

February 2009

NPDES Permit 24-hour Non-compliance Notification Requirements

Anyone who owns a facility covered by a National Pollutant Discharge Elimination System (NPDES) permit is required to submit a Non-compliance Notification to Ohio EPA within twenty-four (24) hours for certain non-compliance events. This Fact Sheet will clarify under what circumstances a 24-hour Non-compliance Notification is required and the options available for submitting a 24-hour Non-compliance Notification.

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 the Ohio EPA, Division of Surface Water (DSW), **within 24-hours of discovery of the non-compliance.**

When is a 24-hour Non-compliance Notification required?

There are two types of NPDES permit non-compliance that trigger 24-hour Non-compliance Notification requirements:

Any non-compliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the NPDES permit. Many NPDES permits issued by the Director of Ohio EPA contain **daily maximum discharge limits** for

pollutants that may be discharged by the permit holder to waters of the state. While compliance is everyone's goal, daily maximum discharge limits are exceeded on occasion. When that happens, the permit holder is required to submit a non-compliance notification to DSW within 24-hours of discovery of the non-compliance.

Any unanticipated bypass resulting in an exceedance of any effluent limit in the NPDES permit or any upset resulting in an exceedance of any effluent limit in the NPDES permit. Wastewater treatment facilities may also experience an occasional unanticipated bypass or upset of some or all of the treatment units. When that happens, the permit holder is required to submit a non-compliance notification to DSW within 24-hours of discovery if the non-compliance exceeded any effluent limit in the NPDES permit.

How can I submit a 24-hour Non-compliance Notification?

There are two ways to submit a 24-hour Non-compliance Notification: 1) by e-mail using prepared non-compliance notification forms available on the internet; and, 2) by telephone. Both of these options will be discussed later in this Fact Sheet.

What if the non-compliance is an emergency?

On rare occasions, NPDES permit non-compliance may constitute an emergency. An emergency must be determined on a case-by-case basis. An immediate or potential threat to public health and safety should be considered an emergency and must be reported as such.

Report environmental emergencies to Ohio EPA 24-hours a day, 365 days a year at 800-282-9378!

Call the Ohio EPA emergency number within thirty (30) minutes if you determine an emergency exists, do not wait to make the required report. Any delay in reporting an emergency can potentially result in greater threats to human health and the environment.

How do I submit a 24-hour Non-compliance Notification using e-mail?

DSW provides forms on the following web site to be used when submitting a 24-hour Non-compliance Notification by e-mail:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Look under "Non-compliance Notification" for forms for daily maximum discharge limit violations and bypasses and upsets.

Naming instructions for the Non-compliance Notification report and e-mail Subject line:

- 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, the date, the county where the facility is located, and the DSW inspector's name (if available). An example would be: ACME_WWTP_110408_County_Insp_ectorName.doc; and,
- 4) Attach the form to an e-mail sent to the appropriate DSW inspector or district office. **The Subject line of the e-mail should consist of the same name.**
- 5) **You are done!**

NPDES Permit 24-hour Reporting Requirements

How do I submit a 24-hour Non-compliance Notification by telephone?

Refer to **Part III, Section 12 Non-compliance Notification**, of your NPDES permit for instructions on submitting a 24-hour Non-compliance Notification by telephone. Toll-free telephone numbers are provided for each DSW office. Ask for your DSW inspector by name, or at least be able to provide the county where the facility is located. The information which must be reported is detailed in Section 12. **[Note: a 24-hour Non-compliance Notification by telephone must be followed up by a written report within five days].** This follow up requirement is not applicable to an e-mail 24-hour Non-compliance Notification, which is already a written report.

Are there other reporting requirements?

Yes, there are three other report requirements in Part III, Section 12 of your NPDES permit:

- You must report any inability to meet a required activity in the schedule of compliance in your NPDES permit. The report must be written and submitted to the appropriate DSW office within fourteen (14) days of becoming aware of the situation. Paragraph D of Part III, Section 12 contains instructions regarding the required content of the report;
- You must report all other instances of NPDES permit non-compliance not reported as part of a 24-hour Non-compliance Notification on your monthly Discharge Monitoring Report; and,
- If you become aware that you failed to submit an application, or submitted incorrect information in an application or in any report to the Director, the correct information with an explanation needs to be promptly submitted.

Where can I get more information?

If you have questions or need more information, contact Ohio EPA's Division of Surface Water at your local district office.

To view a map of Ohio EPA's district office boundaries and mailing addresses for each district, go to

<http://www.epa.ohio.gov/Directions.aspx>

Central Office
(614) 644-2001

Central District Office
(800) 686-2330

Northeast District Office
(800) 686-6330

Northwest District Office
(800) 686-6930

Southeast District Office
(800) 686-7330

Southwest District Office
(800) 686-8930