



Discharge Permit Non-compliance and Sanitary Sewer Overflow Notification Requirements

National Pollutant Discharge Elimination System (NPDES) permit holders must submit 24-hour non-compliance notification and Sanitary Sewer Overflow (SSO) notification to Ohio EPA by email or phone within designated timeframes.

When is a 24-hour non-compliance notification required?

Two types of NPDES permit non-compliance must be reported to Ohio EPA within 24 hours of discovery:

- 1) any non-compliance that is the result of a violation of a daily maximum discharge limit for any of the pollutants listed in the NPDES permit.
- 2) any unanticipated bypass or any upset resulting in an exceedance of any effluent limit in the NPDES permit.

As described below, this requirement may apply to non-emergency SSOs not covered by other reporting requirements.

How can I submit a 24-hour non-compliance notification?

There are two ways to submit a 24-hour non-compliance notification:

- 1) by email using the non-compliance notification form;
- 2) by telephone to the appropriate Division of Surface Water (DSW) inspector (this option also requires a follow-up written report within five days of the event).

When is non-compliance an emergency requiring an immediate report to Ohio EPA's Emergency Hotline?

On rare occasions, NPDES permit non-compliance may constitute an emergency. An emergency is determined on a case-by-case basis, based on potential risks to the public or impacts to a receiving stream.

For example, a fish kill could be caused by elevated oxygen demand or toxicity, the relative volume of an unauthorized discharge could result in unacceptable bacteria levels where there is public access or exposure, the discharge may pose a risk to downstream users or the location may present a hazard to public safety.

Whether non-compliance is caused by an overflow, bypass, pass-through or effluent violation, an immediate or potentially substantial threat to public health, safety or the environment must be reported to Ohio EPA's Emergency Hotline as soon as reasonably possible (within 30 minutes of discovering an emergency situation). Any delay could potentially result in greater threats to human health and the environment.

What rules and laws apply?

- Title 40 of the Code of Federal Regulations, Part 122.41
- Chapter 6111 of the Ohio Revised Code
- Chapter 3745-33 of the Ohio Administrative Code

What is a 24-hour non-compliance notification?

A 24-hour non-compliance notification is an explanation of the events that lead to certain NPDES permit non-compliance. As the name implies, the non-compliance notification must be submitted to Ohio EPA within 24-hours of discovery of the non-compliance.

What if it's an emergency?

**Report a Spill, Release
or Environmental Crime**

800-282-9378

Call the Ohio EPA emergency number above as soon as reasonably possible if you determine an emergency exists. An emergency exists when there is an imminent or substantial threat to public health, safety or the environment.

Where can I get more information?

Contact the appropriate DSW inspector at your district office. To view a map of Ohio EPA's district office boundaries and mailing addresses, go to epa.ohio.gov/districts.aspx.

NPDES Permit Non-compliance and SSO Notification Requirements

The NPDES permit holder must take all reasonable actions to mitigate impacts from an unauthorized discharge. These actions should be detailed in the follow-up report. Ohio EPA staff will follow up on all emergency reports by phone or may respond to the scene to investigate, provide oversight and assist as appropriate.

How do I submit a 24-hour non-compliance notification using email?

The required non-compliance notification forms can be accessed through Monitoring and Reporting tab on the individual NPDES permits page at epa.ohio.gov/dsw/permits/individuals.aspx or click on the link below to choose the correct form for the type of non-compliance being reported:

Non-compliance Notification for Exceedance of a Daily Maximum Discharge Limit
Non-compliance Notification for Bypasses and Upsets

When submitting a non-compliance notification form using email, follow the procedure below:

- 1) save a copy of the form to your computer;
- 2) answer all questions and fill in all required information;
- 3) rename the completed form using the NPDES permitted facility name, date, county where the facility is located and the DSW inspector's name (if available). Example: *ACME_WWTP_110408_County_InspectorName.doc*; and,
- 4) attach the form to an email sent to the appropriate DSW inspector or district office. The subject line of the email should be the same as item 3 above. Example: *ACME_WWTP_110408_County_InspectorName.doc*.

How do I submit a 24-hour non-compliance notification by telephone?

The Non-compliance Notification Section of Part III of the NPDES permit includes instructions for submitting a 24-hour non-compliance notification by telephone. A toll-free number for each district office is provided. Ask for your DSW inspector by name or provide the county where the facility is located, and provide the required information as detailed in your permit. *Note: 24-hour non-compliance notification by telephone must be followed by a written report of the required information within five days of the event.*

How do I report an SSO?

An SSO is a discharge, spill, release or diversion of wastewater from a sanitary sewer system or any unpermitted discharge point in a collection system. All SSOs are prohibited. Typically, NPDES permits require all SSOs with the potential to reach surface waters of the state to be reported under Station 300 (if available) and included in an annual SSO report. If a discharge occurs from a combined sewer overflow (CSO) station during dry weather, that is considered an SSO. Discharges from CSO stations that result from wet weather events are not considered SSOs. Please reference your NPDES permit for a specific list of permitted CSO locations (if any) and reporting requirements.

Emergency SSOs

An SSO may cause an emergency if it imminently or substantially endangers human health, human safety or the environment and must be immediately reported to Ohio EPA by calling the Emergency Hotline and to the appropriate board of health. When calling the Ohio EPA Emergency Hotline, be prepared to provide critical information about the emergency, including the location, volume, receiving stream and actions taken to mitigate impacts (evacuation, containment, etc.). This information will be used to coordinate an emergency response, if necessary. *Note: an emergency SSO notification by telephone must be followed up by completing the Sanitary Sewer Overflow 5-day Follow-Up Report, available at epa.ohio.gov/Portals/35/permits/sso_5_day_report.pdf, and sending it to the DSW facility inspector.*

Examples of an emergency SSO include, but are not limited to:

- a fish kill (or observed environmental stress);
- unauthorized discharge resulting in unacceptable bacteria levels in a high-risk recreation or public exposure area;
- a discharge that poses a risk to downstream users, wildlife or aquatic biology (e.g. water intakes);
- overflow(s) at a location that may present a hazard to public safety (e.g. extensive street or surface flooding); and
- a high-volume dry weather overflow.

Non-Emergency SSOs

Non-emergency SSOs are generally categorized as SSOs that do not require outside assistance or emergency response aid. Typically, NPDES permits require all SSOs to be reported under Station 300 (if available) and included in an annual SSO report, but refer to your individual NPDES permit for specific reporting requirements. If no explanation is provided, follow the instructions given in this fact sheet for an unanticipated bypass.