

Ohio NPDES Permit Objections

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**Environmental
Protection
Agency**

Permit Administrative Process

- Proposed permit review: 20 days if no changes were made after public notice, 35 days if changes were made (OH MOA)
- Specific objection: EPA has 90 days from receipt of the proposed permit to issue a specific objection (40 CFR 123.44)
- Within 90 days of the objection, the state must:
 - Request a hearing
 - Resubmit a revised permit
 - If not, EPA may draft the permit



Administrative Process –Hearing Path

- If state asks for a hearing, it must be held.
- After the hearing the Regional Administrator can uphold the objection, modify it, or withdraw it. (*There is no timeline for this in 40 CFR*)
- If the Regional Administrator upholds or modifies the objection, the state has 30 days to submit a revised permit.



Ohio Permit Objections



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Objection: Akron



- Phosphorus limit
- BioCEPT system
- Resolution (prior to specific objection)



Euclid - Background

- Population of around 48,000
- Median household income \$45,018

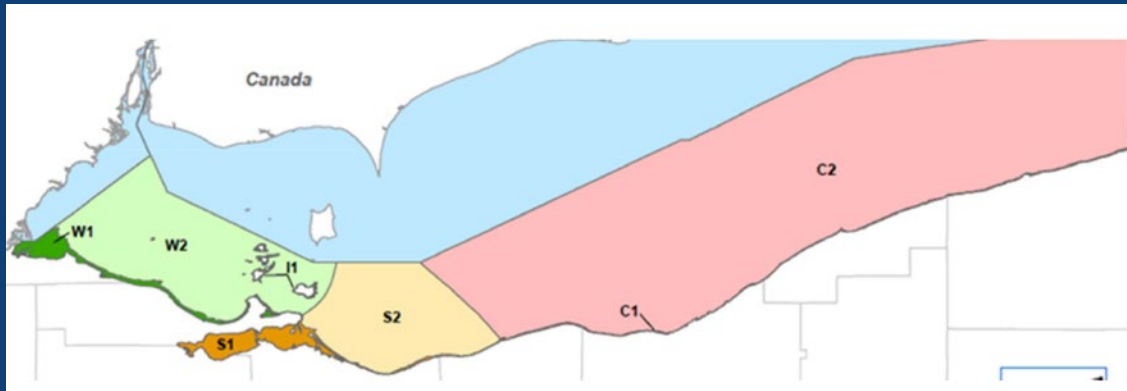


Euclid Background

- Direct discharge to Lake Erie in the Central Basin
- Average daily design flow of 22 MGD
- Median P of 0.64 mg/L
- WWTP upgrade



Understanding the Impairment

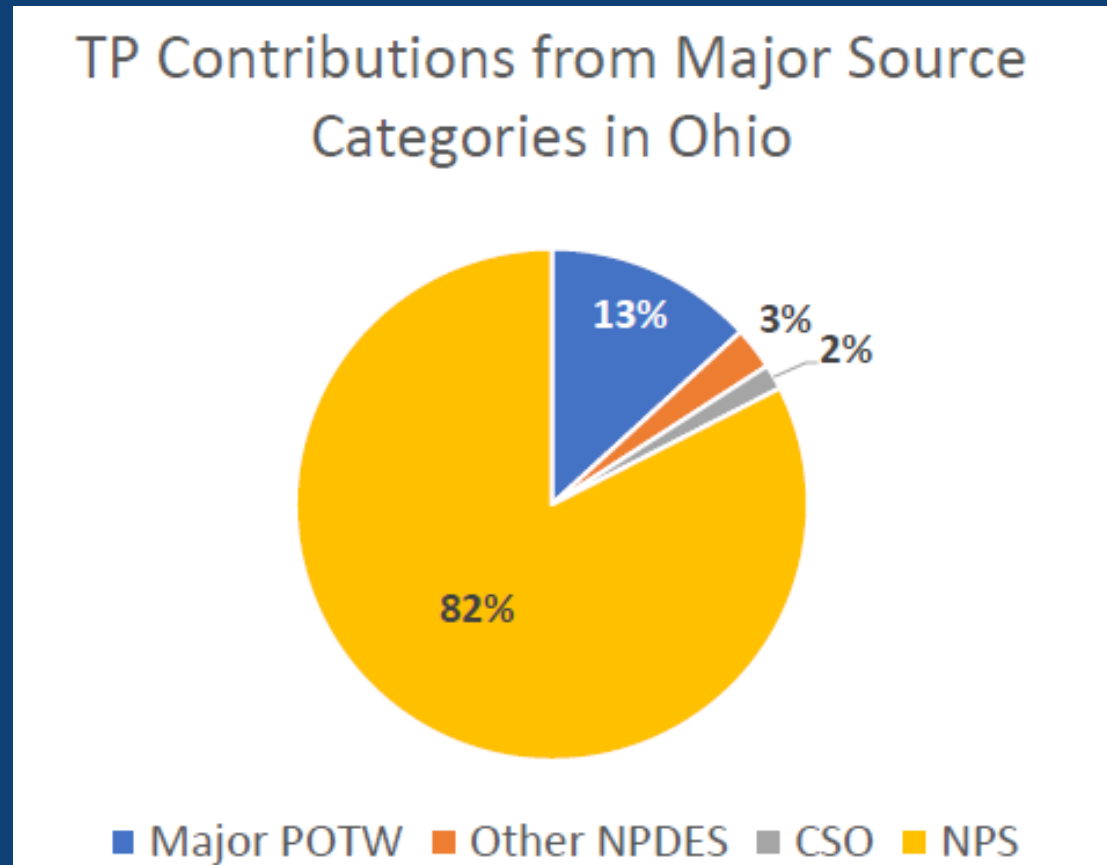


- The lake is divided into 7 assessment units
- Euclid discharges to the narrow C1 shoreline unit, adjacent to the larger C2 open waters unit.
- West to East primary flow (Central basin is downstream of unites to the west)

| Use Designation | Attaining Use? | |
|--|-------------------|--------------------|
| | Central Shoreline | Central Open Water |
| Aquatic Life Use (<i>Biological Community/Diversity</i>) | Not Attaining | TBD |
| Public Drinking Water Supply (<i>Algae</i>) | N/A | Not Attaining |
| Recreation (<i>Algae</i>) | Attaining | Attaining |



Phosphorus Loading (Central Basin)



The Specific Objection (Euclid)

- Alleged Euclid had RP for phosphorus, and limits included in permit were not low enough
- Proposed a phosphorus limit based on EPA's 304(a) lake nutrient criteria models



Euclid Timeline

- Sept 8, 2021, R5 sent OEPA a general objection
- Nov 2, 2021, R5 sent OEPA a specific objection
- Nov 30, 2021, OEPA requested a hearing
- June 7 & 8, 2022, virtual hearing was held
- Sept 5-7, 2023, OEPA flew to Chicago for a 3-day negotiation with R5
- Nov 21, 2023, OEPA sent the draft MOU to R5
- Aug 6, 2024, Objection withdrawal



Port Clinton - Background

- Population of around 6,000
- Median household income \$50,771
- ADDF 2.0 MGD
- Median P concentration = 0.1 mg/L
- Discharges to the Portage River



The Specific Objection (Port Clinton)

- Alleged Euclid had RP for phosphorus, and limits included in permit were not low enough
- Proposed a phosphorus limit based on EPA's 304(a) lake nutrient criteria models (0.021 mg/L monthly)



Port Clinton Timeline

- Feb 29, 2024, R5 sent OEPA a general objection
- April 24, 2024, R5 sent OEPA a specific objection
- April 29, 2024, OEPA requested a hearing

