



Ohio Administrative Code Rule 3745-33-08 Generic permit conditions.

Effective: March 31, 2017

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-33-01 of the Administrative Code.]

(A) Each Ohio NPDES permit shall contain the following requirements:

- (1) That all discharges authorized under the NPDES permit shall be consistent with the terms and conditions of the permit. The discharge of any pollutants more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.
- (2) That facility expansions, production increases, or process modification that result in new or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such discharge does not violate effluent limitations specified in the NPDES permit, by submission to the director of notice of such new or increased discharge of pollutants.
- (3) That the permittee shall submit to Ohio EPA monthly reports containing such information as shall be specified by the director.
- (4) That the permittee shall submit an annual report containing such information as shall be specified by the director.
- (5) That the permittee shall report in such manner as shall be specified by the director, any discharge of pollutants in violation of permit terms and conditions.
- (6) That the point source is equipped with instrumentation to monitor and record data and other information about the operation of the point source, if required by the director. Reports of monitoring results obtained by the permittee shall be submitted annually (or on such a more frequent schedule as



is required in the permit) to Ohio EPA. Monitoring and recording of monitoring results shall be conducted in accordance with regulations adopted or subsequently amended by the administrator, including paragraphs (e) and (j) of 40 C.F.R. 122.41 and 40 C.F.R. 122.48.

(7) That the permittee shall allow the director or the director's authorized representative to enter upon the permittee's premises. The authorized representative shall have access to any records required to be kept under the terms of the permit and may copy any such records. The director or the director's authorized representative shall have access to any monitoring equipment or wastewater treatment facilities operated by the permittee for the purpose of inspecting such equipment or method required in the permit and shall have access to point sources for the purposes of sampling the discharge.

(8) That the permittee shall maintain in good working order and operate at optimum levels in accordance with good engineering practices any wastewater treatment facilities or control systems installed to achieve compliance with the terms and conditions of the permit regardless of the quality of the effluent.

(9) That the permittee shall provide adequately trained and qualified personnel as required by Chapter 3745-7 of the Administrative Code to operate such wastewater treatment facilities.

(10) That the permit may be modified, suspended, or revoked in whole or in part during its term for cause including but not limited to the following:

(a) Violation of any terms or conditions of the permit.

(b) Obtaining a 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.

(11) That if a toxic effluent standard or prohibition (including a schedule of compliance) is established under section 307 (a) of the act for a toxic pollutant that is present in the permittee's discharge and such standards or prohibition (including a schedule of compliance) is more stringent than any limitation upon such pollutant in the NPDES permit, the director shall modify the permit in



accordance with the toxic effluent standard and so notify the permittee.

(12) That all permittees meeting the requirements of this paragraph post and maintain permanent signs as follows:

(a) A sign shall be posted at each outfall under permit. Outfalls covered by this provision include, but are not limited to, discharges of process wastewater, non-contact cooling water, sewage or discharges from remediation sites, and bypass or combined sewer overflow discharges. The director may waive this requirement for outfalls discharging to municipal storm sewers if the outfall is not in close proximity to a lake, reservoir, pond, river, stream, creek or other surface water of the state. Signs are not required at in-plant sampling outfalls, or at outfalls that are not accessible to the public by land or by recreational use of the water body.

(b) The sign shall include, at a minimum, the name of the permittee, the permit number, and the outfall number identified in the permit. The information shall be printed in letters not less than two inches high.

(c) The sign shall be a minimum of two feet by two feet and the bottom of the sign shall be a minimum of three feet above the ground.

(d) The director may approve variations from these dimensions to increase the legibility or information of the sign.

(B) No NPDES permit shall be issued for a semi-public disposal system whenever the sewage system of a publicly owned treatment works is available and accessible.

(C) Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

(D) Notice by POTWs of new pollutants.



(1) All publicly owned treatment works (POTWs) must provide adequate notice to the director of the following:

(a) Any new introduction of pollutants into the POTW from an industrial discharger, which new introduction of pollutants would be subject to treatment technology-based limits under section 301 or 306 of the act if the indirect discharger were directly discharging those pollutants to waters of the state.

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(2) For purposes of paragraph (D)(1) of this rule, adequate notice shall include the following information:

(a) The quality and quantity of effluent introduced into the POTW.

(b) Any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

(E) The director may require, as a permit condition or otherwise, electronic submittal of NPDES applications, reports and monitoring data using information systems compatible with those of Ohio EPA.

(F) Notification to public water supply operators.

(1) Permits for facilities designated by the director as major discharges, in any of the following locations, shall require the permittee to notify the public water supply operator as soon as practicable after a discharge begins that results from a spill, separate sewer overflow, bypass, upset, or combined sewer overflow that reaches waters of the state:

(a) Discharges within three thousand feet of a public water supply intake located in a lake.

(b) Discharges within ten stream miles upstream of a public water supply intake located in a



reservoir or any other surface water of the state.

(2) The director shall include in the permit a requirement for the permittee to have a notification plan with the public water supply operator that defines specific notification requirements and what constitutes notification "as soon as practicable." In the affected permits, the director shall provide the telephone number and contact information related to the public water supply operator.

(3) For publicly owned treatment works and other permittees that discharge only domestic sewage, the only spills that need to be reported under paragraph (F) of this rule are those that occur at the treatment works.

(G) The director shall include in the issuance of an Ohio NPDES permit any permit condition required by the act or regulations adopted by the administrator, including 40 C.F.R. 122 to 125, 129 to 133, 136, 400 to 471, 501 and 503. The director may include in an Ohio NPDES permit any other terms or conditions the director finds reasonable and appropriate for the prevention and abatement of pollution.