
Ohio EPA's Wastewater Discharge Permit Process

May 2002

Anyone wishing to discharge wastewater from a point source (such as a pipe) into a body of water first must obtain a National Pollutant Discharge Elimination System (NPDES) permit from Ohio EPA. The NPDES permit states how much of any pollutant can be discharged. The general permitting process is described below.

Application Received

- The applicant completes an NPDES application and submits it to the appropriate Ohio EPA district office.
- Ohio EPA publishes a notice in its *Weekly Review* that an NPDES application has been received.
- Ohio EPA conducts a detailed technical review of a completed application. Additional information may be requested from the applicant.
- A new permit or renewal permit is issued in draft form for a 30-day comment period. A proposed modification to a permit also has a public comment period of 30 days. A public notice is placed in a local newspaper to inform citizens of this preliminary staff determination.

Public Hearing

- If significant public interest exists, Ohio EPA holds a public hearing at which concerned citizens may comment on the draft NPDES permit.
- All written and oral comments are reviewed and the permit is changed if appropriate. A written response to the comments is prepared.

Staff Recommendation

- Ohio EPA develops a final recommendation and presents it to the director.
- The director may:
 - issue a final permit;
 - issue an approval of a modification request;
 - deny a permit;
 - deny a permit modification request; or
 - request additional information from the applicant.
- 9. Any interested person may appeal Ohio EPA's decisions.

Final Decisions

- When the director's decision is final, the appeal is made to the Environmental Review Appeals Commission (ERAC).

An appeal to ERAC must be in writing and specify the action being appealed and the grounds on which the appeal is based. It must be filed at the ERAC within 30 days of the issuance of the director's final action. A copy of the appeal must be received by the director of Ohio EPA within three days of filing with ERAC.

File the appeal with:

Environmental Review Appeals Commission
Room 300
236 E. Town Street
Columbus, Ohio 43215
(614) 466-8950

Proposed Decisions

- If the director's decision is proposed, the appeal is made to Ohio EPA's hearing examiner. A request for an adjudication hearing with the hearing examiner must be in writing and must specify the issues being contested. For a permit modification, only the items in the permit that are proposed to be changed can be appealed. The appeal must be requested within 30 days of the issuance of the director's proposed action.

Requests should be sent to:

Ohio EPA
Hearing Clerk
P.O. Box 1049
Columbus, Ohio
43216-1049
(614) 644-2129

- Further appeals can be made through the civil courts.

Ohio EPA's Wastewater Discharge Permit Process

Ohio EPA's NPDES Permit Application Process

YES. Ohio EPA's Division of Surface Water can consider:

Does the source-

1. Ensure the protection of aquatic life and public health?
2. Comply with all industry standards?
3. Employ the best available technology?
4. Maintain water quality standards?

NO. Ohio EPA's Division of Surface Water cannot consider:

1. How popular or unpopular the facility may be.
 2. Who owns the facility or their personal/professional background.
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Antidegradation Rule

A project or application must be further reviewed under the antidegradation rule if it pertains to:

- A new facility requesting to modify stream habitat or increase pollutants discharged; or
- An existing facility requesting to increase pollutants discharged.

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