

Wastewater Discharge Permit Process

Who needs a permit?

Anyone discharging or planning to discharge wastewater from a treatment facility into a body of water must first obtain an NPDES (National Pollutant Discharge Elimination System) permit from Ohio EPA.

What's in an NPDES permit?

An NPDES permit sets limits on the type and quantity of pollutants that can be discharged. It also includes other requirements necessary to protect human health and the environment.

What are the steps in obtaining a permit?

The applicant completes an NPDES application and submits it to the appropriate Ohio EPA district office.

The Agency publishes a notice in its *Weekly Review* (www.epa.ohio.gov/actions.aspx) and in a local newspaper that it has received the NPDES application.

Ohio EPA conducts a detailed technical review of the completed application. If necessary, the Agency requests additional information from the applicant.

Ohio EPA issues a new permit or a renewal permit in draft form for a 30-day comment period. A proposed permit modification also has a 30-day comment period. The Agency places a public notice in a local newspaper to inform citizens of this preliminary staff recommendation.

After considering all written and oral comments and making any changes to the permit that are appropriate, Agency staff make a final recommendation to the director of Ohio EPA. The director may:

- issue a final permit;
- issue a final permit modification;
- deny a final permit;
- deny a permit modification; or
- request additional information from the applicant.

What are the opportunities for public participation?

During the 30-day comment period, any interested person may submit written comments on the draft permit or the proposed permit modification.

If there is significant public interest, Ohio EPA holds a public hearing during which concerned citizens or other interested parties may provide oral and written comments to the Agency. Ohio EPA considers all written and oral comments and prepares a written response.

How long do NPDES permits last?

NPDES permits can last up to five years. Then they must be renewed. In Ohio, most permits are effective for four or five years.

What factors can and cannot be considered during application review?

Ohio EPA can consider factors such as:

- whether a facility complies with all industry treatment standards;
- whether it employs the best available treatment technology;
- whether a facility's discharge will maintain all applicable water quality standards; and
- whether a facility will comply with all regulations necessary to protect human health and aquatic life.

The Agency cannot consider how popular or unpopular a facility may be, who owns the facility or their personal/professional background.

Wastewater Discharge Permit Process

What if there are objections to a final permit?

Any person who would be adversely affected by the final permit may file an appeal with the Environmental Review Appeals Commission (ERAC):

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215
(614) 466-8950

The appeal must be in writing and specify the action being appealed and the basis for the appeal. It must be filed at ERAC within 30 days of when the director's final action is issued. A copy of the appeal must be received by the director of Ohio EPA within three days of filing with ERAC. More information about ERAC can be found at www.erac.ohio.gov.

What if there are objections to a proposed permit modification?

Any person who would be adversely affected by the proposed approval or denial of a modification may file a request for an adjudication hearing with Ohio EPA's hearing clerk:

Ohio EPA
Office of Legal Services
Hearing Clerk
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-3037

The hearing request must be in writing and specify the issues being contested. It must be filed within 30 days of when the proposed approval or denial of the modification is issued. Only changes in the permit that are proposed in the modification may be contested.

What is antidegradation?

The antidegradation rule is part of Ohio's water quality standards. It applies to NPDES permits that would result in an increase in the discharge of a regulated pollutant.

The antidegradation rule may require a more extensive evaluation of potential environmental, social and economic impacts. It requires an expanded public notification process, and may provide other public involvement opportunities.

Where can I get more information?

For more information about the NPDES permit process, please visit www.epa.ohio.gov/dsw/permits/npdes_permit_types.aspx.