

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

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 household sewage treatment systems (HSTSs) of single, two 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 and are protective of public health and safety.

Due to the common goal of protecting public health and safety and the environment, the draft HSTS general NPDES permit and the Ohio Department of Health (ODH) laws and rules governing the design and operations of HSTS refer to and rely on one another to insure that adequate systems are designed, operated and maintained. The ODH rules and laws require operations, siting and design of HSTS to be in accordance with Ohio EPA's NPDES program while the NPDES permit relies on service contracts, operations and maintenance and design standards established by the ODH rules. Either cannot operate independently of the other.

Ohio EPA has issued a statewide general permit to provide coverage of discharges from replacement, new and/or updated HSTSs in situations where on-site dispersal of the wastewaters is not an option. Part II of the general permit provides a definition of those facilities eligible for coverage under the general permit.

The design standards 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 standards and that would consequently have a minimal impact on the environment.

The conditions under the heading "eligibility" are very important because it addresses discharges that are not eligible for coverage. These include co-mingled discharge streams, HSTS discharge proposals from newly created lots, discharges to exceptional quality waters and discharges from industrial facilities.

II. Experiences in the HSTS NPDES Permitting Program and Recommended Modifications

Since the inception of the HSTS general NPDES permitting program in December 2006, Ohio

EPA has granted coverage to over 10,000 individual residences. Through this experience, benefits and possible enhancements to the program to protect public health and the environment have been realized. Through implementing the program, working with ODH, working with homeowners and discussions with local health districts it has been determined that the most beneficial efforts in improving effectiveness in the discharging HSTS program is to focus on program clarity as well as service, operations and maintenance of the systems. The recommended enhancements to the program provided in the draft HSTS general NPDES permit focus on the above and will address:

- **Emphasizing important aspects of the permit to the Homeowners.** Individual homeowners are the permit holders and responsible for compliance with the terms and conditions of the HSTS general NPDES permit. However, there is a lot of boilerplate or standard permit language that makes it difficult for individuals to understand their responsibilities under the permit. Therefore, in the draft permit Ohio EPA has separately identified the five priority areas the homeowner needs to be familiar with or understand: (1) identify other permits necessary from local health district, (2) require a service contract from a certified provider, (3) perform diagnostic sampling, (4) adequately operate and maintain the HSTS and (5) the permit needs to be transferred on sale of property.
- **Emphasize design standards and diagnostic sampling as a tool to evaluate operations.** The draft HSTS general NPDES permit has been reformatted to emphasize the fact that though effluent standards (e.g. pollutant treatment levels) are important, the key to meeting those standards and protecting the public health and environment is proper operations and maintenance of the systems under the terms of a service contract with a certified service provider. Meeting the design standards and performing the annual diagnostic sampling as tools to aid in determining the performance of the system.
- **Minimize unnecessary language and focus on readability of the permit.** Based upon updated rules and regulations, it has been possible to reduce language or content within the HSTS general NPDES permit. This action has made the permit more readable and pertinent in order to clarify criteria for the targeted audience or homeowner.
- **Simpler/streamlined request for coverage (application) process.** The recent changes in the state minimum sanitary code (ODH rules) require for local health districts to evaluate all design and eligibility standards for discharging household sewage treatment systems before one can be installed. Because of this, it is no longer necessary for extra information to be submitted to Ohio EPA to do a separate but different review of the projects. It is all performed at the local health district level. This also eliminates the need for the Memorandum of Understanding or contracts with local health districts to perform certain aspects of the review and has allowed for the agency to merge two permits into a single permit. Finally, Ohio EPA has developed an HSTS specific Notice of Intent (application) that will only be used in requesting HSTS general NPDES permit coverage. This new Notice of Intent will only require the information relevant to HSTS permitting and will eliminate the need for applicants to filter through the previous generic Notice of Intent form which was used for multiple types of general permits.

III. Description of General Permit Coverage and Type of Discharges

The permit provides potential coverage for discharges from select new, replacement or updated 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 a lot existing prior to 01/01/2007 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.

An updated HSTS is one where an existing, discharging system has already been installed (prior to January 1, 2007) utilizing a system whose model has been approved by ODH to discharge in accordance with the terms and conditions of the previous versions of the general HSTS permits absent disinfection and/or post aeration. If such a system can be modified or updated to be identical to that approved by ODH simply by adding post aeration, disinfection and/or sampling ports then it can receive coverage under this renewal NPDES permit.

IV. Eligibility Determining Factors

- 1 Except for discharges identified under item 2 below, this permit may cover point source discharges of wastewater from select new, replacement and/or updated household sewage treatment systems (HSTS) serving an individual 1, 2 or 3 family dwelling or residential dwellings or appurtenances as defined by 3701-29-01(K) of the Ohio Administrative Code as long as the following are met:
 - a. The site evaluation documentation, established in accordance with OAC 3701-29, provides justification that it is not feasible to design an alternative system that could eliminate the need for a point source discharge.
 - b. A system to be installed is designed to meet the applicable design standards and diagnostic sampling requirements identified by 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 that is mixed with another discharge before the sampling port 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 the waste streams can be sampled separately the wastewater discharge may be covered by this permit;
 - b. any discharge from a new lot created after January 1, 2007;
 - c. any discharge from a new or existing dwelling, where any property line or structure associated with the household sewage treatment system is located within 400 feet of

- central sewers and it is determined that the publicly owned treatment works the sewers are tributary to has capacity to accept the connection;
- d. any discharge from an existing household sewage treatment system, other than an adequately updated system in accordance with the provisions of this general permit;
 - e. 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;
 - f. 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 with a watershed drainage area of less than 5 (five) square miles at the point of the proposed discharge;
 - g. any discharge from a household sewage treatment system (MS4) area, which includes roadside ditch, agricultural ditch, swale or other manmade waters or drainage course that is not in accordance with the local MS4 program's illicit discharge detection and elimination plan.

V. Notice of Intent/Obtaining Permit Coverage

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 or the installation of additional components to adequately update the discharging HSTS as permissible in accordance with OAC 3701-29 shall work with the local health district having jurisdiction to 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 aid in applying for general permit coverage under the provisions of this general permit, the applicant should submit an NOI established by the Ohio EPA specific to this HSTS general NPDES permit. The HSTS general NPDES permit NOI will include site specific information relative to the permittee/homeowner such as address, homeowner name, homeowner contact information, etc. The NOI will also outline a section that can be used by the local health district to verify and recommend permit coverage as being appropriate based upon a local health district review conducted under the provisions of ORC 3718 and OAC 3701-29. This recommendation by the local health district is necessary to insure that a project meets the established eligibility criteria in the permit and a discharge is appropriate and necessary. Ideally, the local health district will supply a substantially completed NOI to the applicants/homeowners who will, in turn, be required to submit the NOI application form that is available from Ohio EPA, along with an application fee as outlined by the following table:

Type Coverage Requested	Date Previous Coverage Granted, if applicable	Fee
Initial Coverage	Not applicable	\$200
Renewal Coverage	Prior to July 1, 2015	\$100
Renewal Coverage	July 1, 2015-December 31, 2016	No fee

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

VI. Design Standards and Diagnostic Sampling

The design standards established in the draft HSTS general NPDES permit for total suspended solids, ammonia-nitrogen, CBOD₅, dissolved oxygen and total residual chlorine are the same as those that have been applied throughout the HSTS permitting program and are based on Water Quality Standards and best available demonstrated control technology for new sanitary wastewater discharges as outlined by OAC 3745-1-05. The design standard for *E. coli* was changed to 410 #/100 ml due to a change in Ohio Water Quality Standards effective January 4, 2016.

The draft HSTS general NPDES permit maintains the annual sampling requirements established in previous versions of the permit, however, it emphasizes the recommendation that the sampling requirement focus on being used as a diagnostic tool rather than simply a compliance tool. Annual grab sampling simply provides a representation of discharge levels at the specific time the sample is collected and may not provide a true example of HSTS operations and performance. The draft HSTS general NPDES permit emphasizes that the diagnostic sampling be utilized in concert with provisions that the HSTS is operating under the provisions of an Operation and Maintenance Service Contract from a certified service provider in accordance with OAC 3701-29 and being overseen by local health district programs.

VII. Permit Justification–Antidegradation Review

The potential exists to authorize new or altered discharges to waters of the state as a result of the issuance of this general permit. However, since the previous HSTS general NPDES permits No. OHK000002 and No. OHL000002 were subject to the review, intergovernmental coordination, public participation and prohibitions of Ohio's Antidegradation Rules (OAC 3745-1-05) and this renewal HSTS general NPDES permit No. OHK000003 does not expand the potential for coverage of these new or altered discharges, the issuance of this draft general permit is not subject to the provisions of the antidegradation rules. The draft HSTS general NPDES permit No. OHK000003 continues to provide all of the necessary prohibitions, siting and design standards contained in the existing permit and program initiatives.