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MONTGOMERY

C O U N T Y

MCWS

MONTGOMERY COUNTY WATER SERVICES PRETREATMENT RULES AND REGULATIONS

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TABLE OF CONTENTS

	Page
<u>SECTION 1-GENERAL PROVISIONS</u>	5
1.1 Purpose and Policy	5
1.2 Administration	6
1.3 Abbreviations	6
1.4 Definitions	6
<u>SECTION 2-GENERAL SEWER USE REQUIREMENTS</u>	21
2.1 Prohibited Discharge Standards	21
2.2 National Categorical Pretreatment Standards	24
2.3 State Pretreatment Standards	28
2.4 Local Limits	28
2.5 County's Right of Revision	28
2.6 Dilution	28
<u>SECTION 3-PRETREATMENT OF WASTEWATER</u>	29
3.1 Pretreatment Facilities	29
3.2 Additional Pretreatment Measures	29
3.3 Accidental Discharge/Slug Discharge Control Plans	30
3.4 Hauled Wastewater	30
<u>SECTION 4-INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMITS</u>	32
4.1 Wastewater Analysis	32
4.2 Individual Wastewater Discharge & General Permit Requirement	32
4.3 Individual Wastewater Discharge & General Permitting: Existing Connections	32
4.4 Individual Wastewater Discharge & General Permitting: New Connections	33
4.5 Individual Wastewater Discharge & General Permit Application Contents	33
4.6 Wastewater Discharge & General Permitting: General Permits	34
4.7 Application Signatories & Certifications	35
<u>SECTION 5-INDIVIDUAL WASTEWATER DISCHARGE & GENERAL PERMIT ISSUANCE</u>	36
5.1 Individual Wastewater Discharge & General Permit Decisions	36
5.2 Individual Wastewater Discharge & General Permit Duration	36
5.3 Individual Wastewater Discharge Permit & General Permit Contents	36
5.4 Wastewater Discharge Permit Appeals	38
5.5 Permit Modification	39
5.6 Individual Wastewater Discharge Permit & General Permit Transfer	39
5.7 Individual Wastewater Discharge Permit & General Permit Revocation	40
5.8 Individual Wastewater Discharge Permit & General Permit Reissuance	41
5.9 Regulation of Waste Received from Other Jurisdictions	41

<u>SECTION 6—REPORTING REQUIREMENTS</u>	42
6.1 Baseline Monitoring Reports	42
6.2 Compliance Schedule Progress Reports	43
6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline	43
6.4 Periodic Compliance Reports and Monitoring Waiver	44
6.5 Reports of Changed Conditions	47
6.6 Reports of Potential Problems	47
6.7 Reports from Unpermitted Users	48
6.8 Notice of Violation/Repeat Sampling and Reporting	48
6.9 Notification of the Discharge of Hazardous Waste	48
6.10 Analytical Requirements	50
6.11 Sample Collection	50
6.12 Date of Receipt of Reports	51
6.13 Recordkeeping	51
6.14 Certification Statements	51
<u>SECTION 7-COMPLIANCE MONITORING</u>	54
7.1 Right of Entry: Inspection and Sampling	54
7.2 Search Warrants	54
<u>SECTION 8-CONFIDENTIAL INFORMATION</u>	56
<u>SECTION 9-PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE</u>	57
<u>SECTION 10-ADMINISTRATIVE ENFORCEMENT REMEDIES</u>	59
10.1 Notification of Violation	59
10.2 Consent Orders	59
10.3 Show Cause Hearing	59
10.4 Compliance Orders	60
10.5 Cease and Desist Orders	60
10.6 Administrative Fines	60
10.7 Emergency Suspensions	61
10.8 Termination of Discharge	62
<u>SECTION 11-JUDICIAL ENFORCEMENT REMEDIES</u>	63
11.1 Injunctive Relief	63
11.2 Civil Penalties	63
11.3 Criminal Prosecution	64
11.4 Remedies Nonexclusive	64
<u>SECTION 12-SUPPLEMENTAL ENFORCEMENT ACTION</u>	65
12.1 Penalties for Late Reports	65
12.2 Performance Bonds	65
12.3 Liability Insurance	65
12.4 Payment of Outstanding Fees and Penalties	65
12.5 Water Supply Severance	65
12.6 Public Nuisances	66
12.7 Informant Rewards	66
12.8 Contractor Listing_	66

<u>SECTION 13-WASTEWATER TREATMENT RATES</u>	67
<u>SECTION 14-MISCELLANEOUS PROVISIONS</u>	69
14.1 Pretreatment Charges and Fees	69
14.2 Severability	69
14.3 Right to Amend	69
14.4 Non-Liability	69
<u>SECTION 15-EFFECTIVE DATE</u>	71

Appendix 1 - Industrial Discharge Limitations - Eastern Regional WWTP

Appendix 2 - Industrial Discharge Limitations - Western Regional

SECTION 1- GENERAL PROVISIONS

1.1 Purpose and Policy

These rules and regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works for Montgomery County and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.), and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403), and Ohio Administrative Code 3745-3. The objectives of these rules and regulations are:

- A. To prevent the introduction of pollutants into the Wastewater Collection system and the Publicly Owned Treatment Works that will interfere with its normal operation.
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works.
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works.
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works.
- F. To enable the County to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
- G. To exercise all of the legal authority required by Section 403.8 (f) (I) of the General Pretreatment Regulations for Existing and New Sources issued by the Federal Environmental Protection Agency at 46 Federal Register 9404.
- H. To exercise all of the powers and duties provided for at Section 6111.032 of the Ohio Revised Code with respect to the County's publicly owned treatment works.
- I. These Rules and Regulations shall apply to all Users of the Publicly Owned Treatment Works. The Rules and Regulations authorizes the issuance of individual wastewater discharge permits or general permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees

for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Director of Water Services shall administer, implement, and enforce the provisions of these rules and regulations. Any powers granted to or duties imposed upon the Director of Water Services may be delegated by the Director of Water Services to a duly authorized County employee.

1.3 Abbreviations

The following abbreviations, when used in these rules and regulations, shall have the designated meanings:

BOD-	Biochemical Oxygen Demand
BMP-	Best Management Practice
BMR-	Baseline Monitoring Report
CFR-	Code of Federal Regulations
CIU-	Categorical Industrial User
COD -	Chemical Oxygen Demand
EPA-	U.S. Environmental Protection Agency
gpd-	gallons per day
IU-	Industrial User
mg/l-	milligrams per liter
NPDES-	National Pollutant Discharge Elimination System
NSCIU-	Non-Significant Categorical Industrial User
POTW-	Publicly Owned Treatment Works
RCRA-	Resource Conservation and Recovery Act
SIU-	Significant Industrial User
SNC-	Significant Noncompliance
TSS-	Total Suspended Solids
U.S.C-	United States Code
ug/l-	micrograms per liter

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these rules and regulations, shall have the meanings hereinafter designated.

1. Act or "the Act" - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
2. Administrative order - A written document which orders a violating IU to perform a specific act or refrain from an act. For example, the order may require an IU to attend a show cause meeting, cease and desist discharging, or undertaking activities pursuant to compliance schedule.
3. Alternative National Categorical Standards - These are standards in which Categorical Industrial Users regulated by concentration-based limits may now

have those limits converted to equivalent mass-based limits. This is per 40 CFR. 403.6(c) (5) and 40 CFR 403.6 (c) (6) and applies only to industrial users covered under 40 CFR 414, 40 CFR 419, or 40 CFR 455.

4. Approval Authority - The Ohio Environmental Protection Agency
5. Authorized or Duly Authorized Representative of the User
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or local governmental facility: a Director of Sanitary Engineering or of Water Services or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
6. Biochemical Oxygen Demand or BOD - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

7. Best Management Practices or BMPs - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)] and in OAC 3745-3-04. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **[Note] BMPs may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.**
8. Building Sewer - a sewer conveying wastewater from the premises of an industrial user's treatment facility.
9. Bypass - the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
10. Categorical Industrial User - An Industrial User subject to categorical Pretreatment Standard or categorical Standard.
11. Categorical Pretreatment Standard or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
12. CFR - Code of Federal Regulations
13. Chemical Oxygen Demand (COD) - A measure of the oxygen required to oxidize all compounds, both organic and inorganic.
14. Commission - The Board of Commissioners of Montgomery County, Ohio.
15. Compliance Schedule - A schedule of required activities (also called milestones) necessary for an IU to achieve compliance with all pretreatment program requirements.
16. Control Authority - The County
17. County (Montgomery County) - Board of County Commissioners
18. Daily Maximum - The arithmetic average of all effluent samples for a pollutant collected during the calendar day.
19. Daily Maximum Limit - The maximum allowable discharge limit of a pollutant during the calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
20. Day - A calendar day, or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

21. Director of Water Services - The Director of the Montgomery County Water Services Department as appointed by the Commission.
22. Discharge Permit - Written license authorizing various conditions of wastewater discharge.
23. District - Greater Moraine-Beavercreek Sanitary Sewer District.
24. Enforcement Response Plan - A plan developed by the control authority and approved by the Ohio Environmental Protection Agency (OEPA) which describes how the POTW will identify IU noncompliance, select an appropriate enforcement action, and resolve noncompliance in a timely, fair and consistent manner.
25. Environmental Protection Agency or EPA - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director of Sanitary Engineering, the Regional Administrator, or other duly authorized official of said agency.
26. Existing Source - Any source of discharge that is not a "New Source."
27. Facility - publicly owned treatment works including, without limitation, sewer and conveyance appurtenances discharging thereunto, owned and operated by the District.
28. Federal Act - The Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 886, 33 U.S.C. 1251, as amended by the Clean Water Act of 197, 91 Stat. 1566, 33 U.S.C. 1251, as it may, from time to time, be amended; as well as any guidelines, limitations, and standards promulgated by the Protection Agency pursuant to the Act.
29. Fine - A punitive monetary charge unrelated to actual treatment costs and which is assessed by the district rather than a court, can be a \$1000 per day per violation. Ohio Admin. Code 3745-3-03 states that the fine can be a \$1000.00 per day for each violation, but the BCC (Board of County Commissioners) could establish a larger fine.
30. Grab Sample - A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
31. General Control Mechanisms - Rules, standards or permits which can be issued for group users, including both significant and non-significant industrial users, that:
 - Have the same or substantially similar types of operations;
 - Discharge the same types of wastes;
 - Require the same effluent limitations; and
 - Require the same or similar monitoring.
 -

General control mechanisms are not available to users:

- Subject to production-based categorical pretreatment standards;
- Categorical pretreatment standards expressed as mass of pollutant discharged per day; or
- Industrial users whose limits are based on the combined waste stream formula or net/gross calculations.

To be covered by a general control mechanism, the significant industrial user is required to file a written request to the POTW for coverage that identifies:

- Its contact information;
- Its production processes;
- The types of wastes generated;
- The location for monitoring all wastes to be covered by the control mechanism;
- Any requests for a monitoring waiver for any pollutants not present; and
- Any other information the POTW deems appropriate.

The POTW shall retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria listed above and a copy of the user's written request for coverage for three years after the expiration of the control mechanism. Each general control mechanism developed by the POTW for a similar group of IU's is to be submitted to Ohio EPA as a program modification. These modifications can be separate actions but each is considered to be substantial.

32. Holding Tank Waste - Any waste from holding tanks including, without limitation, septic tank waste and waste from vacuum pump tank trucks.
33. Incompatible Pollutant - Any pollutant which is not a compatible pollutant.
34. Indirect Discharge or Discharge - The introduction of pollutants into the POTW from any nondomestic source.
35. Industrial User or IU - Any non-domestic source regulated under section 307(b), (c) or (d) of the Federal Act which introduces pollutants into the Facility.
36. Industrial Waste - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process from the development, recovery or processing of natural resources.
37. Interference - A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the County's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid

Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

38. Judicial Action - An enforcement action which involves a court, which may either be civil and/or criminal in nature.
39. Local Limit - Specific discharge limits developed and enforced by the County upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
40. Mass Loading - The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
41. Medical Waste - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
42. Mid-Tier Categorical Industrial User - The County may determine that an Industrial User subject to Categorical Pretreatment Standards is a Mid-Tier Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User does not discharge total categorical wastewater that exceeds:
 - (a) zero point zero one (0.01) percent of the design dry weather hydraulic capacity of the POTW;
 - five thousand (5,000) gallons per day of total categorical wastewater;
 - zero point zero one (0.01) percent of the design dry weather organic treatment capacity of the POTW; and
 - zero point zero (0.01) percent of the maximum allowable headwork's loading for any pollutant regulated by the applicable categorical pretreatment standards for which a local limit has been developed.
 - (b) The IU's flow is measured by a continuous effluent flow monitoring device unless the IU discharges in batches.
 - (c) The IU has not been in SNC for any time in the past two years.
 - (d) The daily flow rates, production levels, or pollutant levels of the IU do not vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period.
 - (e) If the IU is located upstream of a combined or sanitary overflow, procedures for categorization of the IU as a Mid-Tier Categorical Industrial User and the issues related to combined and sanitary sewer overflows are addressed through either:
 - 1 the long term control plan,
 - 2 approved combined sewer system operation plan implementing the nine minimum controls or,
 - 3 the program modification request.
 - (f) Any IU classified as a mid-tier categorical industrial user is inspected and the effluent randomly sampled and analyzed by the POTW at least once every two years. If the IU no longer meets the criteria for being classified as a mid-tier categorical industrial user the POTW must immediately begin inspecting the IU

and monitoring the effluent at the frequency set by the POTW's pretreatment program.

- (g) As a mid-tier categorical industrial user the control authority may reduce the IU's reporting frequency to no less than once a year unless required more frequently by the categorical pretreatment standard or the Director of Water Services of the Ohio EPA.
- (h) If the IU no longer meets the conditions to be classified as a mid-tier categorical industrial user, the IU must immediately begin complying with the minimum reporting requirement specified in the POTW's pretreatment program.
- (i) If the categorical industrial user is located upstream of a CSO or SSO, the procedures for the categorization of such a user as a mid-tier categorical industrial user and how the issue(s) related to the CSO or SSO are addressed or provided in one of the applicable documents; either the LTCP, approved combined sewer system operation plan implementing the nine minimum controls, or the program modification request.

43. Monitoring Waivers - A waiver authorized at the POTW's discretion to allow an industrial user subject to categorical pretreatment standard, except for Centralized Waste Treatment facilities regulated by and defined in 40 C.F.R. 437, to forgo sampling of a pollutant regulated by a categorical pretreatment standard.

44. Monthly Average - The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

45. Monthly Average Limit - The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

46. New Source -

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are

substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

47. Noncontact Cooling Water - Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

48. Non-Significant Categorical Industrial User -

The County may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User

- (a) Never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard),
- (b) The Industrial User, prior to County's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (c) The Industrial User annually submits the following certification statement is required to be submitted annually to the POTW by an IU determined to be a non-significant categorical industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 C.F.R. (specify applicable national pretreatment standard part or parts), I certify that, to the best of my knowledge and belief, during the period from (specify month, day and year) to (specify month, day and year);

- (1) "The facility described as (insert facility name) met the definition of a non-significant categorical industrial user as described in paragraph (P) of rule 3745-3-01 of the Administrative Code;**
- (2) "The facility complied with all applicable pretreatment standards and requirements during this reporting period; and**
- (3) "The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:**

Appropriate justification in support of this statement must be included with the certification statement. Appropriate justification may include water billing records, production records, etc.

- (d) The Industrial User never discharges any untreated concentrated wastewater, which is regulated by categorical pretreatment standards.
- (e) If the IU is located upstream of a combined or sanitary sewer overflow the following additional requirements must be met for the application of this classification:
 - The IU cannot discharge wastewater that is regulated by the categorical pretreatment standards or,
 - Must not have been in SNC at any time in the past two years
 - Procedures for categorization of an IU as a Non-Significant Categorical Industrial User and the issues related to combined and sanitary sewer overflows must be addressed through either:
 - the long term control plan (LTCP)
 - approved combined sewer system operation plan implementing the nine minimum controls or,
 - the program modification request
- (f) If the POTW has determined that an IU meets the criteria for Non-Significant Categorical Industrial User is classified as such, the POTW must evaluate and document, at least once per year, whether the industrial user continues to meet the requirements for the classification.
- (g) If a CIU is located upstream of a CSO or SSO, the procedures for the categorization of the user as a non-significant categorical industrial user

and how the issue(s) related to the CSO or SSO are addressed should be provided in one of the applicable documents; either the LTCP, approved combined sewer system operation plan implementing the nine minimum controls, or the program modification request.

(h) Upon finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the County may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

49. Notice of Violation or NOV - A written document notifying an IU that it has violated pretreatment regulations, such as but not limited to discharge limitations. Generally used when the violation is relatively minor and the district expects the violation to be corrected within a short period of time.
50. Pass Through - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the County's NPDES permit, including an increase in the magnitude or duration of a violation.
51. Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
52. pH - A measure of the acidity or alkalinity of a solution, expressed in standard units, and means the logarithm, to the base ten (10) of the reciprocal of the hydrogen ion concentration of a solution expressed gram atoms per liter of solution.
53. Phone Call - An informal enforcement action used primarily to inform IU's of violations or non-compliances, such as, but not limited to, overdue self monitoring reports.
54. Pollutant - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
55. POTW - See Publicly Owned Treatment Works.
56. Premises - A parcel of real estate, including any improvements thereon, the owner or owners or occupier or occupiers of which have been determined by the

District to be a single user for purposes of receiving, using and paying for service.

57. Pretreatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
58. Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
59. Pretreatment Standards or Standards - Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
60. Prohibited Discharge Standards or Prohibited Discharges - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these rules and regulations.
61. Publication in Newspaper - An enforcement action required of the commission by Ohio EPA, in which those IU's which have been found to be in significant noncompliance with pretreatment standards and requirements are published in the largest daily newspaper in accordance with the POTW's NPDES permit.
62. Publicly Owned Treatment Works or POTW - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
63. Referral to Ohio EPA - An enforcement action by which the commission requests that the Ohio EPA investigates and if warranted, take additional enforcement actions available to Ohio EPA against a violating IU.
64. Sampling Requirements
 - The sampling requirements and sampling locations for initial Compliance Reports are now the same as the Baseline Monitoring Report.
 - Periodic Compliance Reports (IU Self-Monitoring Reports) now specifically require grab samples for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
 - Except for those pollutants that are required to be measured by grab samples (reference above), all other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file.
 - Multiple grab samples collected during a twenty-four hour period may now be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may now be composited in the laboratory or in the field; for volatile organics and oil & grease the samples

may now be composited in the laboratory. Protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance must be followed.

- The control authority may require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.
- If a violation is detected through sampling and analysis conducted by the control authority in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis within thirty days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

65. Sanitary Sewer - A sewer owned and operated by the District, or into which discharges are regulated by the District by reason of one or more intergovernmental agreements, or otherwise.

66. Septic Tank Waste - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

67. Service Termination - An enforcement action by which after proper notice is given to a violating IU, sewer service and/or potable water service is disconnected or physically blocked, thus reducing or eliminating the violating IU's discharge to the POTW.

68. Sewage - Human excrement and gray water (household showers, dishwashing operations, etc.)

69. Shall/ May- "Shall" is mandatory; "May" is permissive.

70. Signatory Requirements - For purposes of reports and certifications, the requirements for managers to be considered an authorized representative of an IU have changed.

In order to be eligible a manager is now required to be authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations.

They must also be responsible for ensuring that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements.

Additionally they must be assigned or delegated the authority to sign documents in accordance with corporate procedures.

71. Significant Industrial User (SIU) -

Except as provided otherwise, a Significant Industrial User is:

- (a) One that is subject to categorical Pretreatment Standards; or
- (b) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (c) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (d) Is designated as such by the County on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

72. Significant Noncompliance – The term Significant Noncompliance shall be applicable to all Significant Industrial Users, (or any other Industrial user that violates paragraphs (C), (D), or (H) of this section.

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR 403.3(I).
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director of Water Services determines has caused, alone or in combination with other Discharges, Interference or Pass Through, (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the Director of Water Services to exercise emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, and reports on compliance with compliance schedules;

- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Director of Water Services determines will adversely affect the operation or the implementation of the local pretreatment program
73. Slug Control Requirements - Both individual and general control mechanisms shall include requirements to control slug discharges, if determined by the POTW to be necessary.
74. Slug Load or Slug Discharge - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these rules and regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
75. Storm Water - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
76. Total Suspended Solids or Suspended Solids - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
77. Unpolluted Water - Water to which no constituent has been added, either to intentionally or accidentally, which would render such water unauthorized by the agency having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.
78. Upset - an exceptional incident in which a use run intentionally and temporarily is in a state of noncompliance with standards set forth by the District due to factors beyond the reasonable control of the User, or in which the Facility unintentionally and temporarily is in a state of noncompliance with its National Pollution Discharge Elimination System Permit due to factors beyond its reasonable control.
79. User - Any person, who discharges, causes or permits the discharge of wastewater into a sanitary sewer.
80. User Classification - A classification of user based on the latest published edition of the Standard Industrial Classification Manual prepared by the United States Executive Office of Management and Budget.
81. Violation - an occasion of noncompliance with any term or condition of federal, state or local pretreatment regulations and requirements, including, without limitation, discharge imitations and other conditions contained in a User's discharge permit.

82. Waste - Sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of any nature, including such waste placed within containers of any nature prior to, and for the purposes of disposal.
83. Wastewater - Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
84. Wastewater Constituents and Characteristics - The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
85. Wastewater Treatment Plant or Treatment Plant - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
86. Waters of the State - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of depth of the strata in which underground water is located, which are situated wholly or partly within the State of Ohio, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

SECTION 2- GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference or damage to the wastewater collection system, treatment, or disposal facilities;
 - (4) Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (6) Causes a danger to life or the safety of any individual;
 - (7) Results in conditions at or near the Facility which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;
 - (8) Causes facility's effluent or treatment residues, sludge's, or scum's to be unsuitable for the intended reclamation and reuse purpose of the District.
 - (9) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (10) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (11) Trucked or hauled pollutants, except at discharge points designated by the Director of Water Services in accordance with Section 3.4 of these rules and regulations;
- (12) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers or portions of the treatment facility for maintenance or repair;
- (13) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the County's NPDES permit;
- (14) Wastewater containing any radioactive wastes or isotopes except in compliance with State, Federal and all other applicable regulations;
- (15) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, or de-mineralizer back wash water, directly or indirectly into a sanitary sewer, unless specifically authorized by the Director of Water Services. The District will approve the discharge of such water only when no reasonable alternative method of disposal is available. An authorization for discharge of such water into a sanitary sewer shall only be valid if the user shall pay, or agree to pay, the applicable user charges and shall meet, or agree to meet, such other conditions as required by the District.
- (16) Sludge's, screenings, or other residues from the pretreatment of industrial wastes unless authorized by the Director of Water Services;
- (17) Medical Wastes, except as specifically authorized by the Director of Water Services;
- (18) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (19) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (20) Waste from a garbage grinder directly or indirectly into a sanitary sewer unless:
 - 1) the waste is shredded to such a degree that all particles will be carried freely under normal flow conditions prevailing in the sanitary sewer;
 - 2) the garbage grinder is not used for grinding plastic, paper products, inert materials or garden refuse;
 - 3) it is authorized in all other respects; and
 - 4) either

- a) the waste is generated in the preparation of food normally consumed on the premises, or
 - b) the user has obtained a Discharge Permit or other written authorization from the District, which specifically authorizes such a discharge, and the user agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the waste constituents and characteristics.
- 21) No person or user shall discharge a substance if said discharge fails to meet any of the specific limitations set forth in the Appendices, or more stringent discharge limitations contained in a discharge permit.
- 22) No person or user shall discharge any substance if said discharge fails to meet an applicable Categorical Pretreatment Standard imposed by the Federal Act or by the State of Ohio which is more stringent than the effluent limitations imposed as a condition of authorization by these Regulations or by Discharge Permit.
- 23) No person or user in an industrial category subject to effluent guidelines issued under Sections 307 (b) and (c) of the Federal Act shall discharge an incompatible pollutant if the user has not adopted the best available technology economically achievable, as defined by the Administrator of the Federal EPA pursuant to Sections 307 (b) and (c) of the Federal Act. For the purpose of determining whether a discharge is authorized pursuant to this subsection (J), the definition of "best available technology economically achievable" in effect at the time or times of the discharge shall be used.
- 24) No person or user shall discharge any substance if said discharge fails to meet limitations on wastewater strength which the Commission may adopt from time to time if and when the District:
- A) determines that the limitations elsewhere imposed herein may not be sufficient to protect the operation of the Facility; or
 - B) determines that the limitations elsewhere imposed herein may not be sufficient to enable the facility to comply with water quality standards or effluent limitations specified in the districts National Pollutant Discharge Elimination System (NPDES) permit.
- 25) No person or user shall discharge any substance if said discharge has been diluted in any way with potable or process water, or by the mixing of separate wastestreams, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with standards set forth in these Rules and Regulations.
- C) Prohibited discharge related activities
- (1) Bypass of any pretreatment process is prohibited unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; AND
 - b. There were no feasible alternatives to the bypass, such as, but not limited to the following: use of auxiliary treatment units,

- retention of untreated wastes, or maintenance during normal periods of downtime; AND
- C. the User submitted notices to the County as required under paragraph (C) of 40 CFR 403.17.
- (2) No person or user shall allow any substance to be discharged directly or indirectly into a manhole or other opening in a sanitary sewer other than through an approved building sewer unless specifically authorized by the District in a Discharge Permit or other writing signed by the Director of Water Services and the discharge is authorized in all other respects.
- (3) No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the District. Any removal of manhole lids or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the District, or without the expressed permission of the District, shall be considered a violation and shall be subject to enforcement action including fines and penalties.
- (4) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Water Services may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director of Water Services may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director of Water Services shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. (Note: See 40 CFR 403.15) (Note: State procedures for incorporation by reference must be followed. EPA regulations at 40 CFR 403.13 authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from

the factors considered by EPA when developing the categorical Pretreatment Standard. The POTW might need to include a provision authorizing it to incorporate or recognize revised Standards if the User has obtained an FDF variance from EPA on the basis of 40 CFR 403.13. That SIU's Standards would be replaced by the revised FDF variance Standard.)

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the County. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The County may waive this requirement if it finds that no environmental degradation will result.

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the County convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director of Water Services. The County may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facilities actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Director of Water Services whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Director of Water Services will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E (1) (a) of this Section as long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Director of Water Services:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The

Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

- F. The Director of Water Services may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director of Water Services.
- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director of Water Services within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of Water Services of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

2.3 State Pretreatment Standards

Users must comply with Pretreatment Standards codified in ORC 6111.03(9) and 6111.042.

2.4 Local Limits

- A. The Director of Water Services is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following: [See Appendix 1 and/or Appendix 2]

- C. The Director of Water Services may develop Best Management Practices (BMPs), by rules and regulations or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

2.5 County's Right of Revision

The County reserves the right to establish, by rules or regulations or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of these rules and regulations.

2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director of Water Services may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

SECTION 3- PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these rules and regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of these rules and regulations within the time limitations specified by EPA, the State, or the Director of Water Services, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Water Services for review, and shall be acceptable to the Director of Water Services before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of these rules and regulations.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Director of Water Services may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these rules and regulations.
- B. The Director of Water Services may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when; in the opinion of the Director of Water Services they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director of Water Services and plumbing inspector, shall comply with the County's Oil and Grease Management rules (if applicable), and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the County's Oil and Grease Management rules and regulations (if applicable) by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Director of Water Services shall evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism or within one year of being identified a significant industrial user. The Director of Water Services may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director of Water Services may develop such a plan for any User. Significant industrial users shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of Water Services of any accidental or Slug Discharge, as required by Section 6.6 of these rules and regulations and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Water Services, and at such times as are established by the Director of Water Services. Such waste shall not violate Section 2 of these rules and regulations or any other requirements established by the County. The Director of Water Services may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- B. The Director of Water Services may require haulers of wastewater to obtain individual wastewater discharge permits or general permits. The Director of Water Services also may prohibit the disposal of hauled industrial waste. The discharge of hauled wastewater is subject to all other requirements of these rules and regulations.
- C. Waste haulers may discharge loads into the sanitary sewer only at locations designated by the Director of Water Services. No load may be discharged without prior consent of the Director of Water Services. The Director of Water Services may collect samples of each hauled load to ensure

compliance with applicable Standards. The Director of Water Services may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Waste haulers must be able to provide a manifest form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4- INDIVIDUAL WASTEWATER DISCHARGE PERMITS & GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the Director of Water Services, a User must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director of Water Services is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit and General Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Director of Water Services, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of these rules and regulations may continue to discharge for the time period specified therein.
- B. The Director of Water Services may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of these rules and regulations.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of these rules and regulations and subjects the wastewater discharge permit tee to the sanctions set out in Sections 10 through 12 of these rules and regulations. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permit tee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge and General Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of these rules and regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director of Water Services for an individual wastewater discharge permit or a general permit in accordance with Section 4.5 of these rules and regulations, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these rules and regulations except in accordance with an individual wastewater discharge permit or a general permit issued by the Director of Water Services.

4.4 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 4.5 of these rules and regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge and General Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 4.6. The Director of Water Services may require Users to submit all or some of the following information as part of a permit application:
- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (4) Time and duration of discharges;
 - (5) The location for monitoring all wastes covered by the permit;

- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
 - f. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - g. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director of Water Services, of regulated pollutants in the discharge from each regulated process.
 - h. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - i. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of these rules and regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director of Water Services or the applicable Standards to determine compliance with the Standard.
 - j. Sampling must be performed in accordance with procedures set out in Section 6.11 of these rules and regulations.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].
- (9) Any request to be covered by a general permit based on Section 4.6.
- (10) Any other information as may be deemed necessary by the Director of Water Services to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.6 Wastewater Discharge Permitting: General Permits [See 40 CFR 403.8(f) (I) (iii) (A)]

- A. At the discretion of the Director of Water Services, the Director of Water Services may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;

- (4) Require the same or similar monitoring; and
 - (5) In the opinion of the Director of Water Services, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director of Water Services has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.
- C. The Director of Water Services will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- D. The Director of Water Services may not control an SIU through a general permit where the facility is subject to production based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2 D).

4.7 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Water services prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Director of Water Services pursuant to 1.4 48 or 71 must annually submit the signed certification statement in Section 6.14 B.

SECTION 5- INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1 Individual Wastewater Discharge and General Permit Decisions

The Director of Water Services will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Director of Water Services shall determine whether to issue an individual wastewater discharge permit or a general permit. The Director of Water Services may deny any application for an individual wastewater discharge permit or a general permit.

5.2 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Director of Water Services. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

5.3 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Director of Water Services to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits and general permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the County in accordance with Section 5.5 of these rules and regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling

location, sampling frequency, and sample type based on Federal, State, and local law.

- (5).The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4.B.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law
- (7) Requirements to control Slug Discharge, if determined by the Director of Water Services to be necessary
- (8) Any grant of the monitoring waiver by the Director of Water Services (Section 6.4 B) must be included as a condition in the User's permit or other control mechanism.

B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation, at the users expense, of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance, at the user's expense, of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permit tee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during

the term of the individual wastewater discharge permit or the general permit; and

- (8) All industrial users shall promptly notify the Director of Water Services or his authorized representative of any substantial changes in the volume. A substantial change is an increase or decrease in quantity of twenty percent (20%) or more, or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 (p).
- (9) Other conditions as deemed appropriate by the Director of Water Services to ensure compliance with these rules and regulations, the State and Federal laws, rules, and regulations. Special agreements and arrangements between the District and any person or persons or agencies may be established when in the opinion of the District unusual or extraordinary circumstances compel special terms and conditions; provided, however, that the terms of any special agreement or arrangement shall not contradict or be inconsistent with such Federal pretreatment standards and regulations as shall, from time to time, be in effect. To the extent of any such contradiction or inconsistency with Federal pretreatment standards and regulations any special agreement or arrangement shall be void and of no effect.

5.4 Wastewater Discharge Permit Appeals

Any person, including the User, may petition the Director of Water Services to reconsider the terms of a wastewater discharge permit, to reconsider the denial of the issuance of a wastewater discharge permit, or the terms of any wastewater discharge permit modification, within thirty (30) days of its issuance.

Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

In the petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The Appealing party shall submit any information submitted by the Director of Water Services.

The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

If the Director of Water Services fails to act within sixty (60) days of the receipt of an appeal, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision shall do so by filing a petition for review with the

Montgomery County Court of Common Pleas within thirty (30) days following the date that the final administrative wastewater discharge permit decision was issued.

5.5 Permit Modification

- A. The Director of Water Services may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - (3) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.
 - (5) To address significant alterations or additions to the User's operation, process, or wastewater discharge permit issuance.

5.6 Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permit tee gives at least thirty (30) days advance notice to the Director of Water Services and the Director of Water Services approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Director of Water Services must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and,
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

5.7 Individual Wastewater Discharge Permit and General Permit Revocation

The Director of Water Services may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of Water Services of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of Water Services of changed conditions pursuant to Section 6.5 of these rules and regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Water Services timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or these rules and regulations.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

5.8 Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of these

rules and regulations, a minimum of thirty (30) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director of Water Services may enter into an inter governmental agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Director of Water Services shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) Such other information as the Director of Water Services may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A, above, may contain the following conditions:
 - (1) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Water Services; and which of these activities will be conducted jointly by the contributing municipality and the Director of Water Services;
 - (2) A provision ensuring the Director of Water Services access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Water Services; and
 - (3) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.
 - (4) Where the receiving municipality has primary responsibility for permitting, compliance monitoring, or enforcement, that the municipality (in which the POTW is located) has the right to take action to impose and enforce Pretreatment Standards and Requirements directly against users who discharge their own POTW in the event the contributing jurisdiction is unable or unwilling to take such action.

SECTION 6- REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Water Services a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director of Water Services a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use, if one is necessary, to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B) Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5 (6).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with Section 6.10;

e. The Director of Water Services may allow the submission of a baseline report which utilizes only historical or other data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

- f. For any samples collected for the baseline report, the time, date and place of sampling and methods of analysis, shall be included and such sampling and analysis shall be representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, a schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of these rules and regulations.
 - (4) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of these rules and regulations and signed by an Authorized Representative as defined in Section 1.4.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B) (3) of these rules and regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Director of Water Services no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Water Services.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director of Water Services a report containing the information described in Section 4.5A (6) and (7) and

6.1(B) (2) of these rules and regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of these rules and regulations. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports and Monitoring Waivers

- A. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency determined by the Director of Water Services submit no less than twice per year (June and December, or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director of Water Services or the Pretreatment Standard necessary to determine the compliance status of the User

- B. Monitoring Waivers - The County, at its discretion, may authorize an Industrial User subject to a categorical Pretreatment Standard, except for centralized waste treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [See 40 CFR 403.12(e) (2)] This authorization is subject to the following conditions:
 - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A (8).

 - (3) In making its request for a pollutant monitoring exemption, the industrial user must demonstrate through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at

background levels from intake water and without any increase in the pollutant due to activities of the industrial user. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.

- (4) The request for a monitoring waiver shall be signed by an authorized representative of the industrial user in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 C.F.R. 403.6(a)(2)(ii).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if an EPA approved method from 40 CFR Part 136 with a detection level that is below the limit.
- (6) Any grant of the monitoring waiver by the Director of Water Services must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director of Water Services for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the IU's control mechanism by the control authority, the IU shall certify on each self-monitoring report with the following statement:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. (specify applicable national pretreatment standard part or parts), I certify that, to the best of my knowledge and belief, there has been no increase in the level of (list pollutant or pollutants) in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code.”

- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Notify the control authority in writing, begin monitoring that pollutant and comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the Director of Water Services, and notify the Director of Water Services.

- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (10) Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the control authority or by categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standard.
- (11) The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.

C. The County may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Ohio EPA, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- (1) 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of 20,000 GPD for Western Regional and 13,000 GPD for Eastern Regional, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches
- (2) 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW; and
- (3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of these rules and regulations. For example, if the POTW's maximum allowable headwork's loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved Local Limits.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of these rules and regulations. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director of Water Services, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of these rules and regulations.
- E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge
- F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director of Water Services, using the procedures prescribed in Section 6.11 of these rules and regulations, the results of this monitoring shall be included in the report.
- G. Users that send electronic (digital) documents to the County to satisfy the requirements of this Section must satisfy the requirements of 40 CFR Part 3 – (Electronic Reporting) for IU submittal of electronic reports.

6.5 Reports of Changed Conditions

Each User must notify the Director of Water Services of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Director of Water Services may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of these rules and regulations.
- B. The Director of Water Services may issue an individual wastewater discharge permit or a general permit under Section 5.7 of these rules and regulations or modify an existing wastewater discharge permit or a general permit under Section 5.4 of these rules and regulations in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Water Services of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Director of Water Services, submit a detailed written report describing

the cause(s) of the discharge (the date and duration of the discharge) and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these rules and regulations.

- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Director of Water Services immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Director of Water Services as the Director of Water Services may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director of Water Services within twenty-four (24) business hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Water Services within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the County performs sampling at the User's facility at least once a month, or if the County performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the County receives the results of this sampling, or if the County has performed the sampling and analysis in lieu of the Industrial User. If the County performs the sampling and analysis in lieu of the Industrial User, the County will perform the repeat sampling and analysis within thirty days of becoming aware of the violation unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director of Water Services, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one

hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of these rules and regulations. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self monitoring requirements of Sections 6.1, 6.3, and 6.4 of these rules and regulations.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the EPA Regional Waste Management Waste Division, the Director of Water Services, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules and regulations, a permit issued there under, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part

136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses may be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Water Services or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Director of Water Services. Where time proportional composite sampling or grab sampling is authorized by the County, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the County, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director of Water Services may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- D. The sampling requirements for initial Compliance Reports are now the same as the Baseline Monitoring Report.
- E. Except for those pollutants that are required to be measured by grab samples (referenced above), all other pollutants shall be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file. The County may

require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.

- F. The County may authorize an industrial user to install a monitoring device or a facility to house a monitoring device which will allow monitoring of the industrial user's discharge to the County's sanitary sewer system via collection of samples of the discharge that will adequately meet the standards required in 40 CFR 136.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of these rules and regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these rules and regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the County, or where the User has been specifically notified of a longer retention period by the Director of Water Services.

6.14 Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4.) The following certification statement must be signed by an Authorized Representative as defined in Section 1.4:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and

evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by as described in item 48 of the definitions and pursuant to 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 item 5. This certification must accompany an alternative report required by the Director of Water Services:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 (48);
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

(Approximate justification may include water billing records, productions records, etc.)

- C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible 40 CFR 403.6 (a) (2) (ii) or the most recent applicable National Pretreatment Standard part(s) and shall be signed in accordance with the criteria set forth in 40 CFR 403.12 (l) (1)-(4).

- D. Certification for Toxic Organics Management Plans. Users that have in force a County approved Total Toxic Organics Management Plan (TOMP) must certify on each report with the following statement that there has been no dumping of contaminated toxic organics into the wastewater since the last monitoring report.

(Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.)

SECTION 7- COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director of Water Services shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these rules and regulations and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Director of Water Services or his designated representatives' ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Water Services shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director of Water Services shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Director of Water Services may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be maintained at proper calibration to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director of Water Services and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Director of Water Services access to the User's premises shall be a violation of these rules and regulations.

7.2 Search Warrants

If the Director of Water Services has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these rules and regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with these rules and regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director of Water Services may seek issuance of a search

warrant and/or seizure warrant from the appropriate U.S. Federal District Court, Court of Common Pleas and/or County or municipal court having jurisdiction thereof.

SECTION 8- CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the Director of Water Services' inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Water Services, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9- PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director of Water Services shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR 403.3(I).
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director of Water Services determines has caused, alone or in combination with other Discharges, Interference or Pass Through, (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the Director of Water Services to exercise emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Director of Water Services determines will adversely affect the operation or the implementation of the local pretreatment program.

SECTION 10- ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director of Water Services finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director of Water Services may serve upon that User a written Notice of Violation. The Director of Water Services may select any means of service that is reasonable under the circumstances.

Within forty-five (45) days of the receipt of such notice, an explanation of the cause of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Water Services. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director of Water Services to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Director of Water Services may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these rules and regulations and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director of Water Services may order a User which has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director of Water Services and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Director of Water Services finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director of Water Services may issue an order to the User responsible for the discharge directing that the User come into compliance within a time specified in the Order. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Director of Water Services finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director of Water Services may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

- A. When the Director of Water Services finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director of Water Services may fine such User in the amount equal to one-thousand dollars (\$1000.00) or more as determined under the law. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after one hundred –twenty (120) calendar days, be assessed an additional penalty of five percent 5% of the

unpaid balance, and interest shall accrue thereafter at a rate of one percent 1% per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

- C. Users desiring to dispute such fines must file a written request (appeal) for the Director of Water Services to reconsider the fine, along with full payment of the fine amount within thirty (30) days of being notified of the fine. When the Director of Water Services determines that the appeal has merit, the Director of Water services may convene a hearing on the matter. Upon receipt of a timely appeal, the Director of Water Services may set a date and time for a hearing on the appeal, but in no event shall the hearing be set more than thirty (30) days from the Director of Water Service's receipt of the timely notice of appeal. The User shall be notified in writing of the date, time and place for the appeal hearing. The Director of Water Services or his/her designee shall serve as the Hearing Examiner. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Water Services may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The Director of Water Services may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Water Services may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Water Services may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Water Services may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Water Services that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of these rules and regulations are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Water Services prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of these rules and regulations.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of these rules and regulations, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit or general permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of these rules and regulations.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of these rules and regulations why the proposed action should not be taken. Exercise of this option by the Director of Water Services shall not be a bar to, or a prerequisite for, taking any other action against the User

SECTION 11- JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Director of Water Services finds that a User has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director of Water Services may petition any court or courts of competent jurisdiction through the County's Prosecuting Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by these rules and regulations on activities of the User. The Director of Water Services may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User. Injunctive relief shall be nonexclusive to other remedies available to the Director of Water Services.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the County for a maximum civil penalty of \$1000.00 per violation, per day or as designated by the Director of Water Services. (Note item number 29, in the definitions section). In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In addition to any civil penalty, the Director of Water Services may recover from the User an additional civil penalty equal to the economic benefit obtained by the User as a result of its violation.

The Director of Water Services is specifically authorized by the Board of County Commissioners of Montgomery County, Ohio to seek and assess said civil and/or criminal penalties.

- B. The Director of Water Services may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of these rules and regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a first degree misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00), and/or one (1) year of imprisonment in jail. Each day a violation occurs shall constitute a separate offense.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a first degree misdemeanor and be subject to a penalty of not more than one thousand dollars (\$1,000.00), and/or one (1) year of imprisonment in jail. Each day a violation occurs shall constitute a separate offense.

This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these rules and regulations, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these rules and regulations shall, upon conviction, be guilty of a first degree misdemeanor, and be subject to a penalty of not more than one thousand dollars (\$1,000.00), and/or one (1) year of imprisonment in jail; be punished pursuant to Ohio Revised Code Section 6111.99 (D).

11.4 Remedies Nonexclusive

The remedies provided for in these rules and regulations are not exclusive. The Director of Water Services may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the Director of Water Services may take other action against any User when the circumstances warrant. Further, the Director of Water Services is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12- SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports

The Director of Water Services is authorized to assess a penalty of \$100 to any User for each day that a report required by these rules and regulations, a permit or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by the Director of Water Services to collect late reporting penalties shall not limit the Director of Water Services' authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds

The Director of Water Services may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of these rules and regulations, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by the Director of Water Services to be necessary to achieve consistent compliance.

12.3 Liability Insurance

The Director of Water Services may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of these rules and regulations, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties

The Director of Water Services may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of these rules and regulations, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

12.5 Water Supply Severance

Whenever a User has violated or continues to violate any provision of those rules and regulations, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, public water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances

A violation of any provision of these rules and regulations, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance.

12.7 Informant Rewards

The Director of Water Services may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User, the Director of Water Services may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five hundred dollars (\$500).

12.8 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the County. Existing contracts for the sale of goods or services to the County held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director of Water Services.

SECTION 13- WASTEWATER TREATMENT RATES

A) Charges for Authorized Use

- 1) User charges and fees shall be based upon the total amount of water used by the user from all sources unless, in the opinion of the District, significant portions of water are received are not discharged to the sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.
- 2) When in the opinion of the District, a significant portion of the water received by a user from any metered source does not flow into the sanitary sewer because of the principal activity of the user or because of removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer. Written application and proof of diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may at its expense, install a meter of a type and at a location approved by the District for this purpose. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters will be tested for accuracy when deemed necessary by the District, at the user's expense.
- 3) When, in the opinion of the District, it would be unnecessary or impractical for a user to install meters of water used (and/or meters of sewage discharged or water diverted when the District has determined that there is a significant diversion of wastewater), the quantity of wastewater may be based upon an estimate prepared by the District. This estimate shall be based upon a rational determination of the waste water discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determination of water use necessary to estimate the wastewater volume discharged. When the user has a source meter, but an estimation is necessary because, in the opinion of the District, there is a significant diversion of the water used, and it is unnecessary or impractical to install a meter to measure the diversion, the estimate of the quantity of wastewater may be made by the user, provided that the user includes in its estimate the method and calculations used to determine the wastewater volume.
- 4) Each person, partnership, corporation, business or industry discharging wastes into the District sewers shall be subject to all additional charges provided for pursuant to the Specifications, Rules and Regulations of the Montgomery County Water Services.

B) Determination of Rates of Charges for Authorized Discharges

- 1) The Commission shall determine rates of charges and additional charges for authorized discharges, as provided for in Part (A) above. The Commission shall establish such rates in amount which are at least sufficient, considered collectively, to meet all of the reasonably expected costs of the publicly owned treatment works, and its collection and discharge systems, including all capital, operating and administrative costs, which are attributable to the Municipal Industrial Pretreatment Program.

SECTION 14- MISCELLANEOUS PROVISIONS

14.1 Pretreatment Charges and Fees

The County may adopt reasonable fees for reimbursement of costs of setting up and operating the County's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Director of Water Services to address IU noncompliance; and
- F. Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these rules and regulations and are separate from all other fees, fines, and penalties chargeable by the County.

14.2 Severability

If any provision of these rules and regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

14.3 Right to Amend

The District reserves the right to amend these Rules and Regulations from time to time and at any time or times to provide more stringent limitations or requirements relating to discharges to the Facility, or otherwise.

14.4 Non-Liability

- (A) It is the specific intent of these regulations to place the obligation of complying with same upon the User, and no provision, nor any term used herein, is intended to impose any duty whatsoever upon the County or any of its officers, employees, or agents, except as provided under the Act or other related statutes of the United States or the State of Ohio.
- (B) Nothing contained herein is intended to be nor shall be construed to create or form the basis for any tort liability on the part of the County or its officers, employees, or agents, for any injury or damage resulting from the failure of an User to comply with the

provisions of these regulations, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of these regulations, or inaction on the part of the County related in any manner to the implementation or the enforcement of these regulations by its officers, employees, or agents.

- (C) Applicable fees can be found in the current Ancillary Fee Schedule.

**SECTION 15-
EFFECTIVE DATE**

These rules and regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**INDUSTRIAL/COMMERCIAL USER DISCHARGE LIMITATIONS (1) APPENDIX 1
MONTGOMERY COUNTY
EASTERN REGIONAL WATER RECLAMATION FACILITY**

Pollutant Parameters (2)	One-Day Maximum ug/l	Average Value (3) ug/l (4)
Arsenic	150	65
Cadmium, Total Recoverable	70	50
Chromium, Total Recoverable	3827	2200
Chromium, Hexavalent	78	78
Copper, Total Recoverable	488	488
Cyanide, Free	533	160
Lead, Total Recoverable	462	462
Mercury, Total Recoverable	18	0.8
Molybdenum	200	200
Nickel, Total Recoverable	720	230
Selenium	94	94
Silver, Total Recoverable	80	80
Zinc, Total Recoverable	2489	2489

Conventional Pollutants

pH (S.U.) (5)	6.0-10.0	----
Vapor Space Organics	450	300

Conventional Pollutant Limits for Surcharge Calculations (6)

	<u>mg/l (7)</u>	
Ammonia (NH3-N)	22	----
BOD	250	----
Oil and Grease (8)	100	----
Phosphorus (T)	20	----
Total Suspended Solids	300	----

Notes:

- (1) Individual industries may have limits that differ from those listed above, which are based upon the combined waste stream formula, federal categorical limitations, and other requirements set forth in a specific discharge permit.
- (2) All samples shall be analyzed by methods identified in 40 CFR 136 (Code of Federal Regulations) or otherwise approved of by Montgomery County.
- (3) Average Value - The arithmetic average of all sample values that have been collected over the period of a calendar month.
- (4) ug/l = Micrograms per liter or parts per billion.
- (5) SU = Standard Units
- (6) These limitations may be used to calculate surcharges for increased treatment costs.
- (7) mg/l = Milligrams per liter or parts per million.
- (8) Floating oil and grease deemed a nuisance condition constitutes an unauthorized discharge according to the Montgomery County Water Services Rules and Regulations

**INDUSTRIAL/COMMERCIAL USER DISCHARGE LIMITATIONS (1) APPENDIX 2
MONTGOMERY COUNTY
WESTERN REGIONAL WATER RECLAMATION FACILITY**

Pollutant Parameters (2)	One-Day Maximum ug/l	Average Value (3) ug/l (4)
Arsenic, Total Recoverable	90	18
Cadmium, Total Recoverable	90	40
Chromium, Total Recoverable	2000	2000
Chromium, Hexavalent	150	150
Copper, Total Recoverable	1500	500
Cyanide, Free	500	500
Lead, Total Recoverable	600	400
Mercury, Total Recoverable	20	15
Molybdenum, Total Recoverable	1000	1000
Nickel, Total Recoverable	650	650
Selenium, Total Recoverable	100	100
Silver, Total Recoverable	600	140
Zinc, Total Recoverable	2000	2000

Conventional Pollutants

pH (S.U.) (5)	6.0-10.0	----
Vapor Space Organics	450	300

Conventional Pollutant Limits for Surcharge Calculations (6)

	<u>mg/l (7)</u>	
Ammonia (NH ₃ -N)	22	----
BOD	250	----
Oil and Grease (8)	100	----
Phosphorus (T)	20	----
Total Suspended Solids	300	----

Notes:

- (1) Individual industries may have limits that differ from those listed above, which are based upon the combined waste stream formula, federal categorical limitations, and other requirements set forth in a specific discharge permit.
- (2) All samples shall be analyzed by methods identified in 40 CFR 136 (Code of Federal Regulations) or otherwise approved of by Montgomery County.
- (3) Average Value - The arithmetic average of all sample values that have been collected over the period of a calendar month.
- (4) ug/l = Micrograms per liter or parts per billion.
- (5) SU = Standard Units
- (6) These limitations may be used to calculate surcharges for increased treatment costs.
- (7) mg/l = Milligrams per liter or parts per million.
- (8) Floating oil and grease deemed a nuisance condition constitutes an unauthorized discharge according to the Montgomery County Water Services Rules and Regulations.