



**Environmental
Protection
Agency**

OHIO EPA DIVISION OF SURFACE WATER: HSTS, SFOSTS, AND HB110

Presenter:

Ashley Ward, P.E.

Acting Chief

Division of Surface Water

DOES THE SYSTEM NEED AN NPDES PERMIT?

NPDES or National Pollutant Discharge Elimination System permits are required when a system will or has the potential to discharge to Waters of the State per the Clean Water Act (CWA).



epa.ohio.gov/about/districts/district-offices

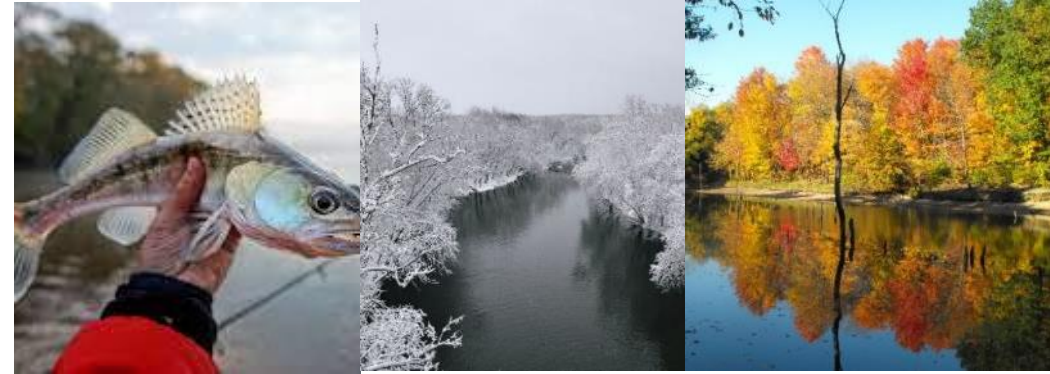


If you think an NPDES permit is required, contact the appropriate Ohio EPA district office for more information.



WHY DO DISCHARGING HSTS NEED NPDES COVERAGE?

- It's the law – the federal clean water act and Ohio Revised Code 6111 require all discharges of treated effluent to receiving waters to be permitted
- It sets conditions that protect public health and the environment
- Ohio and the nation's water quality have greatly improved



What year was Ohio EPA created?



H2OHIO

Launched in 2019, H2Ohio has provided significant funding to address complex issues impacting Ohio's waters.

- Addressing nutrients
- Improving access to clean water
- Preserving River Health



H2OHIO –OEPA: INFRASTRUCTURE HIGHLIGHTS

By the Numbers

Impact of FY25 Water Infrastructure Investments

 **15**
total projects funded

 **\$18.5 million**
total funding awarded

 **13**
Ohio counties impacted


 **8,000+**
households newly served or improved

 **25+**
businesses benefited


By the Numbers *(continued)*

Impact of FY25 Water Infrastructure Investments

 **15+ miles**
miles of new or improved water & sewer lines

 **3**
new or upgraded wastewater & drinking water treatment plants

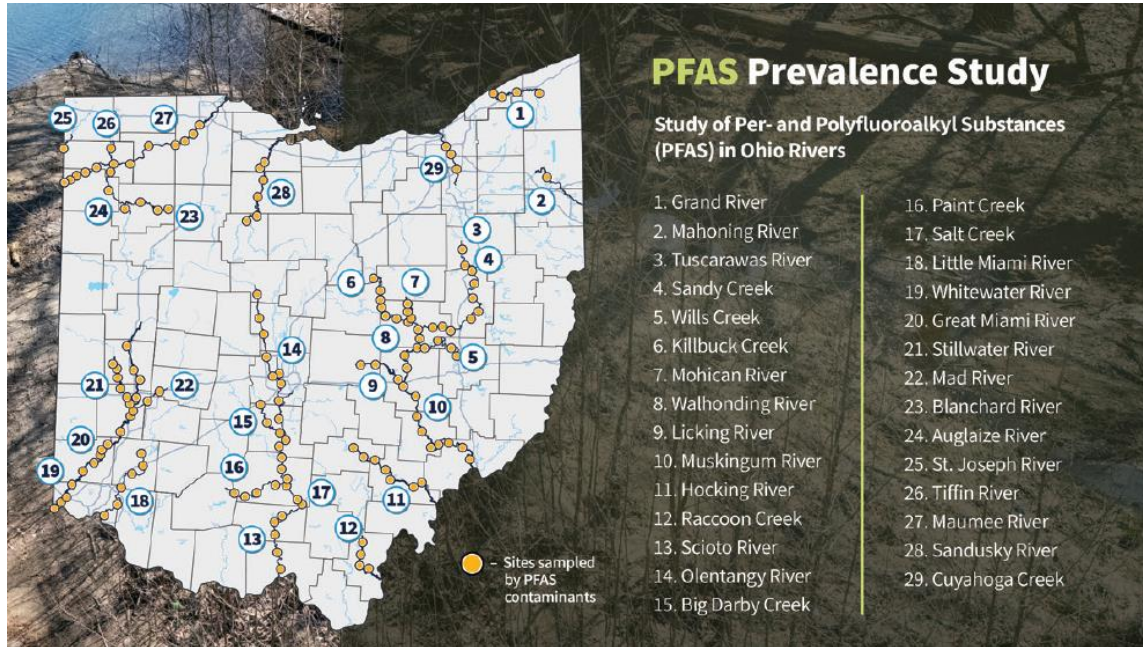
 **200+**
unsafe private wells eliminated

 **4 communities**
aging sewer and drinking water systems replaced

 **9**
communities connected to regional systems

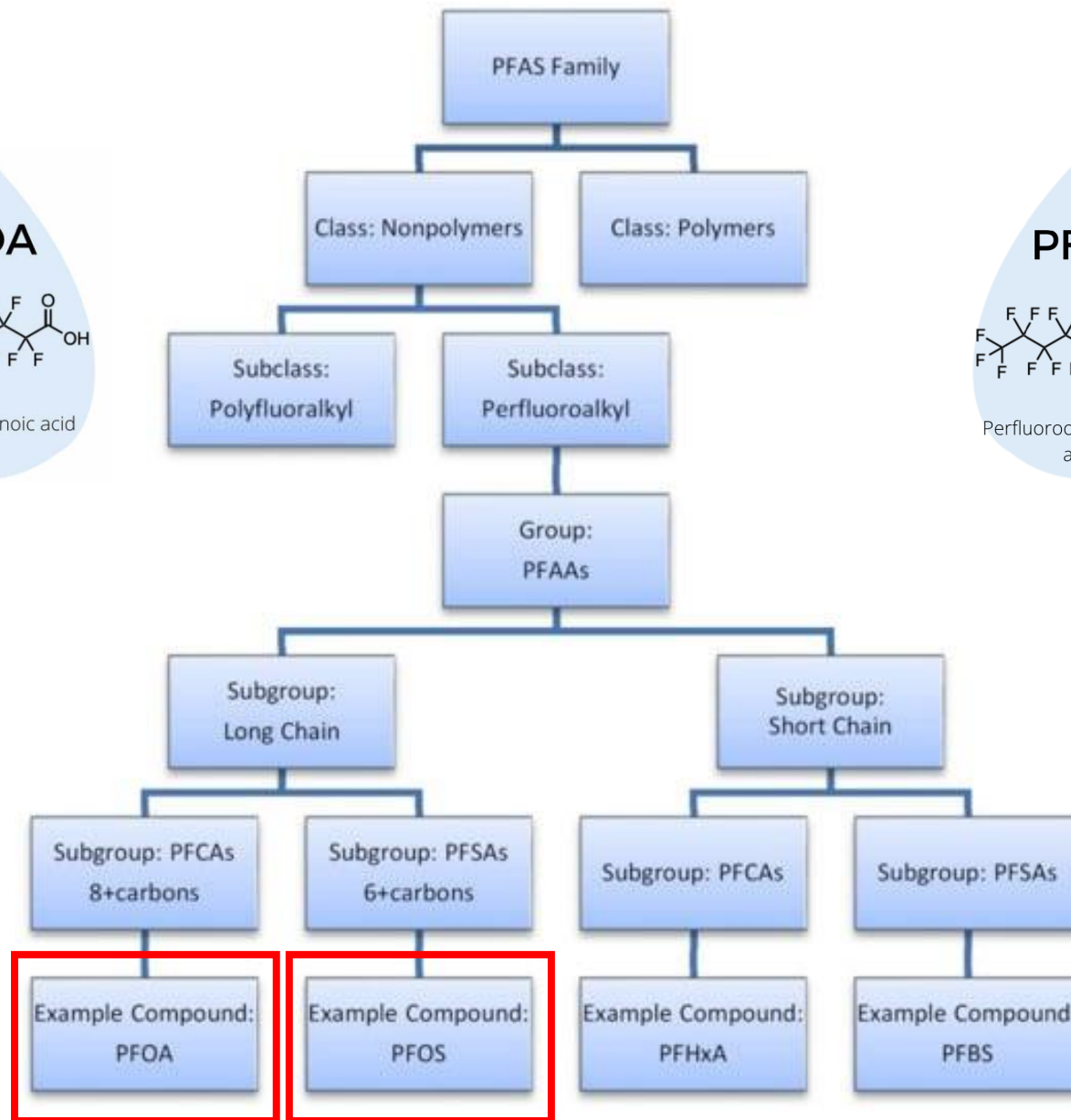
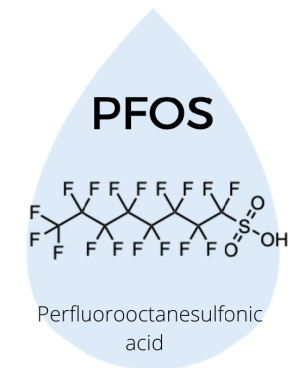
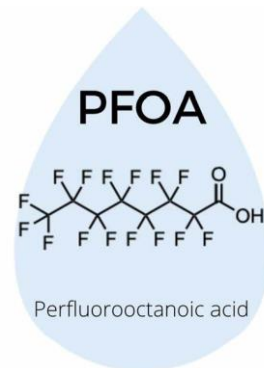
- In FY25, Ohio EPA awarded more than \$18.5 million to support 15 infrastructure projects around the state.
- Regionalization, sewerage unsewered areas, water and wastewater treatment improvements

H2OHIO –OEPA: RIVERS PROGRAM



- Dam removals
- Salt grants
- Trash cleanup
- PFAS study

What is PFAS?



Food Wrappers



Coated Paper & Packaging

Water & Stain Resistant Coatings



Firefighting Foams

Pesticides & Herbicides



**Where are
PFAS
Compounds
Found?**



**Paints, Varnishes,
Inks & Dyes**

Non-Stick Cookware



Waterproof Clothing

**Shampoo & Personal
Care Products**



**Cosmetics &
Sunscreens**

Division of Surface Water and PFAS

- Not currently undertaking rulemaking at the state level to adopt water quality criteria for any PFAS compounds
- U.S. EPA still has effective acute aquatic life use criteria that Ohio EPA will need to evaluate at our next triennial review
- U.S. EPA had signaled that PFAS sampling would be added to all NPDES permit application requirements in a future rulemaking; we have not heard a timeline on that effort or if it is still proceeding
- Ohio EPA completed sampling for PFAS in our large rivers (view summary report at QR code)



H2OHIO - ODA

By the Numbers



3,200 Agreements

signed by producers to implement practices on the farm



2.2 Million acres

enrolled in Voluntary Nutrient Management Plans



27,200 acres

of watershed improved by conservation ditches



+140

agricultural retailers and independent crop consultants directly supporting producers

- VNMPs are customized nutrient management plans that prescribe the exact amount of each nutrient needed on the farm. It is one of the Best Management Practices (BMPs) offered through H2Ohio and a requirement for all H2Ohio participants

H2OHIO - ODNR


By the Numbers - Overall

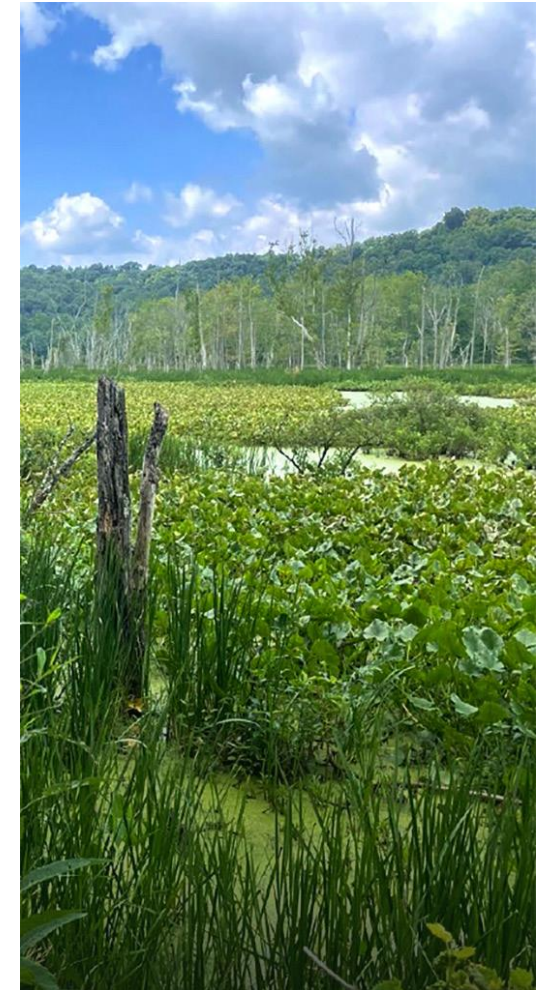
 **458**
total wetland projects

 **322**
wetland projects completed

 **\$180M**
total funding invested

 **91**
conservation partners

 **19,007**
new acres of wetland and associated
habitat restoration



NPDES GENERAL PERMIT FOR HSTS



- ~28,000 active permits
- ~2,000 applications a year

epa.ohio.gov/divisions-and-offices/surface-water/permitting/discharging-household-sewage-treatment-systems-general-permits

OR

search “Ohio EPA discharging HSTS”



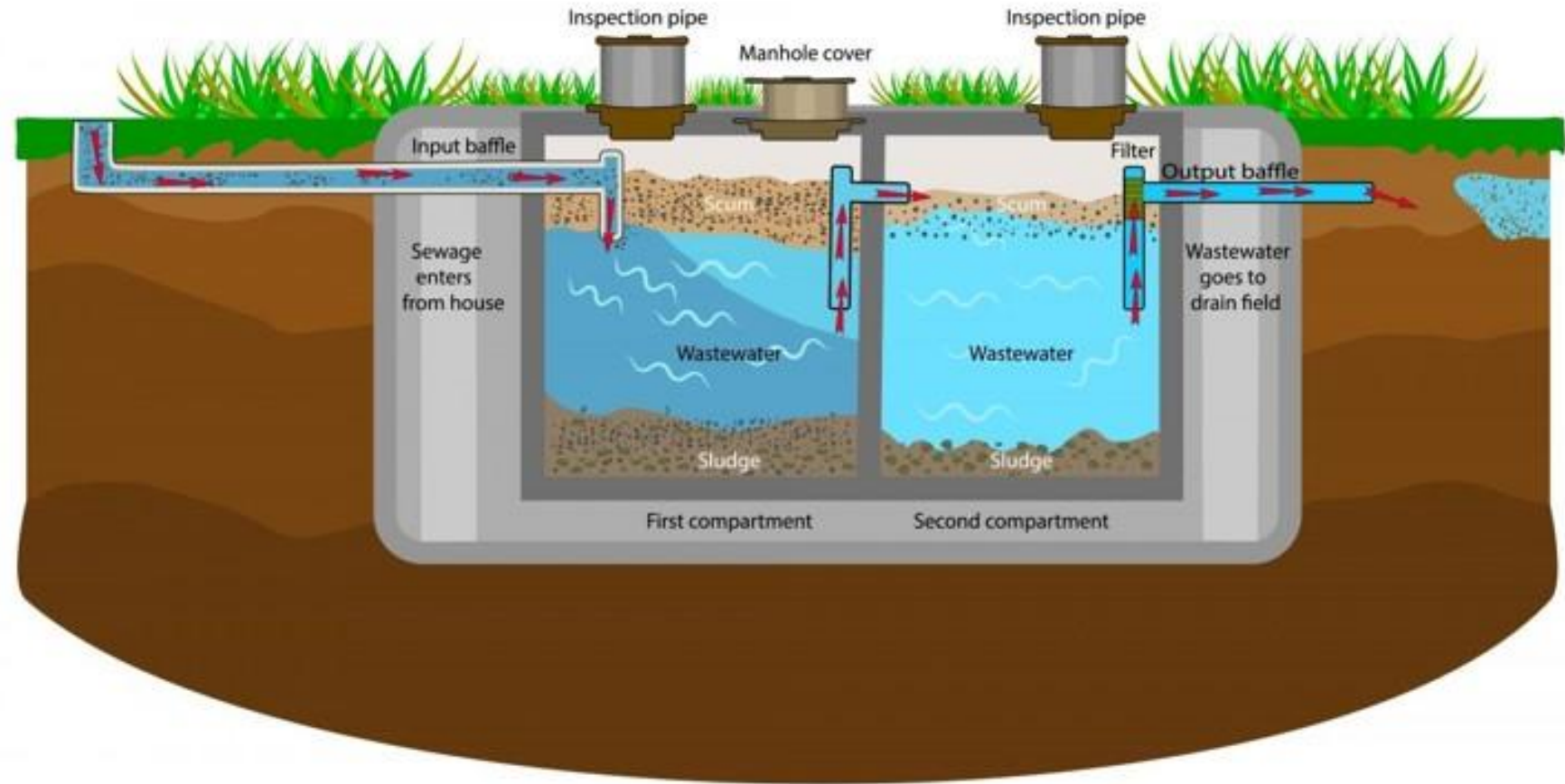
HSTS NPDES GENERAL PERMIT: TYPES OF SYSTEMS

- **Replacement system-**

Property has had an STS on it before on it before

- **New system-**

Property has never had an STS on it before



HSTS PERMIT: WHAT IS ELIGIBLE?

Seven limitations of coverage located in the general permit

Replacement and new home construction

- Have a location to sample before mixing with other effluent or water streams
- Be on a lot created before 1/1/2007
- Property line more than 400 feet from sewers
- System design is approved by the local health department

New home construction only

- Discharge point of five square drainage miles or more
- Cannot discharge to waters of superior or outstanding quality (or within one mile upstream)
- If going to an MS4, must be in accordance with the local MS4 program



SUBMITTING A NOTICE OF INTENT (NOI)

Three things needed for a complete NOI

1. Health Department creates NOI (application) on eBusiness Center
2. \$200 fee due (paid online or by mail*)
3. Homeowner signature page
 - Email to: DSW.HSTS@epa.ohio.gov
 - Or mail with check and invoice

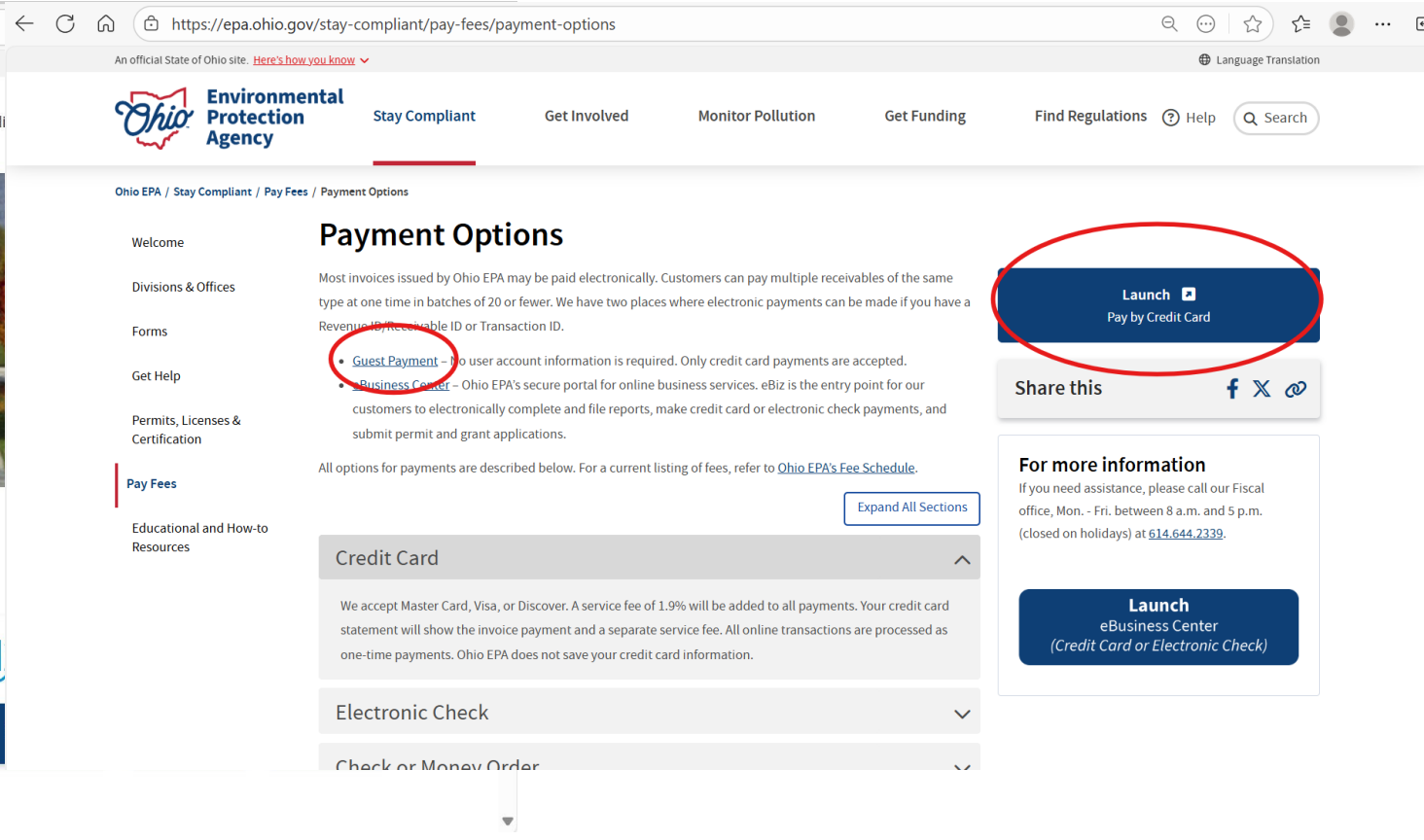
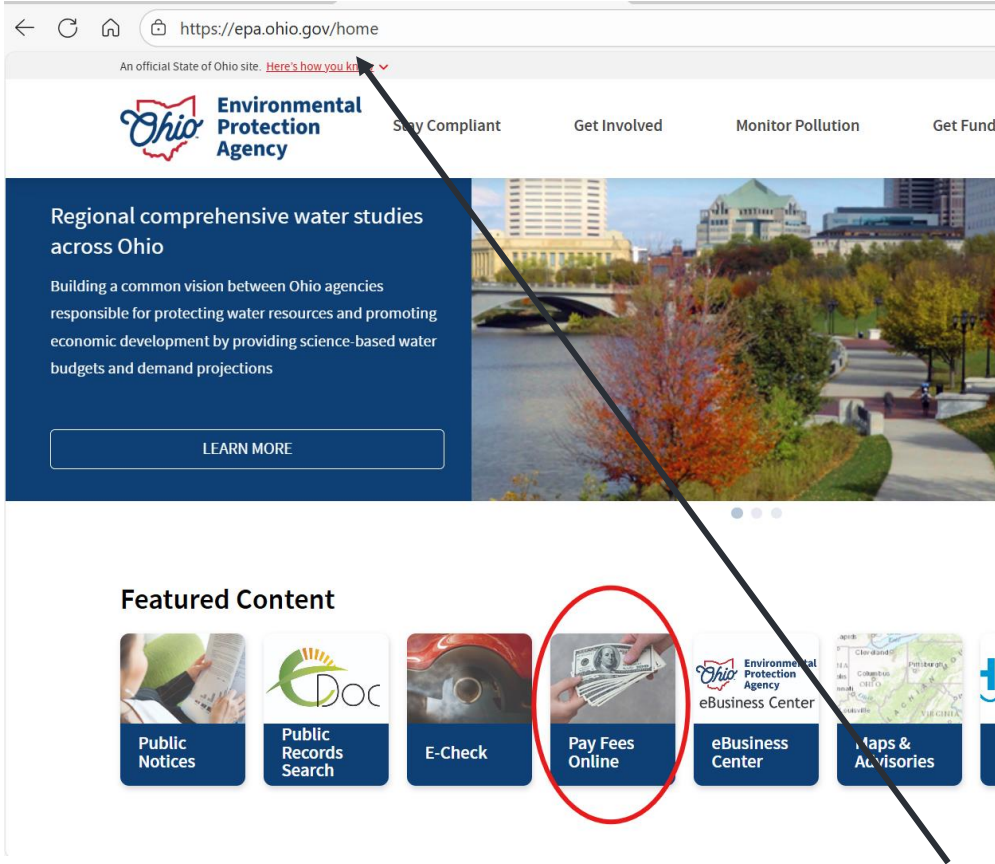
*If sending by mail:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216



* Mailed forms/checks can take about three weeks to process

GUEST PAYMENT PORTAL (EASIEST WAY TO PAY)



Ohio EPA's main webpage



ROLES OF HEALTH DEPARTMENTS AND OHIO EPA

Health Department

- Evaluate property to decide what type of system is feasible
- Approve the system design
- Inspect and regulate issues with system maintenance
- May assist with system sampling
- Maintains sampling data database

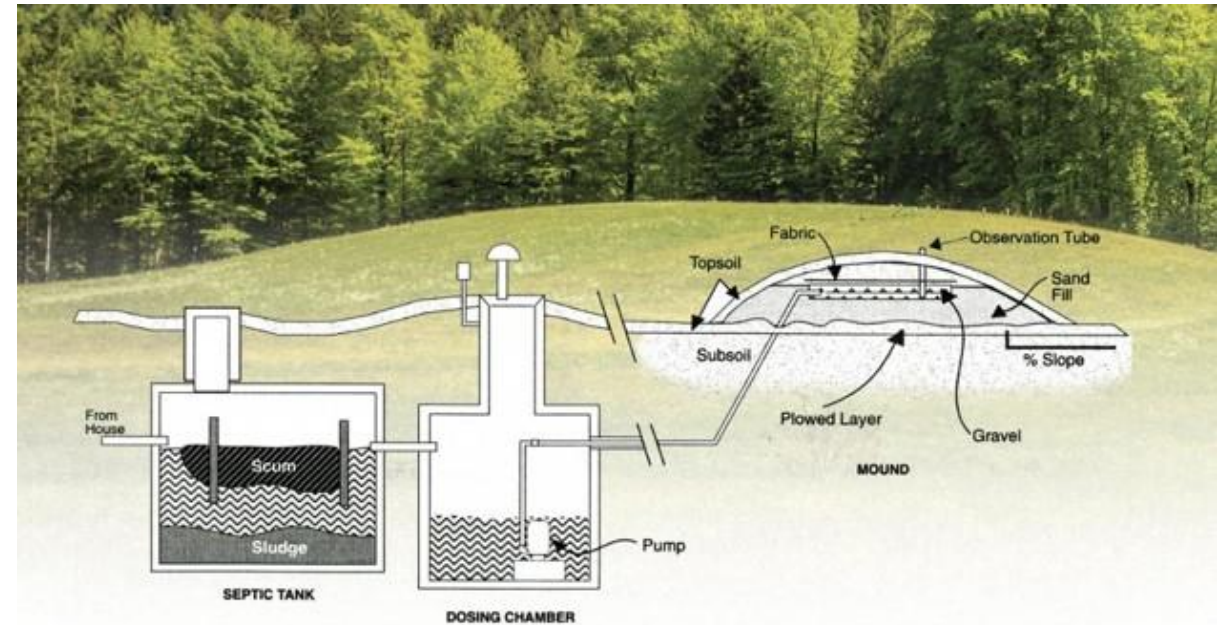
Ohio EPA

- Writes and renews the general permit
- Reviews and issues coverage to homeowners
- Provides technical assistance to LHDs, installers, and homeowners
- Analyzes the sampling data database



SMALL FLOW ONSITE SEWAGE TREATMENT SYSTEM (SFOSTS)

- The Ohio Administrative Code (OAC) Chapter 3701-29 defines SFOSTS as a system, other than a HSTS, that treats not more than 1,000 gallons of sewage per day
- Ohio EPA has authority, but local health departments can assume authority



WHO HAS SFOSTS AUTHORITY?

- Ohio Department of Health maintains a list of local health departments that have assumed authority
- If the local health department has authority, all permitting is done through them



[https://odh.ohio.gov/know-our-programs/
sewage-treatment-systems/education-
resources](https://odh.ohio.gov/know-our-programs/sewage-treatment-systems/education-resources)



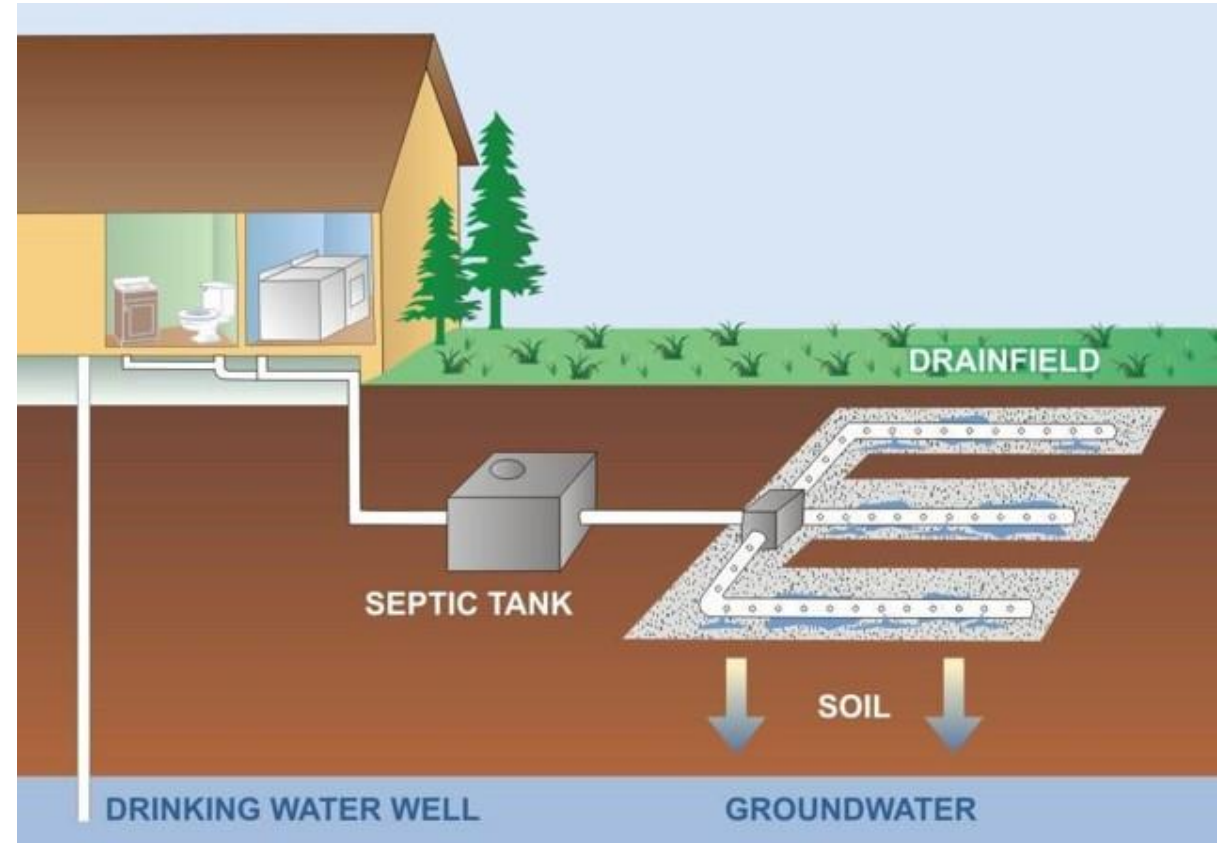
SFOSTS: TRANSFERRING AUTHORITY

When a local health department **assumes authority**, all SFOSTS from that point forward will be permitted by the local health department.

- All previous systems permitted under Ohio EPA remain with Ohio EPA until the system is replaced or upgraded

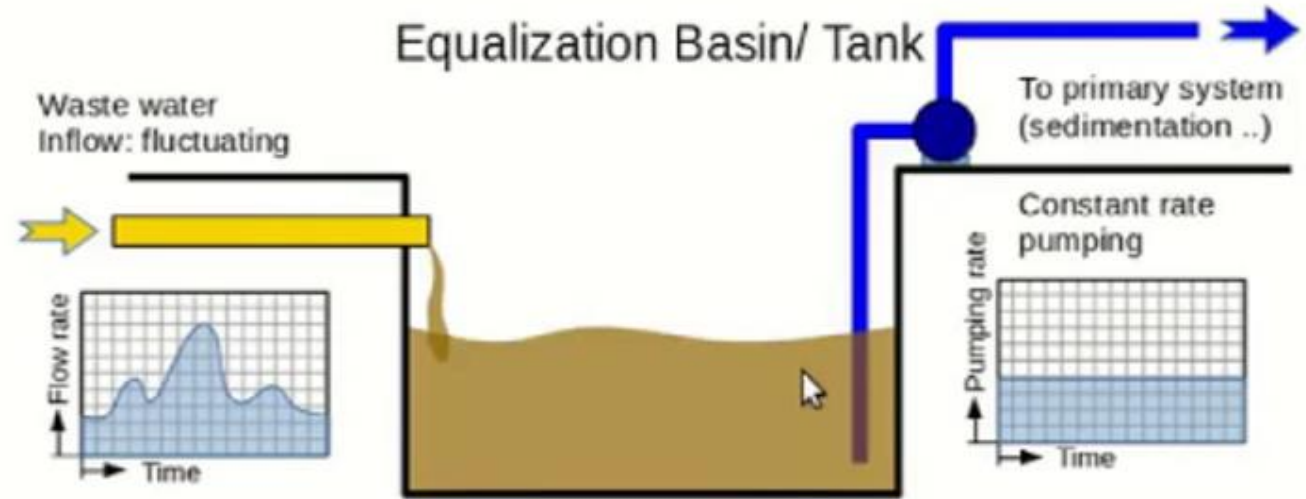
When a local health department **returns authority**, all systems permitted by the local health department are **returned** to Ohio EPA.

- The local health department will notify stakeholders when SFOSTS authority is changed



SFOSTS PEAK FLOW

If a SFOSTS has a peak flow more than 1,000 gpd, an equalization tank can be designed to have the discharge to the soil absorption component be less than 1,000 gpd and fall under the definition of SFOSTS



| Day | Flow (GPD) |
|-----------|------------|
| Sunday | 500 |
| Monday | 100 |
| Tuesday | 100 |
| Wednesday | 50 |
| Thursday | 100 |
| Friday | 1,100 |
| Saturday | 1,300 |



REVIEWING SFOSTS DESIGN

- Does the SFOSTS fit in the area delineated by the soil evaluation?
- Has this design been approved and meet all the requirements set forth in rule?
- For other programs (campgrounds, mobile home parks), has design also met those additional rules for sewage regulations?
- Upon installation, a 12-month inspection and enrollment into Operation & Maintenance program shall occur per ODH



OHIO EPA DIVISION OF SURFACE WATER – SEMIPUBLIC DISPOSAL SYSTEM INSPECTION PROGRAM (HB110)

A disposal system that treats the sanitary sewage discharged from publicly or privately owned buildings or places of assemblage, entertainment, recreation, education, correction, hospitalization, housing, or employment, but does not include a disposal system that treats sewage in amounts of more than 25,000 gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of section 6111.04 of the Revised Code pursuant to division (F)(7) of that section; or a disposal system for the treatment of industrial waste.



Stay Compliant

Get Involved

Monitor Pollution

Get Funding

Ohio EPA / Divisions & Offices / Surface Water / Guides & Manuals / Semipublic Disposal System Inspection Program (HB110)

Surface Water

Welcome

Announcements

Contacts

About DSW

Programs

Financial Assistance

Guides & Manuals

Permitting

Reports & Data

Regulations

Semipublic Disposal System Inspection Program (HB110)

By implementing House Bill 110 (HB110) in 1984, the Ohio General Assembly created Ohio EPA's Semipublic Disposal System Inspection program (often referred to as the HB110 program). The program is a contractual partnership between Local Health Districts (LHDs) and Ohio EPA, whereby LHDs conduct, on behalf of the Agency, inspection and enforcement services for commercial sanitary waste treatment/disposal systems discharging between 0-25,000 gallons per day (semipublic).

Ohio EPA operates the program to better protect the public health and welfare, and to protect the environment. Due to the proximity, the multitude of facilities and the availability of re disposal at semipublic facilities is best accomplished locally by qua

To offset costs of local oversight, State law ([Ohio Revised Code 370](#)) inspection services to be paid by semipublic facilities.



epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/semipublic-disposal-system-inspection-program-hb110



SEMIPUBLIC DISPOSAL INSPECTION PROGRAM

- Local health departments may request authority over the inspection of small commercial sanitary wastewater treatment systems (discharging systems)
- Local health departments may charge fees to the facility to help offset costs of the program



epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/semipublic-disposal-system-inspection-program-hb110



HEALTH DEPARTMENT RESPONSIBILITIES - INSPECTIONS

Perform inspections of semipublic disposal systems

- All discharging systems once per year
- At least 33% of non-discharging (OSTS) per year - rotate so each system is inspected once every three years
- Within 14 days of a complaint, perform an inspection - time starts when health department receives complaint

What does an inspection involve?

- Visual observations of plant operations and maintenance
- If a discharging system, verify the facility is being maintained by a certified professional operator or service provider
- Identify deficiencies and/or concerns and evaluate if previous deficiencies have been addressed
- If applicable, proper disposal of solids

Submit an annual report to Ohio EPA on March 1, detailing the inspections and enforcement performed during the previous calendar year



HEALTH DEPARTMENT RESPONSIBILITIES - ENFORCEMENT

- The health department may issue informal written warnings and certified warning letters
- Where noncompliance notifications and informal requests fail to correct violations, entities may be referred to Ohio EPA for enforcement or the county prosecutor may bring action under local nuisance ordinances



HOW DOES THIS PROGRAM AFFECT A CONTRACTOR OR SERVICE PROVIDER?

| NPDES Permitted Systems | No Semipublic Inspection Program | Active Semipublic Inspection Program |
|-------------------------|----------------------------------|--------------------------------------|
| Permitting | Ohio EPA | Ohio EPA |
| Who Inspects | Ohio EPA | Local HD |
| Inspection frequency | Once every 5 years | Annually or triennially |
| Compliance | Ohio EPA | Local HD & Ohio EPA |
| Enforcement | Ohio EPA | Ohio EPA* |

*Local HD may enforce if noncompliance violates local regulations





Ohio's Nutrient Rulemakings



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Two Related Rulemakings

Nutrient Assessment:

- Stream Nutrient Assessment Protocol (**SNAP**)
- Evaluate data from watershed survey
- Informs 303(d) listings

NPDES Implementation:

- Adaptive Management
- Point Source Nutrient Control



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Learn More About SNAP

- **Definitions (OAC 3745-2-02):**
dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/rules/3745_0-2-02-Rule-IPR.pdf
- **Rule Language (OAC 3745-2-04)**
dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/rules/3745_0-2-04-Rule-IPR.pdf
- **Appendices:**
dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/rules/3745-2-04-Rule_appendix.pdf

What is SNAP?

- Causal analysis for nutrient over-enrichment
- Preliminary evaluation
- Further considerations

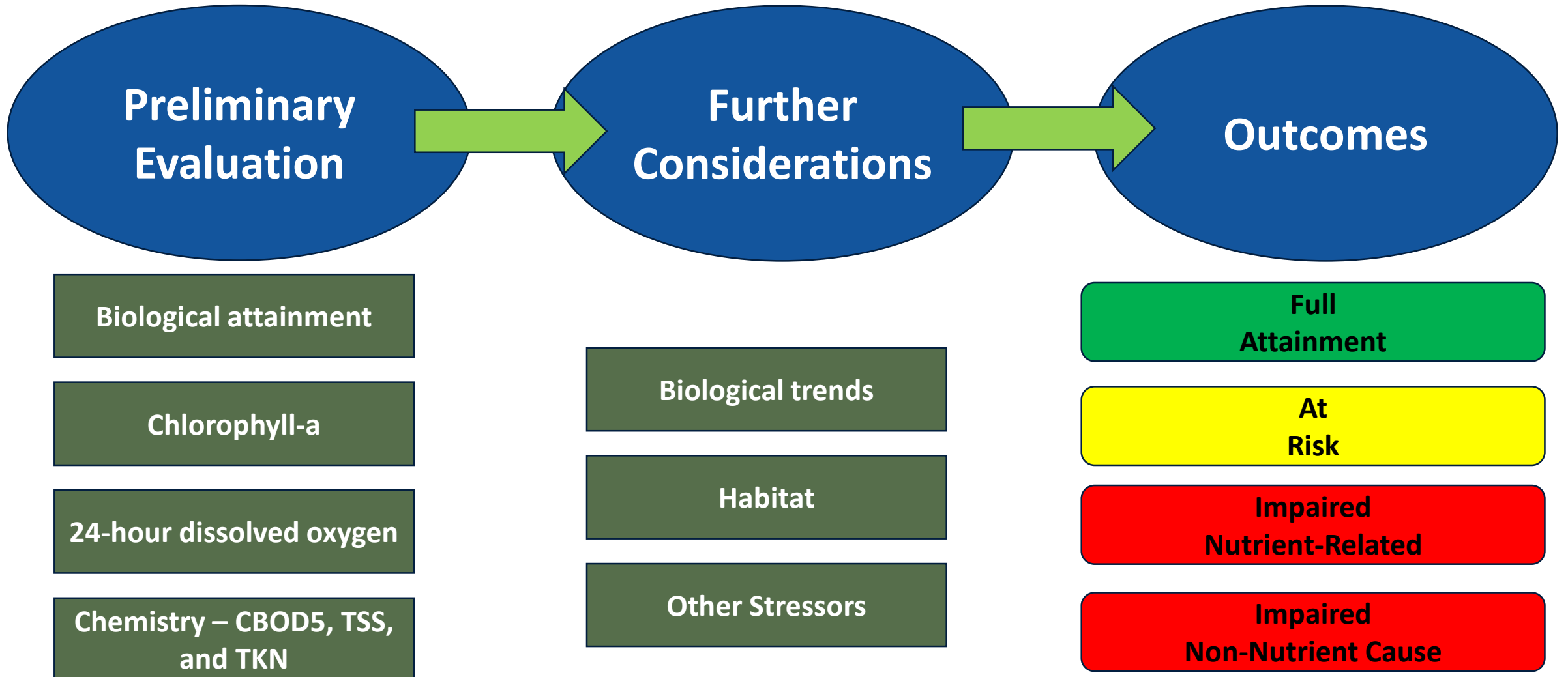


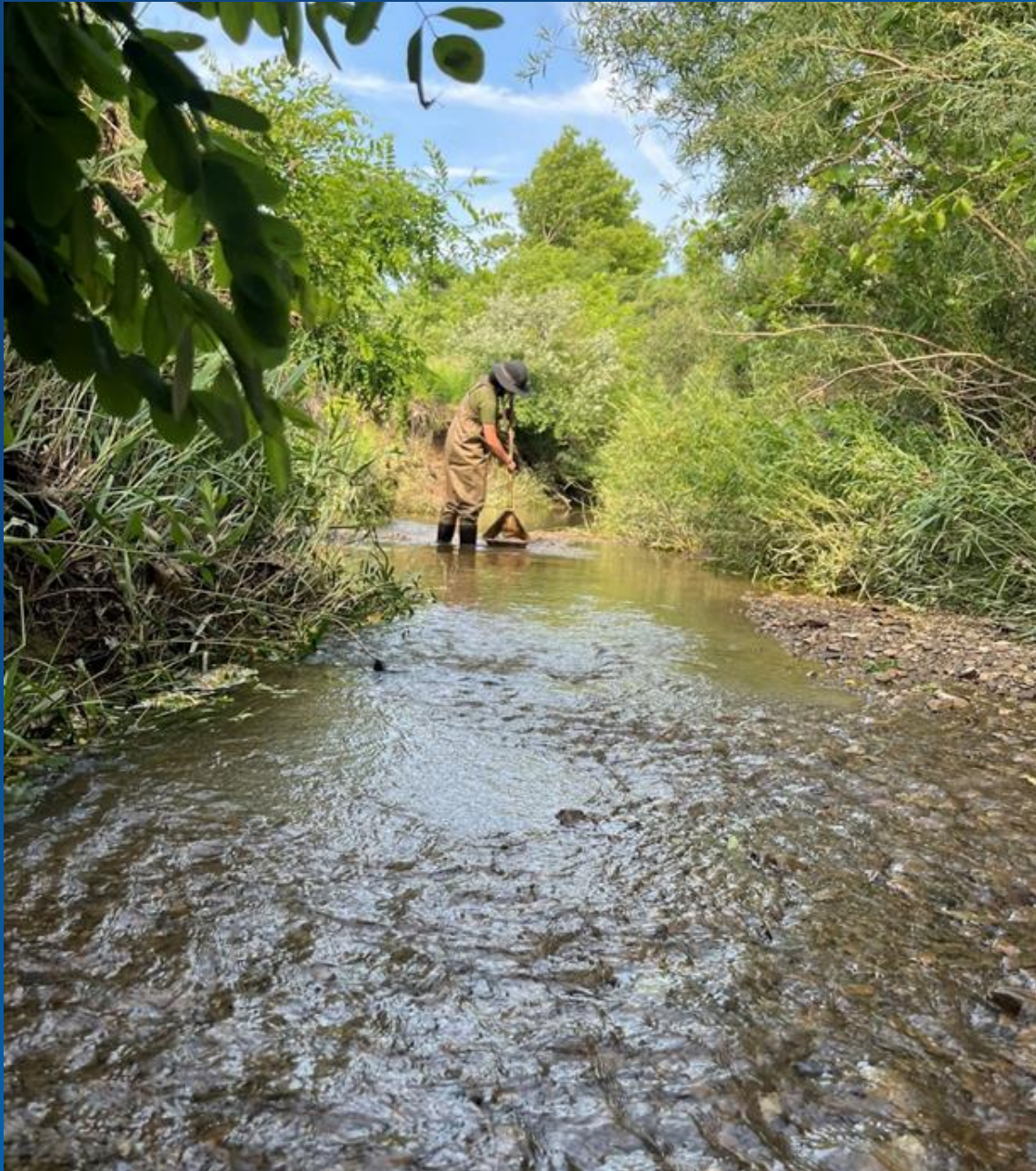
Why SNAP?

- Retains primacy of biocriteria for determining impairment
- Provides a robust foundation for managing the impacts of nutrients on Ohio streams
- Uses a weight of evidence approach
- Not a numeric criterion for individual nutrients
- Sets a high bar for attributing impairment to WWTPs – false positives are expensive



How does SNAP work?





SNAP Outcomes

Full
Attainment

At
Risk

Impaired
Nutrient-Related

Impaired
Non-Nutrient Cause



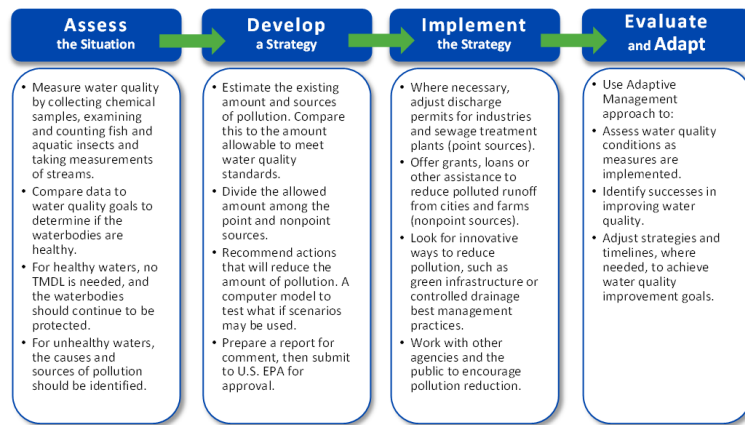
Applicability

- SNAP applies to free-flowing streams that have aquatic life use habitat designations with associated biological criteria.
- Doesn't apply to lakes or the Ohio River

Watershed Adaptive Management

Nutrient Reduction → Stream Response → Reassess Condition

Basic Steps of the TMDL Process Include...



- Environmental benefit via early action on PS nutrient reduction
- Lower the priority of associated TMDL (or perhaps avoid a TMDL altogether)
- Opportunity for PS to avoid restrictive wasteload allocation and associated capital expenses

Applicability Guardrails

Who should be subject to this rules?

- Exclude watersheds with an approved TMDL
- Point sources with ≥ 0.1 MGD design flow



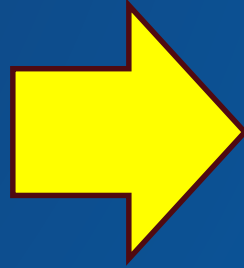
Applicability Guardrails

If a single facility is greater than 20% of the phosphorus loading

Or all the point sources are greater than 33 % of the phosphorus loading

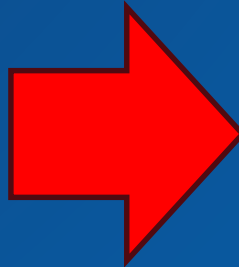
Proposed Implementation Requirements

**At
Risk**



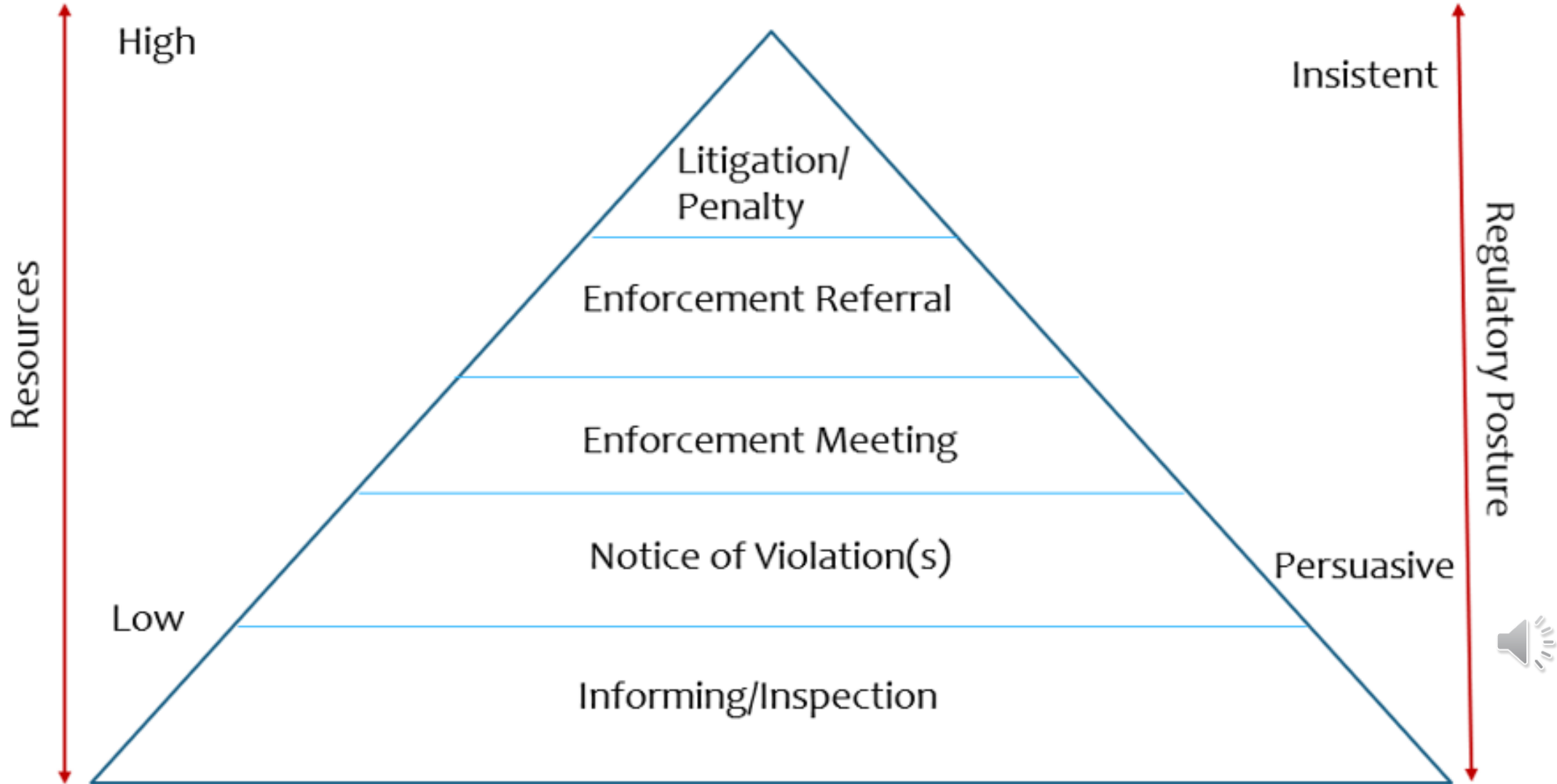
**Monthly Avg TP Limit = 1.0 mg/L
or
Watershed Control Project(s)**

**Impaired
Nutrient-Related**



Monthly Avg TP Limit = 0.7 mg/L

Compliance and Enforcement



What is Significant Non-Compliance (SNC)?

➤ SNC Definition:

- The most serious level of violation designated by USEPA
- Indicates whether violations or non-compliance events may pose a more severe level of concern for the environment or program integrity

➤ SNC Causes:

- **Non-Submittal of required reporting**
 - **Significant Effluent Violations**
 - Failure to meet a permit schedule milestone
 - Violations of formal enforcement actions
- } Most Common Causes



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Ohio EPA uses SNC designation in determining inspection priorities (Example: Major permitted facilities that fall into SNC throughout the year are inspected)



USEPA uses SNC designation to assist with targeting facilities for inspection and potential enforcement. The also will choose industries/sectors to target regardless of compliance history



USEPA is active in Ohio. Between October 1, 2024 and April 1, 2025, USEPA conducted 17 inspections in Ohio

**WHAT'S THE
BIG DEAL?**

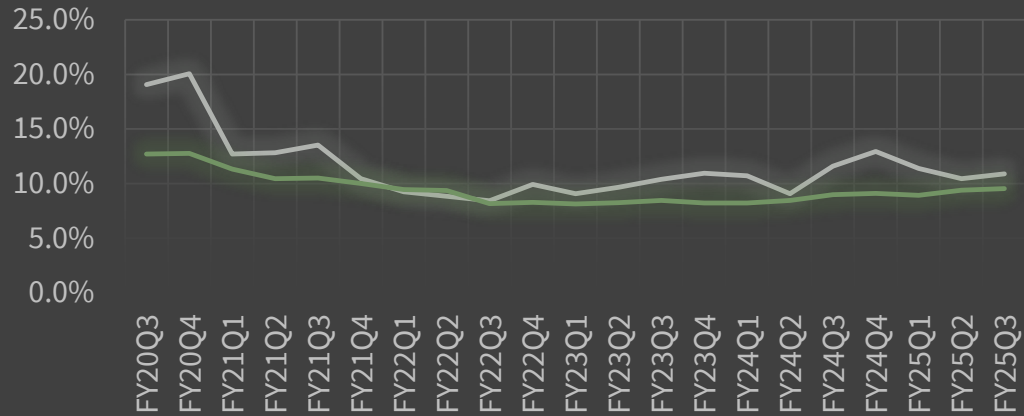


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OHIO BY THE NUMBERS

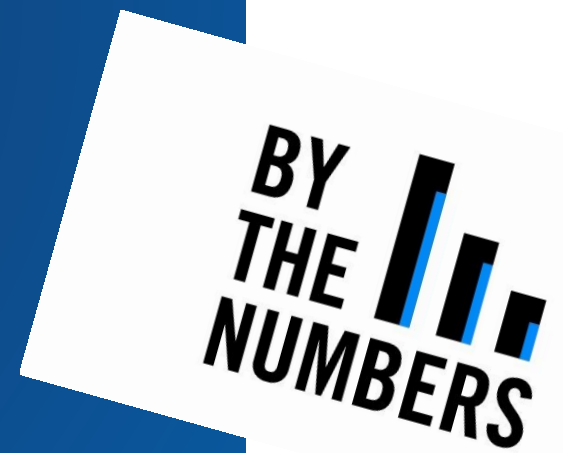
Ohio vs National SNC rate (%)

— OH SNC (%) — National SNC (%)



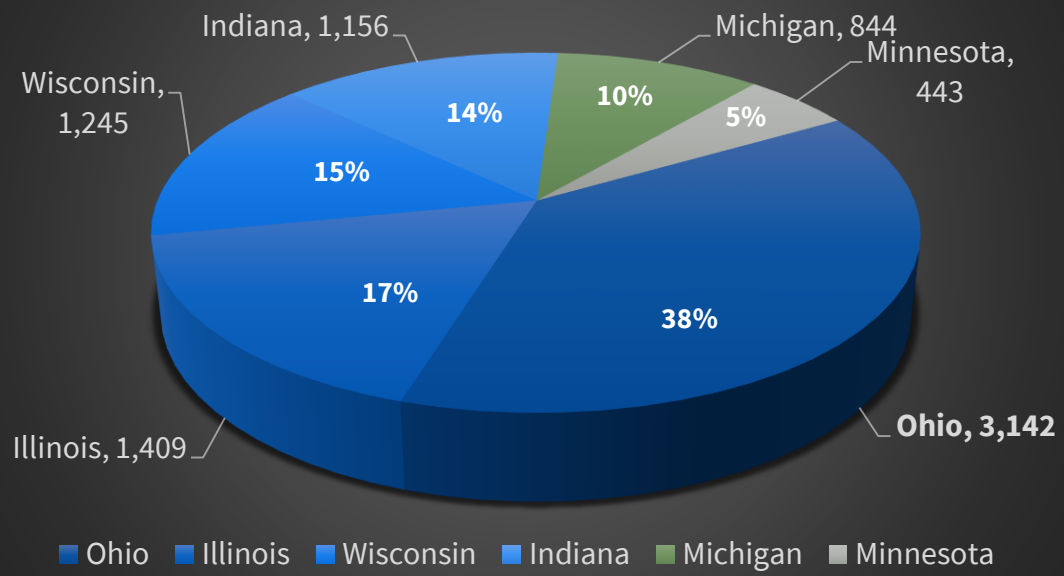
Ohio SNC Rate

- Spring 2020: 19.1%
- Spring 2025: 10.4%



Ohio's Individual Permit Universe is ~7% of the total permit universe of the United States and 38% of the USEPA Region 5 universe.

Region 5 Permit Universe



Stormwater Updates

- Small MS4 General Permit
 - Expires March 31, 2026
 - Early Stakeholder Input Ended July 18th.
 - Next Steps
 - Evaluate stakeholder input received
 - Develop Draft General Permit for Public Notice (November 2025)



Stormwater Updates

- Industrial Stormwater General Permit
 - NOVs being issued to facilities which failed to perform Benchmark Monitoring
- Construction Stormwater Applications Weekly Report
 - Email Wesley.Sluga@epa.ohio.gov to join email list serve
 - Useful for MS4s – Identifies NOTs received and NOIs issued



Questions?

Ashley Ward, P.E.

Acting Chief

Division of Surface Water



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