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OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #545588

Ohio Administrative Code

Rule 3745-33-06 Treatment and disposal standards and permit limits.

Effective: November 12, 2026

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-33-01 of the Administrative Code.]

(A) The director shall include in Ohio NPDES permits the treatment and disposal standards and effluent limitations for discharges described in paragraph (C) of this rule. Effluent limitations for these discharges will be based on the requirements of this rule, or any more stringent waterquality-based limitations required by rule 3745-33-07 of the Administrative Code. The effluent limitations under this rule apply at the last point where the discharge from the applicable treatment system can be monitored, prior to both of the following:

(1) The discharge entering waters of the state.

(2) Dilution of the discharge by other wastewaters.

(B) If, for any limitation or standard under this rule, an applicant demonstrates to the director that site-specific conditions are fundamentally different from those considered in the development of the limitation or standard, the director may establish and include in the permit for the facility a site-specific limitation or standard instead of the limitation or standard set forth in this rule. Conditions that the director considers in development of standards and conditions under this rule may include items set forth in section 6111.42 of the Revised Code and other information relevant to the director's general supervision of the treatment and disposal of sewage and industrial wastes under section 6111.46 of the Revised Code or the setting of terms and conditions of permits under section 6111.03 of the Revised Code.

(C) Phosphorus treatment.

(1) Lake Erie basin. Any publicly owned treatment works (POTW) in the lake Erie basin with a design flow of 1.0 million gallons per day (MGD) or more, or designated as a major discharger by the director, must meet a total phosphorus discharge limit of 1.0 milligram per liter (mg/L) as a thirty-day average.

(2) Discharges to publicly owned lakes or reservoirs. Any POTW or treatment works treating domestic sewage with a design flow of 0.2 MGD or more that discharges to a publicly owned lake or reservoir must meet a total phosphorus discharge limit of 1.0 mg/L (thirty-day average). This limit also applies to discharges with a design flow of 0.2 MGD or more to a tributary of such lake or reservoir if the discharge would contribute significant loadings of phosphorus to the reservoir. This paragraph does not apply to discharges to upground reservoirs or privately owned lakes, or to point source discharges to lake Erie.

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(3) Ohio EPA uses a weight of evidence approach to determine the trophic status of Ohio's streams and rivers. The stream nutrient assessment procedure (SNAP) is a tool used by the director to characterize the range and degree of nutrient enrichment, seasonal average condition, and magnitude of disturbance associated with eutrophication in Ohio's waters. As described in paragraph (H)(2)(b)(ii) of rule 3745-2-04 of the Administrative Code, SNAP may result in a stream segment being identified as having an aquatic life use impairment to which nutrient enrichment is a material cause ("impaired") or as attaining the aquatic life use but being at risk due to nutrient enrichment ("at risk").

(a) Applicability. The conditions in paragraphs (C)(3)(b) and (C)(3)(c) of this rule are applicable if all of the following are true:

(i) The permittee has an average daily design flow equal to or greater than 0.1 MGD.

(ii) The permittee has not previously been assigned a wasteload allocation for total phosphorus in an approved total maximum daily load (TMDL) other than the "Maumee Watershed TMDL."

(iii) The permittee is thirty or fewer river miles upstream of the impaired or at risk site.

(iv) Percentage of the ambient total phosphorus load at the impaired or at risk site contributed by permitted sources is one of the following:

(a) Twenty per cent or more from a single NPDES permittee.

(b) Thirty-three per cent or more from multiple NPDES permittees.

(c) Percentage of the ambient total phosphorus load is calculated using the following equation:

$$[\sum(C_{eff} \times Q_{eff})/(C_{amb} \times Q_{amb})] \times 100 \text{ per cent}$$

Where:

C_{eff} = median effluent total phosphorus concentration.

Q_{eff} = effluent flow, as established in paragraph (A)(4) of rule 3745-2-05 of the Administrative Code.

C_{amb} = geomean ambient total phosphorus concentration at the impaired or at risk site.

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Q_{amb} = ambient annual D80 flow rate at the impaired or at risk site.

(b) For permittees that discharge upstream of a site determined by SNAP to be impaired related to nutrient enrichment, the director will apply the following thirty-day average concentration limits for total phosphorus, applicable May through October:

(i) For any POTW permittee, 0.7 mg/L.

(ii) For any industrial permittee, 1.0 mg/L.

(iii) If paragraph (C)(3)(a)(iv)(a) of this rule is true, effluent limits will be applied to an individual permit.

(iv) If paragraph (C)(3)(a)(iv)(b) of this rule is true but paragraph (C)(3)(a)(iv)(a) of this rule is not, effluent limits will be applied to multiple permits.

(c) For permittees that discharge upstream of a site determined by SNAP to be at risk related to nutrient enrichment, the director will include in NPDES permits:

(i) For any POTW or any industrial facility where total phosphorus is part of the industrial process discharge, one of the following control requirements:

(a) A thirty-day average concentration limit of 1.0 mg/L for total phosphorus, applicable May through October.

(b) A requirement to submit a plan for Ohio EPA acceptance for the implementation and maintenance of a watershed project to promote biological and water quality improvement, including a description of the project site, scope, and environmental benefit, a schedule for implementation, and a post-construction monitoring plan for evaluating the effectiveness of the project.

[Comment: An acceptable plan will clearly describe the environmental benefits of the proposed projects and include methods for implementation and evaluation of the installed controls. A wide variety of projects could be acceptable. Ohio EPA encourages review of local 9-element nonpoint source implementation strategies (NPS-IS) for watershed-specific projects. Example projects include those that reduce nutrient

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or sediment transport (e.g. wetland or floodplain restoration, filter strips) or enhance habitat (e.g. stream restoration, dam removal, canopy shading).]

(ii) For any industrial facility with total phosphorus discharge due to treatment additives, a requirement to evaluate alternatives to existing treatment additives to reduce total phosphorus.

(iii) If paragraph (C)(3)(a)(iv)(a) of this rule is true, the control requirements will be applied to an individual permit.

(iv) If paragraph (C)(3)(a)(iv)(b) of this rule is true but paragraph (C)(3)(a)(iv)(a) of this rule is not, the control requirements will be applied to multiple permits.