 CFR Section 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Director (and/or the operator of a separate storm sewer system), or that this permit requires be maintained by the local health district in accordance with the MOU, shall be signed.

1. All Notices of Intent shall be signed by the permittee/applicant.

2. All reports required by the permit and other information requested by the Director shall be signed by the permittee. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations."

E. Requiring an individual permit or an alternative general permit.

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may notify the owner or operator in writing that a permit application is required. This notice may include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the appropriate Ohio EPA District Office. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES applicant is automatically terminated at the end of the day specified for application submittal. Any discharge past this date is illegal and subject to enforcement, unless the proper NPDES permit is obtained.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application on forms provided by Ohio EPA, along with reasons supporting the request to the Director. Individual permit applications shall be submitted to the appropriate Ohio EPA District Office. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request (see Part I.C)

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be.

Ohio Administrative Code, Chapter 3745-38-04, lists several cases where the Director may require an individual NPDES permit be issued to a permittee covered under the general permit.

F. Environmental Laws. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

G. Inspection and Entry. The permittee shall allow the Director or an authorized representative of Ohio EPA or other designated representative or, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the municipal separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. have access to and copy at reasonable times any records that may be available under the conditions of this permit;

3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Ohio Revised Code Chapter 6111, any substances or parameters at any location.

H. Upset. The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part VI of this permit (Definitions).

I. General Effluent Limitations. The effluent shall, at all times, be free of substances:

1. in amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

2. of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

3. in amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

4. in amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

5. in amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion; and

6. in amounts that will impair designated instream or downstream water uses.

7. that may result in public health nuisances, as defined by OAC 3745-1-04, associated with raw or poorly treated sewage.

J. Facility Operation and Quality Control. All sanitary sewage treatment facilities shall be operated in a manner consistent with the following:

1. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee <u>only</u> when the operation is necessary to achieve compliance with conditions of the permit.

2. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge, and may be required to provide evidence of a service contract as applicable under OAC 3701-29. All systems approved to discharge under the terms of this permit shall have an appropriate service contract to aid in proper operation and maintenance of the system. A copy of the current service contract must be submitted to the local health district having jurisdiction where it shall be retained on record for review and inspection.

3. Maintenance of wastewater treatment works that may result in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA as specified in the Paragraph in Part V.Q. (UNAUTHORIZED DISCHARGES).

K. Reporting.

1. All monitoring data required by this permit shall be submitted to the local health district having jurisdiction and shall be retained by the health district for inspection.

2. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above. Additionally, any analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall be reported to the local health district having jurisdiction.

L. Sampling and Analytical Methods. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The facility performing the analyses shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals necessary to ensure accuracy of measurements.

M. Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the permittee, permittee's agent or local health district having jurisdiction shall record the following information:

1. the exact place, time and date of sampling;
2. the person(s) who performed the sampling or measurements;
3. the date the analyses were performed on those samples;
4. the person(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of all analyses and measurements.

N. Records Retention. The local health district having jurisdiction and/or the permittee, as appropriate, shall retain all of the following records for the wastewater treatment works for a minimum of three years (unless otherwise noted), including:

1. all sampling and analytical records (including internal sampling data not reported);
2. all original recordings for any continuous monitoring instrumentation;
3. all instrumentation, calibration and maintenance records;
4. all plant operation and maintenance records;
5. all reports required by this permit;
6. records of all data used to complete the application for this permit shall be maintained until such time as the system is abandoned, and;
7. a copy of the service contract in place for the installed system.

These periods will be extended during the course of any unresolved litigation, or when requested by the USEPA Regional Administrator or the Ohio EPA. The three year period for retention of records shall start from the date of sample, measurement, report, or application.

O. Availability of Reports. Except for data determined by Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the local health district having jurisdiction.

P. **Duty to Provide Information.** The local health district having jurisdiction, on behalf of the permittee shall furnish to the Director or the Ohio Department of Health, within a reasonable time, any information which the Director or Ohio Department of Health may request to determine whether cause exists for a recommendation to Ohio EPA to modify, revoke, revoke and reissue, or terminate the permit, or to determine compliance with OAC 3701-29 as it relates to this permit. The local health district having jurisdiction, on behalf of the permittee shall also furnish to the Director or the Ohio Department of Health, upon request, copies of records required to be kept by this permit.

Q. **Unauthorized Discharges.**

1. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

   a. bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

   b. there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

   c. the permittee submitted notices as required under Part V.Q.4. of this permit.

2. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

3. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in Part V.Q.1. of this permit.

4. The permittee shall submit notice of an unanticipated bypass as required in Part V. R. of this permit (24-hour notice).

5. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation. The permittee shall monitor effluent quality during these episodes at any frequency necessary to accurately and fully characterize the event.

R. **Noncompliance Notification.** The permittee shall by telephone report to the local health district having jurisdiction within twenty-four (24) hours of discovery of any noncompliance with this permit or of any required maintenance performed on the household sewage treatment system which may endanger health or the environment.

S. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. **Discharge Changes.** The local health district and/or the permittee, shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

Following this notice, a determination will be made as to whether the permit should remain unchanged or be terminated. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required.

Should planned changes result in the facility no longer serving a 1, 2, or 3 family dwelling, the permittee/local health district shall notify the Ohio EPA of these changes. If the sewage treatment system that no longer serves a

1, 2 or family dwelling or residential dwelling as defined by Chapter 3701-29 or the Ohio Administrative Code needs to be modified, a Permit-to-Install (PTI) is required by OAC rule 3745-31-02 in order to install or modify treatment/disposal systems. The approval of coverage under this general permit shall in no way be construed as approval of detail plans or a PTI. The approval of a PTI does not relieve a facility of the duty to obtain an NPDES permit. Discharges to surface waters require an effective NPDES permit, including those discharges from systems for which a PTI was obtained.

R. **Toxic Pollutants**. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director may modify this permit and so notify the permittee.

S. **Permit Revocation**.

1. After notice and opportunity for a hearing, permit coverage may be revoked by the Ohio EPA during its term for cause including, but not limited to, the following:

   a. a violation of any terms or conditions of this permit;
   b. obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;
   c. a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
   d. obtaining coverage under an individual or alternative general permit is required (see Part V.E.).

2. The filing of a request by the permittee for permit coverage revocation does not stay any permit condition. See Part II.F. for requirements regarding Notice of Termination (NOT).

W. **Oil and Hazardous Substance Liability**. With the exception of full compliance with the effluent limitations found in this general permit, nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

X. **Solids Disposal.** Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state.

Y. **Construction Affecting Navigable Waters.** This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

Z. **Civil and Criminal Liability.** Except as exempted in the permit conditions Part V.Q. (UNAUTHORIZED DISCHARGES) or Part V.H. (UPSETS) of the permit, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

AA. **State Laws and Regulations.** Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

AB. **Property Rights.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

AC. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

AD. Applicable Federal Rules. All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

AE. Pollution Prevention. It is suggested that, if applicable, the permittee evaluate potential prevention methods and install the latest pollution prevention technology if it is economically feasible. If pollution prevention methods are currently being used, it is suggested that they be re-evaluated; the latest pollution prevention technology should be installed if applicable, necessary, and economically feasible.

Part VI. DEFINITIONS

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act), 33 USC.1251 et seq.

"Board of Health" means the board of health of a city or general health district created by or under the authority of Chapter 3709 of the Revised Code, the authority having the duties of a board of health in any city as authorized under section 3709.05 of the Revised Code.

"Bypass" means the intentional diversion of waste streams from any portion of the sanitary sewage treatment facility.

"Daily concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of concentration limitation made during the day. If only one sample is taken during the day, its concentration is the daily concentration limitation. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Director" means the Director of Ohio EPA or an authorized representative.

"Existing" For the purpose of this permit, an existing point source discharge is one described under the limitation in paragraph 2.g. of Part I.C. which was built, permitted or discharging prior to January 1, 2007.

"GPD" means gallons per day.

"Household Sewage Treatment System (HSTS)" means any sewage disposal or treatment system or part thereof for a single family, two family, or three family dwelling and residential dwellings or appurtenances as defined by OAC 3701-29-01.

"Local health district" means a city or general health district as created by or under the authority of Chapter 3709 of the Revised Code.

"mg/l" means milligrams per liter.

"Municipal separate storm sewer system" means a system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) ... including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.

(ii) Designed or used for collecting or conveying storm water;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW).

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Act. The term includes an "approved program".

"New system" means any household sewage treatment system to be installed on a lot created prior to January 1, 2007 to serve a newly constructed or proposed to be constructed single family, two family or three family dwelling that requires an installation permit from the local health district having jurisdiction.

"NOI" means notice of intent to be covered by this permit (see Part II of this permit).

"NOT" means notice of termination.

"Perennial stream" means, for the purposes of this permit, a natural waters of the state with a defined stream bed and bank and constant source of flowing water.

"Receiving waters" means the waters of the state into which point and non-point sources flow.

"Replacement system" means any household sewage treatment system for an existing single family, two family or three family dwelling that requires an installation permit from the local health district having jurisdiction, excluding an initial system installed when the original dwelling was built or placed on the lot.

"Reporting Code" is a five digit number used by Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities that would cause them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" means any substance that contains waste products or excrementitious or other discharge from the bodies of human beings or animals.

"Summer" shall be considered to be the period from May 1 through October 31.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Updated system" means any household sewage treatment system for an existing single family, two family or three family dwelling that was installed prior to January 1, 2007 that utilizes a system/manufacturer model that has been approved by the Ohio Department of Health (ODH) to meet the conditions of this permit absent post aeration, disinfection and/or sampling mechanisms and can be updated to be an identical system to such approved by ODH by installing these additional components.

"Waters of the State" means all streams, lakes, reservoirs, ponds, marshes, wetlands, watercourses, waterways, springs, irrigation systems, drainage systems, and all other bodies or accumulations of surface water, natural or artificial, that are

situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface waters.

"Winter" shall be considered to be the period from November 1 through April 30.

"Yearly sampling frequency" means the sampling shall be done annually.

"30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"#/100ml" means the number of bacteria per 100 milliliters of sample.