

OHIO EPA  
DRAFT PERMIT  
SUBJECT TO REVISION

Issue Date:  
Effective Date:  
Expiration Date:

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
PERMIT AUTHORIZATION TO DISCHARGE WASTEWATER  
FROM HOUSEHOLD SEWAGE TREATMENT SYSTEMS  
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

In compliance with the provisions of the Federal Water Pollution Control Act, the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111) and regulations adopted thereunder, discharges of wastewater, as defined in Part II.C. of this permit, are authorized by the Ohio Environmental Protection Agency 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 Ohio Administrative Code 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 a complete and accurate Notice of Intent form.

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 home owner or the representative of, shall submit such information and forms as are required by the Ohio EPA (see Part III).

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Craig W. Butler  
Director

### **Part I. Home Owner Responsibilities Upon Receiving Permit Coverage**

- A.** Obtain Local Health Department Authorization to Install an Approved Household Sewage Treatment System (HSTS).
- B.** Obtain and operate the HSTS under an appropriate Operations and Maintenance Service contract from a certified service provider.
- C.** Perform annual diagnostic sampling to evaluate performance of the HSTS, under either the service contract identified in Part I, B above or with working with the local health district having jurisdiction.
- D.** Permit Transfer – In the event of a property ownership change, a General Permit Coverage Transfer form (see Part III. F) must be submitted to Ohio EPA.

Nothing in this permit shall relieve the home owner from any responsibilities, liabilities, or penalties established pursuant to Ohio Department of Health Rules (Ohio Administrative Code Chapter 3701-29)

### **Part II. COVERAGE UNDER THIS PERMIT**

- A. Permit Area.** This permit may only be issued to sites within the 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 III of this permit are in compliance with the NPDES application requirements for such wastewater discharges.
- C. Eligibility.**
  - 1. Except for discharges identified under paragraph II.C.2., this permit covers 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. The site review documentation from the Local Health District having jurisdictional authority, determines that it is not feasible to install a non-discharging HSTS system in accordance with OAC 3701-29.
    - b. An HSTS is designed to meet the applicable design standards and diagnostic sampling requirements in Part IV of this permit and in accordance with OAC 3701-29
  - 2. **Limitations on Coverage.** The following wastewater discharges are not eligible for coverage under this general permit:
    - a. any discharge that is mixed with another discharge before the sampling port and/or prior to reaching the receiving water if no sampling port installed. 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 sewer and it is determined that the publicly owned treatment works the sewer connects to has 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 by the local health department shall be included with the notice of intent application described in Part III;
- d. any discharge from an existing HSTS, other than an adequately updated system in accordance with the provisions of this general permit;
- e. any discharge from a HSTS, 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 in rule 3745-1-05 of the Ohio Administrative Code. Additionally, discharges from new HSTS to tributaries within one (1) mile upstream of these waters are not eligible.
- f. any discharge from a HSTS, 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 HSTS to any municipal separate storm sewer system (MS4) area, which includes; roadside ditches, agricultural ditches, swales or other manmade waters or drainage courses that is not in accordance with the local MS4 program's illicit discharge detection and elimination plan.

**D. Authorization.**

1. To receive authorization to discharge from a HSTS under this general permit, home owner must submit an NOI, that includes a local health district recommendation/determination statement. The local health district recommendation/determination statement shall specify that installation of non-discharging HSTS is not feasible in according with Part II. C.1. a. of this permit.
2. After the NOI form and local health district recommendation/determination statement is reviewed by the Ohio EPA, the home owner, the local health district, and the Ohio Department of Health shall be notified as to Ohio EPA's approval or denial for coverage under this general permit.

**Part III. NOTICE OF INTENT REQUIREMENTS**

**A. Timelines for Notification.**

No NOIs for coverage under this permit will be accepted prior to the effective date of this permit.

- B. Contents of Notice of Intent.** The home owner shall submit a completed NOI form provided by Ohio EPA, that includes all requested information including the local health district recommendation/determination statement. Failure to follow the NOI instructions may result in the NOI being returned to the applicant.

- C. Where to Submit.** NOIs must be signed by the home owner in accordance with Part VI 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. Notification 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 home owner shall notify the Director of their intent to be covered under the new general permit by submitting an appropriate NOI in accordance with the following established schedule:

Days after permit renewal	Counties
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By 1/31/2017	Stark; Summit
By 2/28/2017	Cuyahoga; Hamilton; Trumbull
By 3/31/2017	Columbia; Geauga; Lorain; Medina; Portage
By 4/30/2017	Other counties not listed above

All home owners will be notified by Ohio EPA of the need for submission of new NOIs and/or appropriate application fees, unless the fee has been waived by the director for the property.

- E. **General Permit Coverage Transfer (GPCT).** When property ownership changes, coverage under the general permit shall be transferred. The new home owner shall submit a General Permit Coverage Transfer form to Ohio EPA and the local health district.
1. The General Permit Coverage Transfer request shall include the information required by the GPCT and its instruction sheet.
  2. All General Permit Coverage Transfers are to be sent, using the form provided by the Director, to the following address:

**Ohio Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

- F. **Notice of Termination (NOT).** When a discharge that is authorized by this permit is eliminated, the home owner or local health district, shall submit a Notice of Termination.
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  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049**

**A. Discharging Household Sewage Treatment System Design Standards.** Any HSTS to be installed under the terms and conditions of this HSTS General NPDES permit must be capable of achieving the following design effluent standards and be approved by the Ohio Department of Health in accordance with the provisions of OAC 3701-29:

<b>Parameter</b>	<b>Design effluent standard</b>
Total Suspended Solids	18 mg/L
Nitrogen, Ammonia (NH <sub>3</sub> ) Summer	2 mg/L
Nitrogen, Ammonia (NH <sub>3</sub> ) Winter	4.5 mg/L
CBOD <sub>5</sub>	15 mg/L
<i>E. coli</i>	410 #/100ml
Dissolved Oxygen	Not less than 6.0 mg/L at any time
Chlorine, total residual <sup>(a)</sup>	Not to exceed 0.038 mg/L at any time

<sup>(a)</sup> See Part V, paragraph F.

**B. Annual Diagnostic Sampling.** Unless a reduction is granted in accordance with Part IV. C. of this permit, annual sampling shall be conducted to determine performance of the system relative to the design standards established above and as an aid in determining operations of the system as installed. The annual sampling shall be conducted via a grab sample and analysis must be performed in accordance with 40 Code of Federal Regulations 136. The sample results shall be provided to the local health district having jurisdiction. The results of this diagnostic sampling may be used to determine if proper operation and maintenance of the system is being met and/or if additional design modifications to the system are necessary.

**C. Best Management Practices.** If the HSTS system utilizes best management practices (BMP) that decrease effluent quantity and/or increase effluent quality, such as a partial soil treatment system, flow equalization, surface sand filters, approved tertiary treatment devices or other approved best management practices for HSTS, then a reduction of diagnostic sampling may be granted by the local health district. Any such BMP must maintain or improve the quality of effluent and be approved by the local health district. Reduced diagnostic sampling for approved BMP activities shall be done in accordance with the following table.

<b>Best Management Practice</b>	<b>Reduction of Diagnostic Sampling</b>
<b>Effluent Quantity Reduction</b>	
25-50 % of Area is Full Soil Adsorption System	Sample every other year including calendar years 2017, 2019 and 2021 if applicable.
51-99% of Area is Full Soil Absorption System	Sample once during permit in calendar year 2021, if applicable.
<b>Effluent Quality Improvement</b>	
Flow Equalization	Sample every other year including calendar years 2017, 2019 and 2021 if applicable.
Surface Sand Filters	Sample every other year including calendar years 2017, 2019 and 2021 if applicable.
Other approved tertiary treatment devices	Sample every other year including calendar years 2017, 2019 and 2021 if applicable.
Combination of an effluent quality improvement BMP with effluent quantity reduction BMP	Sample once during permit in calendar year 2021, if applicable.
<i>NOTE: Additional BMP's may be approved by the director as technology emerges.</i>	

**Part V. 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 HSTS's performance.
- C. Diagnostic samples taken in accordance with Part IV. B. or Part IV. C. of this permit shall be collected at the HSTS sampling port prior to either direct discharge to the receiving stream or discharge to a storm sewer.
- D. Sample results shall be submitted annually to the local health district having jurisdiction and shall be available to Ohio EPA upon request.
- F. Effluent disinfection using chlorine is not directly required. However, the home owner is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition.
- 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 jurisdiction.

**A. Duty to Comply.**

1. The home owner 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, 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 home owner becomes aware that they 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, they 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 per violation.
    - (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 the days allowed in Part III (E) 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 home owner 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, General Permit Coverage Transfer, 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, shall be signed by the homeowner.

**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 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 home owner, 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 authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner 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 II.C)
3. When an individual NPDES permit is issued to an owner otherwise subject to this permit, or the owner is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES home owner 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 home owner covered under the general permit.

- F. Environmental Laws.** No condition of this permit shall release the home owner from any responsibility or requirements under other environmental statutes or regulations.
- G. Inspection and Entry.** The home owner 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 home owner'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 VII 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 ORC 3718.011, 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 home owner shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the home owner 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 home owner only when the operation is necessary to achieve compliance with conditions of the permit.
2. The home owner 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 VI.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 home owner 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 home owner, home owner'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 home owner, 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 home owner 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 home owner

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 HSTS 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 home owner submitted notices as required under Part VI. R. of this permit.
2. If the home owner knows in advance of the need for a bypass, then submit prior notice, if possible, at least ten days before the date of the bypass.
3. The Director may accept an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in Part VI.Q.1. of this permit.
4. The home owner home owner 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 home owner shall monitor effluent quality during these episodes at any frequency necessary to accurately and fully characterize the event.

**R. Noncompliance Notification.** The home owner home owner shall submit by telephone a 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 home owner 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 home owner, 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 home owner/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.

**U. Toxic Pollutants.** The home owner shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water 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. The Director may modify this permit and so notify the home owner.

**V. 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 VI.E.).
2. The filing of a request by the home owner for permit coverage revocation does not stay any permit condition. See Part III.G. 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 home owner from any responsibilities, liabilities, or penalties to which the home owner 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 VI.Q. UNAUTHORIZED DISCHARGE) or Part VI.H. UPSETS of the permit, nothing in this permit shall be construed to relieve the home owner 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 home owner 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 home owner 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**

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

"Bypass" means the intentional diversion of waste streams from any portion of the HSTS.

"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.d. of Part II.C. which was built, permitted or discharging prior to January 1, 2007.

"GPCT" means general permit coverage transfer

"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, where there was no previous home sewage treatment system on the lot

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

"NOT" means notice of termination.

"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.

"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 home owner. 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.

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