RESOLUTION NO. 16-0367  
MARCH 15, 2016

RESOLUTION AMENDING THE MONTGOMERY COUNTY ENVIRONMENTAL SERVICES MUNICIPAL INDUSTRIAL PRETREATMENT PROGRAM RULES AND REGULATIONS, ADOPTED ON JULY 21, 2015, PER RESOLUTION 15-1077.

WHEREAS, the Ohio Environmental Protection Agency (OEPA) approved the Eastern Regional Municipal Industrial Pretreatment Program (MIPP) on October 13, 1984, and the approved the Western Regional MIPP on December 14, 1984; and

WHEREAS, as part of the MIPPs, the MIPP Rules and Regulations were developed and adopted by the Montgomery County Board of County Commissioners by Resolution No. 84-1498, dated August 21, 1984, and most recently amended by Resolution 15-1077, dated July 21, 2015; and

WHEREAS, the Montgomery County Environmental Services submitted the current Rules and Regulations to OEPA for approval and OEPA has requested minor changes to the language; it is recommended the current Rules and Regulations be rescinded in their entirety and replaced with updated rules and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Montgomery County, Ohio that the current Montgomery County Environmental Services Municipal Industrial Pretreatment Program Rules and Regulations, most recently amended by Resolution 15-1077, dated July 21, 2015, be rescinded in their entirety, and replaced with the current version adopted herein, becoming effective upon adoption of said resolution.

BE IT FURTHER RESOLVED that the Clerk of Commission certify this resolution and make an imaged copy of this resolution available on the Montgomery County, Ohio website at http://www.mcohio.org.

Mr. Foley moved the adoption of the foregoing resolution. It was seconded by Mrs. Lieberman, and upon call of the roll the following vote resulted:

Mr. Foley, aye; Mrs. Lieberman, aye; Ms. Dodge, aye: Carried.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of County Commissioners of Montgomery County, Ohio, the 15th day of March, 2016.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS AND DETERMINES THAT ALL FORMAL ACTIONS RELATIVE TO THE ADOPTION OF THIS RESOLUTION WERE TAKEN IN AN OPEN MEETING OF THIS BOARD OF COUNTY COMMISSIONERS, AND THAT ALL DELIBERATIONS OF THIS BOARD OF COUNTY COMMISSIONERS, AND OF ITS COMMITTEES, IF ANY WHICH RESULTED IN FORMAL ACTION, WERE TAKEN IN MEETINGS OPEN TO THE PUBLIC, IN FULL COMPLIANCE WITH APPLICABLE LEGAL REQUIREMENTS, INCLUDING SECTION 121.22 OF THE REVISED CODE.

Gayle L. Ingram, Clerk
Board of County Commissioners
Montgomery County, Ohio
MONTGOMERY COUNTY ENVIRONMENTAL SERVICES – PRETREATMENT RULES AND REGULATIONS

MCES

Adopted: August 21, 1984
Amended: January 9, 1991
Amended: June 18, 1991
Amended: December 29, 2009
Amended: July 21, 2015
Amended: March 15, 2016
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER 1 GENERAL PROVISIONS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Purpose and Policy</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Administration</td>
<td>1</td>
</tr>
<tr>
<td>1.3 Abbreviations</td>
<td>2</td>
</tr>
<tr>
<td>1.4 Definitions</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 2 GENERAL SEWER USE REQUIREMENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 Prohibited Discharges and Related Standards</td>
<td>12</td>
</tr>
<tr>
<td>2.2 National Categorical Pretreatment Standards</td>
<td>15</td>
</tr>
<tr>
<td>2.3 State Pretreatment Standards</td>
<td>18</td>
</tr>
<tr>
<td>2.4 Local Limits</td>
<td>18</td>
</tr>
<tr>
<td>2.5 Reservation of Authority</td>
<td>19</td>
</tr>
<tr>
<td>2.6 Dilution</td>
<td>19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 3 PRETREATMENT OF WASTEWATER</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Pretreatment Facilities</td>
<td>19</td>
</tr>
<tr>
<td>3.2 Additional Pretreatment Measures</td>
<td>19</td>
</tr>
<tr>
<td>3.3 Accidental Discharge/Slug Discharge Control Plans</td>
<td>20</td>
</tr>
<tr>
<td>3.4 Hauled Wastewater</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 4 APPLYING FOR INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Wastewater Analysis</td>
<td>21</td>
</tr>
<tr>
<td>4.2 Individual Wastewater Discharge Permit and General Permit Requirement</td>
<td>21</td>
</tr>
<tr>
<td>4.3 Individual Wastewater Discharge and General Permitting: New Connections</td>
<td>21</td>
</tr>
<tr>
<td>4.4 Individual Wastewater Discharge and General Permit Application Contents</td>
<td>22</td>
</tr>
<tr>
<td>4.5 General Permits</td>
<td>23</td>
</tr>
<tr>
<td>4.6 Mid-Tier Categorical Industrial User</td>
<td>24</td>
</tr>
<tr>
<td>4.7 Non-Significant Categorical Industrial User</td>
<td>25</td>
</tr>
<tr>
<td>4.8 Application Signatories and Certifications</td>
<td>26</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 5 ISSUING INDIVIDUAL DISCHARGE PERMITS AND GENERAL PERMITS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Decisions Regarding Permits</td>
<td>27</td>
</tr>
<tr>
<td>5.2 Permit Duration</td>
<td>27</td>
</tr>
<tr>
<td>5.3 Permit Contents</td>
<td>27</td>
</tr>
<tr>
<td>5.4 Permit Appeals</td>
<td>29</td>
</tr>
<tr>
<td>5.5 Permit Modification</td>
<td>29</td>
</tr>
<tr>
<td>5.6 Permit Transfer</td>
<td>30</td>
</tr>
<tr>
<td>5.7 Permit Revocation</td>
<td>30</td>
</tr>
<tr>
<td>5.8 Permit Reissuance</td>
<td>31</td>
</tr>
<tr>
<td>5.9 Regulation of Wastewater Received from Other Jurisdictions</td>
<td>31</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHAPTER 6 MANDATORY REPORTING REQUIREMENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Baseline Monitoring Reports</td>
<td>32</td>
</tr>
<tr>
<td>6.2 Compliance Schedule Progress Reports</td>
<td>33</td>
</tr>
<tr>
<td>6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline</td>
<td>34</td>
</tr>
</tbody>
</table>
CHAPTER 1
GENERAL PROVISIONS

1.1 Purpose and Policy

These rules and regulations set forth uniform requirements for Users of Montgomery County's Publicly Owned Treatment Works and enable the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code section 1251 et seq.), the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations, Part 403), and Ohio Administrative Code Chapter 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 their 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 or otherwise be incompatible with the Publicly Owned Treatment Works.

C. To protect Publicly Owned Treatment Works personnel and members of the general public who may be affected by Wastewater and sludge.

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 the conditions of its National Pollutant Discharge Elimination System permits, sludge use and disposal requirements, and any other Federal or State laws and regulations to which the Publicly Owned Treatment Works are subject.

G. To exercise all of the legal authority described in 40 CFR 403.8(f)(1) of the General Pretreatment Regulations for Existing and New Sources.

H. To exercise all of the powers and duties described in Section 6111.032(A) 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: authorize the issuance of Individual Discharge Permits and General Permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for fees that reflect an equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Director of Environmental Services shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the Director of Environmental Services may be delegated by him/her 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
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oils and Grease
gpd	Gallons Per Day
IU	Industrial User
mg/l	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
OAC	Ohio Administrative Code
ORC	Ohio Revised Code
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
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 stated.

1. Administrative Order - A written document which orders an IU to perform a specific action or refrain from a specific action, including requiring an IU to attend a show cause meeting,
cease and desist discharging, or to undertake activities pursuant to a compliance schedule.

2. Ammonia or NH3 - Ammonia is a colorless, gaseous compound that is highly soluble in water. The extent of the ammonia ion presence is dependent on the temperature and pH, as determined by 40 CFR Part 136.

3. Approval Authority - The Ohio Environmental Protection Agency.

4. 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: (i) is authorized to make decisions that govern the operation of the regulated facility including responsibility to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; (ii) can ensure that the necessary systems are established or actions taken to gather complete and accurate information concerning Individual Discharge Permit or General Permit requirements; and (iii) has the authority to sign documents in accordance with corporate procedures.

   (2) If the User is a partnership or sole proprietorship: a general partner or the proprietor, respectively.

   (3) If the User is a Federal, State, or local government facility: the Person with primary supervisory responsibility for the operation and performance of the activities of the government facility, or his/her designee.

   (4) The individuals described in paragraphs (1) through (3), above, may designate an alternate Authorized Representative if the authorization is in writing, signed by the individual responsible for the overall operation of the affected facility, conforms to corporate procedures for such delegation, and is submitted to the County.

5. Baseline Monitoring Report – The report described in Section 6.1 of these Rules and Regulations, which is required in connection with various milestones such as a New Source Discharge, an existing source becoming subject to a Categorical Pretreatment Standard, and other circumstances.


7. Best Management Practices or BMPs - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b) and 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. BMPs may also include alternative means (i.e., management plans) of complying with, or in place of, certain Categorical Pretreatment Standards.

8. Building Sewer - A sewer conveying Wastewater from the Premises of an Industrial User.


10. Categorical Industrial User (CIU) - An Industrial User subject to a 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 Federal Act that apply to a specific category (or categories) of Users and that appear in 40 CFR Chapter I, Subchapter N.


13. Chemical Oxygen Demand (COD) - A measure of the oxygen required to oxidize organic and inorganic compounds in water.

14. Compatible Pollutant - A pollutant such as, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Ammonia (NH3), Total Phosphorus (TP) and Fats, Oils & Grease (FOG) for which the POTW is designed to treat and remove to a substantial degree.

15. Compliance Schedule - A schedule of required activities necessary for an IU to achieve compliance with all pretreatment program requirements.

16. Control Mechanism - Control Mechanisms consist of rules, standards and permits including the permits described in Chapters 4 and 5 of these Rules and Regulations.

17. County – The Montgomery County Board of County Commissioners.

18. Daily Discharge - The Discharge of a Pollutant measured during a calendar Day or any 24-hour period that reasonably represents the calendar Day for purposes of sampling. For Pollutants with limitations expressed in units of mass, the “Daily Discharge” is calculated as the total mass of the Pollutant discharged over the course of the Day. For Pollutants with limitations expressed in other units of measurement, the “Daily Discharge” is calculated as the average measurement of the Pollutant over the course of the Day.

19. Daily Maximum Limit - The maximum allowable Discharge of a Pollutant during the calendar Day. Where Daily Maximum Limits are expressed in units of mass, the applicable limit is the total mass of the Pollutant discharged over the course of the Day. Where a Daily Maximum Limit is expressed in terms of a concentration, the applicable limit is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken over the course of the Day.
20. Day - A calendar Day, or any consecutive 24-hour period that reasonably represents the calendar Day for purposes of sampling.

21. Director of Environmental Services or Director - The Director of the Montgomery County Environmental Services Department as appointed by the Board of Commissioners of Montgomery County, Ohio. References to the Director may include his/her agents, employees or other designees.

22. Discharge - The introduction of Pollutants into the POTW from any nondomestic source.

23. Discharge Permit - An Individual Discharge Permit or a General Permit.

24. Enforcement Response Plan - A plan developed by the County and approved by the Ohio Environmental Protection Agency (OEPA) which describes how the POTW will identify Industrial User noncompliance, select appropriate enforcement measures, and resolve noncompliance in a timely, fair and consistent manner.

25. Environmental Protection Agency or EPA - The U.S. Environmental Protection Agency or other duly authorized representative of said agency.

26. Equalization - The transient storage of Wastewater for release to a sewer system or treatment process at a controlled rate to provide a reasonably uniform flow and Discharge composition.

27. Existing Source - Any source of Discharge that is not a "New Source."

28. Extra Strength Surcharge - A charge attached to sewer loadings for specific compatible pollutants in excess of typical domestic background wastewater loadings or above POTW design thresholds defined in the current County approved rates as detailed in the "Montgomery County Environmental Services Connection and Ancillary Fee Schedules". The charges are intended to recover the additional treatment costs associated with high strength wastewater.

29. Extra Strength Wastewater - A Wastewater discharged or directed to the POTW that has any one of the following pollutants: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Ammonia (NH₃), Total Phosphorus (TP) and Fats, Oils & Grease (FOG), present in excess specific concentration thresholds defined in the current County approved rates as detailed in the "Montgomery County Environmental Services Connection and Ancillary Fee Schedules".

30. Fats, Oils and Grease (or “FOG”) - A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures, as determined by 40 CFR Part 136. This includes material of vegetable or animal origin that is used in, or is a byproduct of cooking or other food preparation processes and which become, or may become, viscous or solidify.


32. Fine - A punitive monetary charge which is assessed by the County.
33. Grab Sample or Grab Sampling - A sample that is taken from a Waste stream in one or more aliquots without regard to the flow volume in the Waste stream and over a period of time not to exceed fifteen (15) minutes.

34. General Permit - Rules, standards or permits authorizing the Discharge of Wastewater and which can be issued for multiple users, including both Significant and Non-Significant Industrial Users that, among other things, have the same or substantially similar types of operations, Discharge the same types of Wastewater, impose the same effluent limitations, and require the same or similar monitoring.


36. Incompatible Pollutant - Any Pollutant other than Biochemical Oxygen Demand, Total Suspended Solids, and fecal coliform bacteria and the Pollutants identified in the POTWs' National Pollutant Discharge Elimination System Permits such as Chemical Oxygen Demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, and Fats, Oils, and Greases, each of which the POTWs are designed to treat and which the POTWs remove to a substantial degree. Examples of "incompatible Pollutants" include toxic Pollutants and heavy metals which have the potential to Pass Through or cause Interference, as well as other Pollutants that, in the judgment of the Director, may not be amenable to adequate treatment by the POTW.

37. Individual Discharge Permit – A written instrument authorizing a specifically identified User to Discharge Wastewater subject to the conditions stated in the permit.

38. Industrial User or IU - Any non-domestic source regulated under sections 307(b), (c) or (d) of the Federal Act which introduces Pollutants into the POTW.

39. Industrial Waste - Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process.

40. 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 as a result is a cause of a violation of an NPDES permit issued to the County or prevents sewage sludge use or disposal in compliance with any of the following or any more stringent State or local regulations: section 405 of the Federal 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.

41. Instantaneous Limit – The maximum concentration of a Pollutant (including without limitation pH and temperature) allowed to be discharged at any time, determined from analysis of any discrete or composited sample collected, independent of the User's flow rate and/or the duration of the sampling event.
42. Local Limits - Specific Discharge limits developed and enforced by the County in permits for industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

43. 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.

44. Mid-Tier Categorical Industrial User – A Mid-Tier Categorical Industrial User is an Industrial User that meets the criteria set forth in Section 4.6 hereof.

45. Monitoring Waivers - A waiver authorized at the Director's discretion to allow an Industrial User subject to a Categorical Pretreatment Standard, except for Centralized Waste Treatment facilities, as defined in 40 CFR Part 437, to forgo sampling of a Pollutant regulated by a Categorical Pretreatment Standard.

46. Monthly Average Limit - The highest allowable average of Daily Discharges over a calendar month, calculated as the sum of all Daily Discharges sampled during a calendar month divided by the same number of Daily Discharges.

47. North American Industry Classification System (NAICS) - The classification system used to categorize different types of industrial facilities. http://www.census.gov/eos/www/naics/.

48. 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 Federal 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 the foregoing are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and whether 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 paragraphs (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.

49. 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.

50. Non-Significant Categorical Industrial User - A Non-Significant Categorical Industrial User is an Industrial User that meets the criteria set forth in Section 4.7 hereof.

51. Notice of Violation or NOV - A written document notifying an Industrial User that it has violated pretreatment regulations, including without limitation Discharge limitations. NOVs are further described in Section 8.1. The use of an NOV is within the discretion of the Director, who may elect not to use an NOV and instead use other enforcement remedies described in Chapters 8 and 9 of these Rules and Regulations.

52. 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, causes a violation of any requirement of an NPDES permit issued to the County, including an increase in the magnitude or duration of a violation.

53. Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Federal, State and local governmental entities, or any other legal entity, including the legal representatives, agents, and assigns of all such entities.

54. pH - A measure of the acidity or alkalinity of a solution, expressed in standard units, which is the logarithm to the base ten (10) of the reciprocal of the hydrogen ion concentration of a solution expressed as gram equivalents per liter of solution.

55. 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, celler dirt, municipal, agricultural and industrial Wastes, and certain characteristics and constituents of Wastewater (including without limitation pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor, metals, total dissolved solids and nutrients).

56. POTW - See Publicly Owned Treatment Works.
57. Premises - A parcel of real estate, including any improvements thereon, the owner(s) or occupier(s) of which have been determined by the Director to be a single user for purposes of receiving, using and paying for Wastewater treatment services.

58. 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, process changes, or additional means, other than diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.

59. Pretreatment Requirements - Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

60. Pretreatment Standards or Standards - Pretreatment Standards shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

61. Prohibited Discharge Standards or Prohibited Discharges - Absolute prohibitions against the Discharge of certain substances, which are set forth in Section 2.1 of these Rules and Regulations.

62. Publicly Owned Treatment Works or POTW - A treatment works, as defined by section 212 of the Federal Act (33 U.S.C. section 1292), which is owned by the County and consist of the Montgomery County Western Regional Water Reclamation Facility and the Montgomery County Eastern Regional Water Reclamation Facility as well as any devices or systems used in the collection, conveyance, storage, treatment, recycling, and reclamation of sewage or Industrial Wastes of a liquid nature and any conveyances which transfer Wastewater to a POTW.

63. Rules and Regulations – The term "Rules and Regulations" refers to these Montgomery County Environmental Services Pretreatment Rules and Regulations, as amended.

64. Sanitary Sewer - A sewer owned and operated by the County, or into which Discharges are regulated by the County pursuant to one or more intergovernmental agreements, or otherwise.

65. Septic Tank Waste - Any sewage collected from holding tanks including without limitation sewage from chemical toilets, septic tanks, campers, trailers, and other mobile equipment.

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

67. Significant Change - A change in operating procedures, production or treatment processes, including without limitation a change in the use of raw materials, the anticipated Discharge of a previously unreported Pollutant, a change in flow volume of more than ten percent (10%), or any other change at the Industrial User's facility that alters, or would reasonably be expected to alter, the nature, volume, quality, constituents, and/or characteristics of its Wastewater.

68. Significant Industrial User (SIU) -
Except as otherwise provided in these Rules and Regulations, a Significant Industrial User is an Industrial User for which one or more of the following criteria apply:

A. It is subject to Categorical Pretreatment Standards;

B. It 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. It contributes a process Waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or

D. It is designated as such by the County due to the fact that the Industrial User’s Discharge has reasonable potential to adversely affect the POTW’s operation or to cause a violation of any Pretreatment Standard or Requirement.

69. Significant Noncompliance – The term Significant Noncompliance applies to all Significant Industrial Users and includes, in the case of such Significant Industrial Users, each of the conditions described in paragraphs A through H of this Section. For all other Industrial Users, Significant Noncompliance means the conditions described in paragraphs C, D and H of this Section.

A. Chronic violations of Wastewater Discharge limits, defined here as those cases where sixty-six percent (66%) or more of all of the measurements taken for the same Pollutant parameter at any permitted monitoring point during a six-month period exceed (by any amount) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR 403.3(l).

B. Technical Review Criteria (TRC) violations, defined here as those cases where thirty-three percent (33%) or more of all of the measurements taken for the same Pollutant parameter at any permitted monitoring point 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(l), multiplied by the applicable TRC (the TRC is 1.4 for BOD, TSS, and FOG, 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(l), including daily maximum, long-term average and Instantaneous Limits as well as narrative standards that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through or has otherwise endangered 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 caused the Director to exercise emergency authority to halt or prevent such a Discharge;

E. Failure to meet, within ninety (90) Days after the specified date, a compliance schedule milestone for starting construction, completing construction, or attaining final compliance as set forth in an Individual Discharge Permit, a General Permit or an enforcement order;
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 implementation schedules, and progress reports on compliance schedule implementation;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), including a violation of Best Management Practices, which the Director determines will adversely affect implementation of the County’s pretreatment program.

70. Slug Discharge or Slug Load - Any Discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 2.1 of these Pretreatment Rules and Regulations, including any accidental spill or non-customary batch Discharge, which has reasonable potential to cause Interference or Pass Through or in any other way violate the these Rules and Regulations, Local Limits or permit conditions, or any other Discharge of a non-routine, episodic nature.

71. Total Phosphorus (TP) - Total Phosphorus is the sum of reactive, condensed and organic phosphorous, as determined by 40 CFR Part 136.

72. Total Suspended Solids or Suspended Solids - The suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid and that is removable by filtering or settlement processes, also known as Non-filterable Residue, as determined by 40 CFR Part 136.

73. Treatment Plant - The portion of the POTW which is designed to provide treatment of municipal sewage and Industrial Wastes, specifically including the Montgomery County Eastern Regional Water Reclamation Facility and the Montgomery County Western Regional Water Reclamation Facility.

74. User - Any Person who Discharges, causes or permits the Discharge of Wastewater into a Sanitary Sewer.

75. Waste - Sewage and any and all other discarded substances including liquid, solid, gaseous or radioactive material that is associated with human habitation or of human or animal origin, or from an industrial manufacturing or processing facility of any nature, and includes such Wastes when placed within containers for the purpose of disposal.

76. Wastewater - Liquids and water-carried industrial Wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged or directed to the POTW.

77. 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.

Finally, as used in these Rules and Regulations, "shall" is mandatory and "may" is permissive.
CHAPTER 2
GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharges and Related Standards

A. These prohibitions and standards apply to all Users of the POTW.

B. No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW regardless of whether a given User is subject to categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

C. In addition to the Discharge prohibition under Section 2.1.B of these Rules and Regulations, 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 without limitation Waste streams 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 6.0 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 or treatment facilities;

(4) Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a Discharge at a flow rate, concentration or mass load which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;

(5) Wastewater which causes or results in:
   a. The temperature at the inlet to the POTW to exceed 104 degrees F (40 degrees C) or which otherwise has a temperature that will inhibit biological activity in the POTW resulting in Interference;
   b. Causes a danger to the safety or well-being of any individual;
   c. Results in conditions at or near the POTW which violate any statute or rule, regulation, or ordinance of any public agency or state or federal regulatory body; or
   d. Causes the POTW's effluent or treatment residues, sludges, or scums to be unsuitable for the intended reclamation and reuse purpose of the County;

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;

(8) Trucked or hauled Pollutants, except at Discharge points designated by the Director, in accordance with Section 3.4 of these Pretreatment Rules and Regulations;

(9) 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 human health, or to prevent safe entry into sewers or portions of the treatment facility for maintenance or repair;

(10) Wastewater that imparts color which cannot be removed by the POTW's treatment process, including dye Wastes and vegetable tanning solutions which impart color to the POTW's effluent, thereby violating an NPDES permit issued to the County;

(11) Wastewater containing any radioactive Wastes or isotopes except in compliance with State, Federal and all other applicable regulations;

(12) 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. The Director will approve such Discharges only when no reasonable alternative method of disposal is available, and any such authorization shall be valid only insofar as the User pays applicable User charges and meets all additional conditions required by the Director;

(13) Unless authorized by the Director, Waste from any treatment works, other than the Montgomery County Western Regional Water Reclamation Facility and the Montgomery County Eastern Regional Water Reclamation Facility, including without limitation sludges, screenings, or other residues from the Pretreatment of Industrial Wastes;

(14) Medical Wastes, except as specifically authorized by the Director;

(15) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail toxicity testing;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Waste from a garbage grinder directly or indirectly into a Sanitary Sewer unless:
   a. The Waste is shredded to such a degree that all particles will be carried freely under normal flow conditions in the Sanitary Sewer;
   b. The garbage grinder is not used for grinding plastic, paper products, inert materials or garden refuse;
   c. The grinder is otherwise properly permitted and authorized to operate; and
   d. Either
(i) The Waste is generated in the preparation of food normally consumed on the Premises, or

(ii) The User has obtained a Discharge permit or other written authorization from the County, which specifically authorizes such a Discharge, and the User agrees to undertake whatever self-monitoring is required to enable the Director to equitably determine User charges based on the constituents and characteristics of the Waste.

(18) The residue from any trap or interceptor device or equipment designed for collection of FOG at any commercial, institutional or industrial establishment including without limitation food service establishments.

(19) Non-dispersible consumer products that do not break-up and dissipate when discharged to a Sanitary Sewer system and, as a consequence, impair Sanitary Sewer collection system operations and cause Interference at the Wastewater Treatment Plants. Such non-dispersible consumer products include, but are not limited to, baby wipes, personal and sanitizing wipes, feminine hygiene products, and household and industrial cleaning wipes such shop wipes, dusting wipes and mop heads.

D. Prohibited Discharge Related Activities

(1) No Person or User shall Discharge a substance if said Discharge fails to meet any of the specific limitations set forth in the Appendices to these Rules and Regulations or any more stringent Discharge limitations contained in a Discharge Permit.

(2) No Person or User shall Discharge any substance if said Discharge fails to meet the more stringent of an applicable Categorical Pretreatment Standard imposed by the Federal Act or by the State of Ohio, the effluent limitations imposed under these Rules and Regulations or by a Discharge Permit.

(3) No Person or User in an industrial category subject to Pretreatment Standards issued by EPA pursuant to Sections 307(b) and (c) of the Federal Act shall Discharge an Incompatible Pollutant unless the User is employing treatment technology sufficient to (a) achieve Pollutant reduction equivalent to Best Available Technology Economically Achievable, as defined by EPA, and (b) ensure that all of its Wastewater Discharges comply with the applicable Pretreatment Standards.

(4) No Person or User shall Discharge any substance if the Discharge fails to meet limitations on Wastewater strength which the County adopts from time to time based on a determination that either:

a. The limitations imposed elsewhere in these Rules and Regulations may not be sufficient to protect the operation of the POTW; or

b. The limitations imposed elsewhere in these Rules and Regulations may not be sufficient to enable the POTW to comply with water quality standards or effluent limitations specified in the County's NPDES permits.
(5) Except as expressly authorized by an applicable Pretreatment Standard or Pretreatment Requirement, no Person or User shall Discharge any substance if said Discharge has been intentionally diluted in any way with potable or process water, or by the mixing of separate Waste streams as a substitute, in whole or in part, for adequate treatment to achieve compliance with standards set forth in these Pretreatment Rules and Regulations.

(6) The Bypass of any Pretreatment process is prohibited unless:

a. The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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;

c. the User submitted notices to the County as required under 40 CFR 403.17(c).

(7) 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 Director in a Discharge permit or other written instrument signed by the Director and the Discharge is authorized in all other respects.

(8) No Person shall access the sewer system or the POTW for any activity including Discharge of hauled septic or Industrial Wastes except at locations and at times as designated by the Director. 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 Director, or without the express permission of the Director is a violation of these Rules and Regulations and shall be subject to enforcement action including Fines and penalties.

(9) The Discharge of Pollutants, substances, or Wastewater prohibited by these Rules and Regulations 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 may impose equivalent concentration or mass limits in accordance with Section 2.2.E of these Rules and Regulations.

B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Director 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 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 40 CFR 403.15.

(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 Director. 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 criteria of paragraph (2) immediately below 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 water.

b. Credit for generic Pollutants such as BOD, TSS and FOG shall not be granted unless the Industrial User demonstrates that the constituents of the generic Pollutant in the User’s effluent are substantially similar to the constituents of the generic Pollutant in the intake water or 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 the applicable standard as 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 Director convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The Director may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in paragraphs (1)(a) through (1)(e) of this Section 2.2.E.

(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 Discharge Permit;

b. Use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard and not use dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all Waste streams, 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. Have consistent daily flow rates, production levels, or Pollutant levels; and

e. Show consistent compliance 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. Record the facility's flow rates through use of a continuous effluent flow monitoring device;

c. Record the facility's production rates and notify the Director whenever production rates are expected to vary by more than ten percent (10%) from the production rates described in paragraph (1)(c) of this Section 2.2 E. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (1)(a) of this Section 2.2.E as long as it Discharges under an equivalent mass limit.

(3) When determining equivalent mass limits, the Director:

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 Limit and Monthly Average Limit 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 a subsequent Discharge Permit 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 use of dilution as a substitute for treatment. The Industrial User must also be in compliance with paragraph (1) of Section 2.1.D(6) regarding the prohibition of Bypass.

(4) The Director 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.

F. A CIU may be eligible for a variance from a Categorical Pretreatment Standard if the CIU demonstrates, in accordance with the procedures and criteria specified 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.

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed pursuant to this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.

H. Various Categorical Pretreatment Standards specify one method for calculating a Daily Maximum Limit and other methods for calculating a Monthly Average Limit, or a 4-Day average limit, etc. Where such standards apply, the same production or flow figure shall be used in calculating both the average and the maximum limits.

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Director 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 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 sections 6111.03(Q) and 6111.042 and OAC Chapter 3745-3.

2.4 Local Limits

A. The Director 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. In addition to the other requirements of these Rules and Regulations and the terms of the applicable Individual Discharge Permit or General Permit, no Industrial User or other Person shall Discharge Wastewater containing Pollutant concentrations in excess of the concentrations set forth in the most current Ohio EPA approved and County adopted local limits for Eastern Regional Water Reclamation Facility and Western Regional Water Reclamation Facility as applicable.
C. The Director may develop Best Management Practices by regulation or in Individual Discharge Permits or General Permits, to implement Local Limits and the requirements of Section 2.1.

2.5 Reservation of Authority

The County reserves the authority to establish, by rule or regulation or in Individual Discharge Permits or in General Permits, more stringent standards or requirements for Discharges to the POTW consistent with the purposes of these Rules and Regulations.

2.6 Dilution

Dilution is prohibited under Section 2.1.D(5) of these Rules and Regulations, except as expressly authorized by an applicable Pretreatment Standard or Pretreatment Requirement, and in the event of such authorization, or in other cases when the imposition of mass limitations is appropriate, the Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements.

CHAPTER 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 hereof within the time limitations specified by EPA, the State, or the Director, 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 for review, and construction of such facilities shall not commence until the Director has provided written confirmation to the User that the submitted plans are acceptable. Such review and determination of acceptability by the Director of a facility’s design plans (and/or operating procedures) shall in no way relieve the User from the responsibility to modify the subject facilities as necessary to produce a Discharge that complies with these Rules and Regulations.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary by the Director, he/she may require Users to restrict the volume of their Discharges during peak flow periods, restrict the Discharge of certain Wastewater to specified sewers and/or time periods, relocate and/or consolidate points of Discharge, separate sewage Waste streams from Industrial Waste streams, and take such other actions as may be necessary to protect the POTW and verify the User’s compliance with the requirements of these Rules and Regulations.

B. The Director may require any Person discharging into the POTW to install and maintain, on the Person’s property and at its own expense, a suitable storage and flow control facility to ensure Equalization of Wastewater flow. An Individual Discharge Permit or a General Permit may be issued solely for the purpose of flow equalization.

C. Industrial Users shall install, operate and maintain interceptors for FOG and sand when determined necessary, in the opinion of the Director, for the proper handling of
Wastewater containing excessive amounts of FOG or sand; provided that FOG and sand interceptors shall not be required for residential users. All such interceptors shall be of a type and capacity approved by the Director or the plumbing inspector for the local jurisdiction in which the Industrial User is located, whichever is more stringent. In addition, the FOG and sand interceptors required by this regulation shall comply with the Ohio Plumbing Code, Chapter 4101:3-10, as well as any other applicable requirements and specifications. Each interceptor shall be located to allow prompt access for cleaning and inspection, and shall be inspected, cleaned, maintained, protected from damage and repaired by the User in accordance with all applicable state, County and local laws, rules and regulations.

D. Users with the potential to Discharge flammable substances shall be required, as determined necessary by the Director, to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Director 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 Discharge Permit or within one year of being identified as a Significant Industrial User. The Director 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 may develop such a plan for any User. Significant Industrial Users shall notify the Director immediately of any changes at its facility affecting potential for a Slug Discharge. The Slug Discharge control plan to which this Section refers 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 any accidental or Slug Discharge, as required by Section 6.6 of these Rules and Regulations;

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures shall include inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, construction and use of containment structures or equipment, measures for preventing the Discharge of toxic organic Pollutants, including solvents, and measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic Tank Waste may be introduced into the POTW only with the prior written approval of and at locations and times designated by the Director. Such Waste shall comply with Chapter 2 of these Rules and Regulations or any other requirements established by the Director. The Director may require Septic Tank Waste haulers to obtain Individual Discharge Permits or General Permits and the Director may prohibit the disposal of hauled Industrial Waste. The Discharge of hauled Wastewater is subject to all other requirements of these Rules and Regulations.
B. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the Industrial Waste hauler to provide an analysis of any Waste load prior to Discharge.

C. Waste haulers must provide a manifest form for every load of hauled Wastewater. This form shall include, at a minimum, the name and address of the Industrial Waste hauler, permit number, truck identification number, names and addresses of the generators of the hauled Waste, and the volume and characteristics of the hauled Waste. The form shall identify the type of industry, known or likely Waste constituents, and whether any Wastes are Hazardous Wastes.

CHAPTER 4
APPLYING FOR INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the Director, a User must submit information describing the nature and characteristics of its Wastewater within ninety (90) Days of the request. The Director 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 Discharge Permit or a General Permit from the Director, provided that where an Industrial User has filed a timely application to renew an Individual Discharge Permit or a General Permit, it may continue to Discharge in accordance with the previous Individual Discharge Permit or a General Permit during the pendency of the renewal application.

B. The Director may require other Users to obtain 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 Discharge Permit or a General Permit shall be deemed a violation of these Rules and Regulations and subjects the permittee to the sanctions set out in Chapters 8 through 10 hereof. Obtaining an Individual Discharge Permit or a General Permit does not relieve a permittee 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: New Connections

Any User required to obtain an Individual Discharge Permit or a General Permit who proposes to initiate or resume discharging into the POTW must obtain the requisite permit prior to initiating or resuming the Discharge. An application for such an Individual Discharge Permit or General Permit, in accordance with Section 4.4 of these Rules and Regulations, must be filed at least ninety (90) Days prior to the date upon which any Discharge will begin or resume.
4.4 Individual Wastewater Discharge and General Permit Application Contents

A. All Users required to obtain an Individual Discharge Permit or a General Permit must submit a permit application. Users that are eligible may request a General Permit under Section 4.5. The Director 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 all activities, equipment, facilities, and plant production processes at the facility;

(2) A list of any environmental 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 NAICS 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 discharged, or could accidentally or intentionally be discharged to the POTW;
   c. Number and type of employees and proposed 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 application;

(6) Information showing the measured average daily and maximum daily flow, in gallons per Day, to the POTW from regulated process streams and other Waste streams, as necessary to allow use of the combined Waste stream formula identified in Section 2.2.C.

(7) Measurement of Pollutants.
   a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
b. The results of sampling and analysis identifying the nature and concentration and/or mass (where required by the applicable standard or by the Director) of regulated Pollutants in the Discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations or mass, where required, shall be reported.

d. All samples 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 applicable standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director (or the applicable standards) to determine compliance.

e. Sampling must be performed in accordance with procedures in Section 6.11 of these Rules and Regulations.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) pursuant to Section 6.4.B of these Rules and Regulations for a Pollutant neither present nor expected to be present in the Discharge.

(9) Any request to be covered by a General Permit pursuant to Section 4.5 hereof.

(10) Any other information as may be deemed necessary by the Director to evaluate the permit application.

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

4.5 General Permits

A. At his/her discretion, the Director 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, are more appropriately controlled under a General Permit than under Individual Discharge Permits.

B. To be covered by a General Permit, or to continue coverage under an expiring 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 hereof for a monitoring waiver for a Pollutant neither present nor expected to be present in the Discharge, and any other information the Director deems appropriate. A
monitoring waiver for a Pollutant neither present nor expected to be present in the Discharge is not effective under a General Permit until the Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4.B hereof.

C. The Director will retain a copy of the General Permit, documentation to support his/her determination that a specific SIU meets the criteria in Sections 4.5.A(1) to (5) of these Rules and Regulations 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 may not control an SIU through a General Permit where the facility is subject to production based Categorical Pretreatment Standards, Categorical Pretreatment Standards expressed as mass of Pollutant discharged per Day, or for IU’s whose limits are based on the combined Waste stream formula or net/gross calculations, as further described in Sections 2.2.C and 2.2.D of these Rules and Regulations.

4.6 Mid-Tier Categorical Industrial User

The Director may determine that an Industrial User subject to Categorical Pretreatment Standards is a Mid-Tier Categorical Industrial User rather than a Significant Industrial User based upon findings that the Industrial User meets all of the criteria in this Section 4.6.

A. The Industrial User’s Discharge does not exceed any of the following:

   (1) One one-hundredth of one percent (0.01%) of the design dry weather hydraulic capacity of the POTW;

   (2) Five thousand (5,000) gallons per Day of total categorical Wastewater;

   (3) One one-hundredth of one percent (0.01%) of the design dry weather organic treatment capacity of the POTW; and

   (4) One one-hundredth of one percent (0.01%) 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 Industrial User’s flow is measured by a continuous effluent flow monitoring device unless the Industrial User Discharges in batches.

C. The Industrial User has not been in SNC during any portion of the past two years.

D. The Industrial User demonstrates that its daily flow rates, production levels, and Pollutant levels are stable such that decreased reporting frequency would not compromise the representative quality of monitoring data for any reporting period.

E. If the Industrial User is located upstream of a combined or sanitary overflow, procedures for categorization of the Industrial User as a Mid-Tier Categorical Industrial User and the impact, if any, of its Discharge on the affected combined and Sanitary Sewer overflows are addressed through one of the following:

   (1) The long term control plan for the combined and Sanitary Sewer overflows;
(2) The approved combined sewer system operation plan implementing the required nine minimum controls, or

(3) A program modification request.

F. Any IU classified as a Mid-Tier Categorical Industrial User is subject to random inspection and effluent sampling by the Director at least once every two years. If an Industrial User no longer meets the criteria for being classified as a Mid-Tier Categorical Industrial User the Director must immediately begin inspecting the Industrial User and monitoring its Discharges at the frequency specified in the Pretreatment Standards and Requirements.

G. The Director may reduce a Mid-Tier Categorical Industrial User’s reporting frequency to no less than once per year unless more frequent monitoring is required by the Categorical Pretreatment Standard, the Director or the Ohio EPA.

4.7 Non-Significant Categorical Industrial User

The Director may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User based upon findings that the Industrial User meets all of the criteria in this Section 4.7.

A. The Industrial User’s Discharge does not exceed one hundred gallons per Day (100 gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the applicable Pretreatment Standard).

B. The Industrial User has consistently complied with all applicable Categorical Pretreatment Standards and Requirements.

C. Following the Director’s determination that the Industrial User qualifies as Non-Significant Categorical Industrial User, it shall annually submit the following certification statement to the Director:

"Based on my inquiry of the Person or Persons directly responsible for managing compliance with the Categorical Pretreatment Standards under [specify CFR citation for applicable National Pretreatment Standard], the undersigned certifies 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 [insert facility name] satisfied the definition of a Non-Significant Categorical Industrial User as described in paragraph (Q) of Rule 3745-3-01 of the Ohio Administrative Code;

(2) The [insert facility name] complied with all applicable Pretreatment Standards and Requirements during the period described above;

(3) The [insert facility name] never discharged more than one hundred gallons of total categorical Wastewater on any given Day during the above-referenced period."
(4) This compliance certification is based upon the following information: [to be completed].” [The certification must be supported by appropriate justification, such as water billing records, production records, etc.]

D. The Industrial User never Discharges any Wastewater that has not been treated in the manner required by the applicable Categorical Pretreatment Standards.

E. If the Industrial User is located upstream of a combined or Sanitary Sewer overflow, the following additional requirements must be satisfied:

   (1) The Industrial User cannot Discharge through the combined or Sanitary Sewer overflow Wastewater that is regulated by Categorical Pretreatment Standards;

   (2) The Industrial User must not have been in SNC at any time during the past two years; and

   (3) Procedures for categorization of the Industrial User as a Non-Significant Categorical Industrial User and the impact, if any, of its Discharge on affected combined and Sanitary Sewer overflows must be addressed through one of the following: (a) the long term control plan (LTCP); an approved combined sewer system operation plan implementing the required nine minimum controls; or (c) a program modification request.

F. Upon finding that an Industrial User meets the above-stated criteria for classification as a Non-Significant Categorical Industrial User and has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Director 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 403.3(v)(2), determine that such User should not be considered a Significant Industrial User. The Director’s determination shall be reviewed and reevaluated at least once per year.

4.8 Application Signatories and Certifications

A. All Discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement provided in Section 6.14.A.

B. If for any reason the designation of an Authorized Representative is no longer accurate, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by such an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Section 4.7 of these Rules and Regulations must annually submit the signed certification statement in Section 6.14.B.
CHAPTER 5
ISSUING INDIVIDUAL DISCHARGE PERMITS AND GENERAL PERMITS

5.1 Decisions Regarding Permits

The Director will evaluate the data furnished by the User as part of its permit application and may require additional information. Within ninety (90) Days of receipt of a complete permit application, the Director shall determine whether to grant or deny an application for an Individual Discharge Permit or a General Permit.

5.2 Permit Duration

An Individual Discharge Permit or a General Permit shall be issued for a specified period not to exceed five (5) years from the effective date of the permit and at the discretion of the Director may be issued for a period less than five (5) years. Each Individual Discharge Permit or General Permit will indicate a specific date on which it expires.

5.3 Permit Contents

Each Individual Discharge Permit or a General Permit shall include such conditions as are deemed necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the POTW’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. The following are standard conditions, which shall be included in all Individual Discharge Permits and General Permits:

(1) The permit's issuance date, expiration date and effective date;

(2) A statement that the permit is nontransferable without prior notification to and approval by the County in accordance with Section 5.6 of these Rules and Regulations;

(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 specification of Pollutants to be monitored, sampling locations, 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 and such a waiver, if granted, must be included as a condition of the User’s permit.

(6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable Compliance Schedule. Such a schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
B. The following additional conditions may be included in an Individual Discharge Permit or General Permit, as determined necessary by the Director:

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 installation, at the User's expense, of Pretreatment technology, other pollution controls, or construction of appropriate containment devices, to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;

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 Discharge Permit or General Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Individual Discharge Permit or General Permit.

8. All Users shall promptly notify the Director or his/her authorized representative of any substantial change in Discharge volume and/or characteristics. A substantial change includes an increase or decrease of ten percent (10%) or more in Discharge volume or changes in the Discharge of Pollutants that are either identified in the User's permit application or are characteristic Hazardous Wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

9. Such other conditions as deemed appropriate by the Director to ensure compliance with these Rules and Regulations, and State and Federal laws and regulations. Special agreements and arrangements between the Director and any Person or Persons or agencies may be established when in the opinion of the Director 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 Federal Pretreatment Standards and regulations, and in the event of such a contradiction or inconsistency, any special agreement or arrangement shall be void and of no effect.
5.4 Permit Appeals

The following provisions apply where any Person, including the User, is aggrieved by the Director's actions with respect to denial of a Discharge Permit, the terms of a Discharge Permit, or the terms of any Discharge Permit modification.

A. Within thirty (30) Days of any of the foregoing actions by the Director, the aggrieved Person shall file with the Director a petition for reconsideration with respect to the disputed matter.

B. In the case of a Discharge Permit or modification thereof, the petition for reconsideration shall indicate the permit provisions objected to, the reasons for those objections, and the alternative conditions the petitioner seeks to substitute. In the case of a Discharge Permit denial, the petition for reconsideration shall identify the bases on which the petitioner concludes that the Director's action was in error. The party petitioning for reconsideration shall submit any additional information pertinent to the Director's evaluation of the petition for reconsideration, as requested by the Director.

C. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the petitioner’s right to an administrative appeal.

D. The effectiveness of a Discharge Permit shall not be stayed pending reconsideration by the Director.

E. If the Director fails to act within sixty (60) Days of receipt of a petition for reconsideration, the petition shall be deemed to be denied. Decisions not to reconsider the terms of a Discharge Permit, to deny a Discharge Permit, or not to modify a Discharge Permit, are final administrative actions for purposes of judicial review.

F. Aggrieved parties seeking judicial review of those final administrative actions shall do so by filing a petition for review with the Montgomery County Court of Common Pleas within thirty (30) Days following the date of the final administrative action concerning the permit.

5.5 Permit Modification

The Director may modify an Individual Discharge Permit for good cause, including without limitation the following reasons:

A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

B. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge.

C. To correct typographical or other errors in the Individual Discharge Permit; or

D. To reflect a transfer of the affected facility to a new owner or operator where requested in accordance with Section 5.6 of these Rules and Regulations.

E. To address significant alterations or additions to the User's operation or industrial processes.
5.6 Permit Transfer

Individual Discharge Permits and General Permits may be transferred to a new owner or operator of the affected facility only if the permittee provides at least thirty (30) Days advance notice to the Director and the Director approves the permit transfer. The notice to the Director must include, in addition to the name and address of the facility, the name(s) of the owner and operator, and telephone numbers for contacting representatives of the owner and operator during all business and non-business hours. The above-described notice must also 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 Discharge Permit or General Permit.

Failure to provide the above-described advance notice of a transfer renders the Individual Discharge Permit or General Permit void as of the date of facility transfer.

5.7 Permit Revocation

The Director may revoke an Individual Discharge Permit or General Permit for good cause, including without limitation the following reasons:

A. Failure to provide advance notification to the Director of any Significant Change to the permittee’s Wastewater Discharge;

B. Failure to provide advance notification to the Director 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 timely access to the affected facility’s 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 Discharge Permit application;
L. Failure to provide advance notice of the transfer of ownership or operation of a permitted facility, and

M. Violation of any Pretreatment Standard or Requirement, any terms of an Individual Discharge Permit or a General Permit, or these Rules and Regulations.

Individual Discharge Permits and General Permits shall be voidable upon cessation of operations or transfer of facility ownership or operation. Each Individual Discharge Permit or General Permit issued to a User is void upon the issuance of a new Individual Discharge Permit or a General Permit to that User.

5.8 Permit Reissuance

A User with an expiring Individual Discharge Permit or General Permit shall apply for permit reissuance by submitting a complete permit application, in accordance with Sections 4.4 and 4.5 of these Rules and Regulations, a minimum of ninety (90) Days prior to expiration of the User’s existing Individual Discharge Permit or General Permit.

5.9 Regulation of Wastewater Received from Other Jurisdictions

A. If a municipality or a User located within another County proposes to Discharge Wastewater to the POTW, the Director may enter into an inter-municipal agreement with the contributing municipality.

B. Prior to entering into the agreement to which paragraph A immediately above refers, the Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of Wastewater to be discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that would Discharge to the POTW; and

(3) Such other information as the Director deems necessary.

C. The inter-municipal agreement to which paragraph A immediately above refers shall contain the following conditions:

(1) A requirement that the contributing municipality adopt a sewer use ordinance that includes mandatory Baseline Monitoring Reports as defined herein, is at least as stringent as these Rules and Regulations and includes a provision for promptly modifying the sewer use ordinance, as necessary, to maintain such stringency following modification of these Rules and Regulations;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which Pretreatment implementation activities, including Individual Discharge Permit or General Permit issuance, inspection, sampling, and enforcement, will be conducted by the contributing municipality, which of those
activities will be conducted by the Director, and which will be conducted jointly by the contributing municipality and the Director;

(4) A requirement for the contributing municipality to provide the Director with access to all information the contributing municipality obtains as part of its Pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality’s Wastewater at the point where it Discharges to the POTW;

(6) Requirements for monitoring the contributing municipality’s Discharge;

(7) A provision ensuring the Director’s 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; and

(3) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

CHAPTER 6
MANDATORY REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Industrial Users shall submit to the Director a Baseline Monitoring Report containing the information specified in paragraph B of this Section at the following times:

(1) In the case of existing Categorical Industrial Users currently discharging to or scheduled to Discharge to the POTW, within either one hundred eighty (180) Days after the effective date of a Categorical Pretreatment Standard that applies to the User, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later;

(2) At least ninety (90) Days prior to the date that (a) a New Source commences its Discharge, (b) an Existing Source becomes subject to a Categorical Pretreatment Standard, or (c) an Existing Source modifies a process or operation that causes or is expected to cause a change in the characteristics of its current Discharge and the manner in which a Categorical Pretreatment Standard applies to the existing source; and

(3) Each New Source to which this paragraph A refers shall report the method of pretreatment it intends to use, if one is necessary, to meet applicable Categorical Standards. A New Source shall also specify its anticipated flow and the type and quantity of Pollutants to be discharged.

B. Each of the Users described in paragraph A immediately above shall submit the information set forth below.

(1) All information required in Sections 4.4.A(1)a., 4.4.A(2), 4.4.A(3)a., and 4.4.A(6) of these Rules and Regulations.
(2) Measurement of Pollutants.

a. The User shall provide the information required in Sections 4.4.A (7)a. through d. hereof;

b. For each applicable Waste stream, the User shall obtain a minimum of one representative sample of each applicable Pollutant to comply with the requirements of this paragraph;

c. Samples should be taken immediately downstream from Pretreatment facilities, if any, or immediately downstream from the regulated process if no Pretreatment facilities exist. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User should measure flows and concentrations in a manner that allows use of the combined Waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the applicable Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), the adjusted limit along with supporting data shall be submitted to the County;

d. Sampling and analysis shall be performed in accordance with Sections 6.10 and 6.11 hereof;

e. The Director may allow the submission of past monitoring data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; provided that the time, date and place of sampling and methods of analysis shall be provided for all such data and the underlying sampling and analysis shall be representative of normal work cycles and expected Pollutant Discharges to the POTW by the affected facility.

(3) If additional Pretreatment and/or other measures will be required to meet Pretreatment Standards, a schedule by which the User will implement such additional Pretreatment and/or other measures must be provided. The completion date in such a 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 of Section 6.2 of these Rules and Regulations.

(4) All monitoring reports, as described above, 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 hereof.

6.2 Compliance Schedule Progress Reports

The following conditions apply to the Compliance Schedule required by Section 6.1.B(3) of these Rules and Regulations:

A. The schedule shall specify milestone dates (progress increments) for the commencement and completion of major tasks necessary for construction and operation of the additional Pretreatment facilities required for the User to meet the applicable Pretreatment Standards (such tasks include, but are not limited to, retaining a consulting engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and achieving routine operation);
B. No progress increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Director no later than fourteen (14) Days following each milestone date in the schedule and the final date of compliance. Each such report shall, at a minimum, state whether or not the User complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to resume the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

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 a report containing the information described in Sections 4.4.A(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 hereof and 40 CFR 403.6(c), the report shall contain a reasonable measure of the User’s long-term production rate. For all Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report shall include the User’s actual production during the corresponding sampling period. All compliance reports under this paragraph must be signed and certified in accordance with Section 6.14.A of these Rules and Regulations, and all sampling will be performed in accordance with Section 6.11 hereof.

6.4 Periodic Compliance Reports and Monitoring Waivers

A. Except as specified in Section 6.4.C, all Significant Industrial Users must submit at least twice per year, or more frequently if deemed necessary by the Director, a report indicating the nature and concentration of Pollutants in their Discharges that are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the period covered by the report. In cases where the applicable Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard to determine the compliance status of the User.

B. With the exception of centralized waste treatment facilities under 40 CFR Part 437, the Director, at his/her discretion, may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard 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 Individual Discharge Permit, but in no case longer than five (5) years. The User must submit a new request for the waiver for each subsequent Individual Discharge Permit.

(3) In making its request for a waiver, the Industrial User must demonstrate through sampling and other data or 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 sample of the facility's process Wastewater that is representative of Wastewater from all processes and obtained prior to any treatment at the facility. Non-detectable sample results may be used as a demonstration that a Pollutant is not present, provided that a USEPA-approved analytical method from 40 CFR Part 136 with the lowest method detection limit was used to measure the corresponding Pollutant.

(4) The request for a monitoring waiver shall be signed by an authorized representative of the Industrial User in accordance with OAC 3745-3-06, and include the certification statement in 40 CFR 403.6(a)(2)(ii).

(5) Any approval of a monitoring waiver by the Director under this Section 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 User for three (3) years after expiration of the waiver.

(6) Upon approval of the monitoring waiver and revision of the Industrial User's Control Mechanism by the County, the IU shall certify 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 CFR [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 40 CFR 403.12(e)(1)."

(7) In the event that a Pollutant for which a waiver has been granted under this Section 6.4.B is found to be present or is expected to be present because of changes that occurred or are expected to occur in the User's operations, the User must immediately notify the Director in writing, begin monitoring that Pollutant and comply with the monitoring requirements of Section 6.4.A hereof or other more frequent monitoring requirements as determined by the Director.

(8) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the applicable Categorical Pretreatment Standard.

(9) Monitoring Waivers do not apply to Pollutants for which a certification process such as a Toxic Organics Management Plan (TOMP) has been established by the Director or by Categorical Pretreatment Standards (e.g. TOMP/certification alternative to total...
toxic organics monitoring) unless authorized by the applicable Categorical Pretreatment Standard.

C. Unless required more frequently in the applicable Pretreatment Standard or by the Ohio EPA, the Director may reduce the frequency of periodic compliance reports under Section 6.4.A to yearly, provided that 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 twenty million (20,000,000) gpd for the Montgomery County Western Regional Water Reclamation Facility and thirteen million (13,000,000) gpd for the Montgomery County Eastern Regional Water Reclamation Facility, 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 applicable POTW, that is, either the Montgomery County Western Regional Water Reclamation Facility or the Montgomery County Eastern Regional Water Reclamation Facility; and

(3) 0.01 percent of the maximum allowable headworks loading for each Pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits have been developed in accordance with Section 2.4 of these Rules and Regulations. For example, if the applicable POTW's maximum allowable headwork's loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds. This calculation would be required for each Pollutant for which the POTW has an approved Local Limit.

Reduced reporting is not available to Industrial Users that have been in Significant Noncompliance during any portion of the previous two (2) years. In addition, to be eligible for reduced reporting the Industrial User must demonstrate to the Director that the Industrial User's daily flow rates, production levels, and Pollutant levels are stable such that decreased reporting frequency would not compromise the representative quality of monitoring data for any 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 equipment shall be properly operated and maintained in clean condition and good working order at all times. The failure of a User to keep its monitoring equipment 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 requirements of this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Director using the procedures prescribed in Section 6.11 of these Rules and Regulations, the results of such additional monitoring shall be reported.

G. Users that send electronic (digital) documents to the Director 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 provide at least forty-five (45) Days advance notice to the Director of any Significant Change.

A. The Director may require the User to submit such information as he/she deems necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 4.4 of these Rules and Regulations.

B. The Director may revoke an Individual Discharge Permit or a General Permit under Section 5.7 of these Rules and Regulations or modify an existing Individual Discharge Permit or a General Permit under Section 5.5 hereof in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

A. In the case of any Discharge, including without limitation accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, a Slug Discharge or Slug Load, any of which might cause Interference, Pass Through or otherwise not be amenable to treatment by the POTW, the User shall immediately notify the Director of the incident by telephone. This notification shall include the location of the Discharge, the type of waste, its concentration and volume, if known, and corrective measures taken by the User.

B. Within five (5) Days following such Discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s), date and duration of the Discharge as well as 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 Persons 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 or other applicable law.

C. A notice shall be permanently posted in a prominent location at the User’s Premises reminding the User’s employees to provide immediate telephonic notice to the Director as described in Section 6.6.A hereof. The User’s posting shall include the telephone number to call to provide notice to the Director, and Industrial Users shall ensure that all employees are advised of the emergency notification procedure.

D. Each Significant Industrial User is required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Other Users

All Users not required to obtain an Individual Discharge Permit or General Permit shall provide such reports to the Director as he/she may from time to time require.

6.8 Report of Violation/Repeat Sampling and Reporting

If sampling of a User’s Discharge indicates a violation of any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued
hereunder, or any other Pretreatment Standard or Requirement, the User must notify the
Director within twenty-four (24) 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
within thirty (30) Days after becoming aware of the violation. If a violation occurs where the
Director has performed the sampling and analysis in lieu of the Industrial User, the Director shall
perform the repeat sampling and analysis within thirty (30) Days of violation unless notifying 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 EPA
Regional Waste Management Division, the Director, and the Approval Authority 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 shall 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 Hazardous Waste per calendar month to the POTW,
the notification shall also contain the following information to the extent such information is
known and available to the User: identification of the hazardous constituents contained in
the Wastes, an estimate of the mass and concentration of such constituents in the Waste
stream discharged during that calendar month, and an estimate 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. Notification under this paragraph is required once
for each Hazardous Waste discharged, subject to the requirements of Section 6.5 of these
Rules and Regulations for additional notifications due to changed conditions. The
notification requirement in this Section 6.9 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 hereof.

B. A User is exempt from the requirements of paragraph A of this Section 6.9 during any
calendar month in which it Discharges 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). The Discharge of more than fifteen (15) kilograms of non-acute
Hazardous Wastes in a calendar month, or any quantity of acute Hazardous Wastes as
specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification to the
Director. 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 Division, the Director,
and the Approval Authority of the Discharge of the subject Waste within ninety (90) Days
of the effective date of such regulations.

D. Any User that Discharges Hazardous Waste shall certify that it has a program in place to
reduce the volume and toxicity of Hazardous Wastes generated to the extent that
achieving such reductions is economically practical.
E. This Section does not create a right to Discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All Pollutant analyses, including sampling techniques, submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless otherwise specified. If 40 CFR Part 136 does not contain sampling or analytical techniques for a given Pollutant, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using other validated analytical methods or other applicable sampling and analytical procedures, including EPA-approved procedures, authorized by the Director.

6.11 Sample Collection

Samples collected to satisfy reporting requirements under these Rules and Regulations must be obtained during the applicable reporting period through use of appropriate sampling and analysis of data that is representative of conditions at that time.

A. Except as indicated in paragraphs 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. Where time proportional composite sampling or Grab Sampling is authorized by the Director, the samples must be representative of the Discharge. Using protocols (including appropriate preservation procedures) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period shall be composited prior to analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples shall be composited in the laboratory or in the field; and 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 Director in his/her discretion. 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, hexavalent chromium, and volatile organic compounds must be obtained using Grab Samples.

C. In the case of facilities for which previous sampling data do not exist, the sampling required in support of the Baseline Monitoring Report and 90-Day compliance reports under Sections 6.1 and 6.3 of these Rules and Regulations, shall consist of a minimum of four (4) Grab Samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds; for facilities for which previous sampling data are available, the Director may authorize collection of a reduced number of Grab Samples. For the reports required by Section 6.4 hereof, the Industrial User is required to collect the number of Grab Samples necessary for analysis and to assess and assure compliance with applicable Pretreatment Standards and Requirements.

D. 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 method, representative of the Discharge, is
documented in the Industrial User’s file. As the Director determines necessary, he/she may require an Industrial User to install flow monitoring facilities, instrumentation, and recording devices to facilitate accurate measurement of flows.

E. The Director may require an Industrial User to install a monitoring device, or a facility to house a monitoring device, which meet the standards in 40 CFR 136 and is necessary for collection of samples of the Industrial User’s Discharge to the County’s Sanitary Sewer system. The Industrial User is financially responsible for any installation of flow monitoring facilities, instruments, devices, etc. which are required by the Director.

6.12 Receipt of Reports

Written reports are deemed to have been submitted on the date postmarked; provided that in the case of reports that are not mailed using the United States Postal Service, the date of the County’s 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 hereunder, any additional records of monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4.C hereof. Records shall include: the date, specific location, method, time of sampling, the name of the Person(s) taking the samples, the dates analyses were performed, identification of the Person performing 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, which shall be extended automatically for the duration of any litigation concerning the User or the County, or where the User has been specifically notified that the Director requires a longer retention period.

6.14 Certification Statements

A. The following certification statement is required to be signed and submitted in conjunction with permit applications under Chapter 4 of these Pretreatment Rules and Regulations, Baseline Monitoring Reports under Section 6.1, reports on compliance with Categorical Pretreatment Standard deadlines under Section 6.3, periodic compliance reports under paragraphs A through D of Section 6.4, and initial requests to forego sampling of a Pollutant under Section 6.4.B(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 gathered and evaluated 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. A facility determined to be a Non-Significant Categorical Industrial User must annually submit the following certification statement signed by the Authorized Representative of the
User. This certification must also accompany any alternative report required by the Director:

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

(1) The facility described as ___________________ [facility name] met the definition of a Non-Significant Categorical Industrial User as defined in the Montgomery County Environmental Services Pretreatment Rules and Regulations;

(2) The facility complied with all applicable Pretreatment Standards and Pretreatment Requirements, as defined in the Montgomery County Environmental Services Pretreatment Rules and Regulations, during the reporting period that is the subject of this certification; and

(3) The facility never discharged more than 100 gallons of wastewater otherwise subject to a Categorical Pretreatment Standard, as defined in the Montgomery County Environmental Services Pretreatment Rules and Regulations, on any given day during the applicable reporting period.

This compliance certification is based on the following information.

________________________________________
________________________________________

"(Such information may include water billing records, productions records, etc.)

C. Users that have an approved monitoring waiver under Section 6.4.B must include with each periodic compliance report the following certification:

"There has been no change in the pollutant composition of the subject waste stream due to activities of the User. This certification is based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, as well as the applicable National Pretreatment Standards, and 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."

This certification shall be signed by an Authorized Representative of the Industrial User, as defined in these Pretreatment Rules and Regulations.

D. Users that have in force a County approved Toxic Organics Management Plan (TOMP) must include in each compliance report the following statement certifying that there has
been no Discharge or release of 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, I certify that, to the best of my knowledge and belief, no wastewater discharge of concentrated toxic organics has occurred since filing the last compliance monitoring report under Section 6.4 of the Montgomery County Environmental Services Pretreatment Rules and Regulations. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."

CHAPTER 7
COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director shall have the right to enter the Premises of any User to determine whether the User is complying with all requirements of these Pretreatment Rules and Regulations and any Individual Discharge Permit or General Permit or order issued hereunder. Users shall allow the Director and his/her designated representative(s) ready access to all parts of the affected Premises for the purposes of inspection, sampling, records examination and copying, and performance of any additional duties.

A. Where a User employs security measures that require proper identification and clearance before entry into its Premises, the User shall make the necessary arrangements with its security personnel to assure that, upon presentation of suitable identification, the Director and his/her designated representative(s) shall be permitted to enter without delay.

B. As required for performance of the Director's responsibilities to conduct monitoring, sampling and/or other inspection activities related to the User's Discharge, the Director shall have the right to bring on to the User's Premises and operate the equipment and devices necessary for such monitoring, sampling and/or other inspection duties.

C. The Director may require the User to install monitoring equipment as necessary to sample the User's Discharge. At its own expense, the User shall at all times maintain the facility's sampling and monitoring equipment in a safe and proper operating condition. 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 ready 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 and shall not be replaced. The costs of removing such obstruction shall be borne by the User.

E. Denial of the Director's right of access or unreasonable delay in allowing the Director access to the User's Premises shall be a violation of these Rules and Regulations.
7.2 Search Warrants

If, contrary to Section 7.1 of these Rules and Regulations, the Director has been refused access to a building, structure, or property, or any part thereof, and he/she has a reasonable basis to believe that the subject facility may be in violation of these Pretreatment Rules and Regulations, or the Director otherwise determines that such action is necessary to protect public health, safety and welfare, the Director may seek issuance of a search warrant from the appropriate court.

7.3 Confidential Information

Information and data with respect to a User that is obtained from reports, surveys, Wastewater Discharge Permit applications, Individual Discharge Permits, General Permits, Discharge monitoring, and from the Director's inspection and sampling activities shall be available to the public without restriction; provided that if the User specifically requests that such information and data not be available to the public and the User is able to demonstrate to the satisfaction of the Director that the release of such information would divulge processes, methods of production or other information that is entitled to protection as trade secrets under applicable law, the portion(s) of such information and/or data that would disclose trade secrets under applicable law shall not be made available to 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 User. Effluent data, as defined at 40 CFR 2.302(a)(2)(i), shall not be recognized as confidential information and shall be available to the public without restriction.

CHAPTER 8
ADMINISTRATIVE ENFORCEMENT

8.1 Notification of Violation

When the Director finds that a User is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. The Director may select any means for service of the Notice of Violation that is reasonable under the circumstances.

Within ten (10) Days of the User's receipt of such notice, the User shall submit to the Director an explanation of the cause of the violation(s) and a plan for the satisfactory correction and prevention thereof, to include specific actions the User has taken or will implement to prevent reoccurrence of the violation(s). Submission of such a plan does not relieve 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 to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

8.2 Consent Orders

The Director 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 fixed time period specified by the document. Such documents shall have the same
force and effect as administrative orders issued pursuant to Sections 8.4 and 8.5 of these Rules and Regulations and shall be judicially enforceable.

8.3 Show Cause Hearing

The Director may order a User that is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action described in the order 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. A show cause hearing does not limit in any manner the other enforcement remedies available to the Director under these Pretreatment Rules and Regulations with respect to the User.

8.4 Compliance Orders

When the Director finds that a User is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the Discharge directing the User to achieve compliance within a time specified in the order. If the User does not achieve compliance within the time specified, its authority to Discharge to the POTW is subject to termination under Section 8.8. Compliance orders may also contain other requirements to address such noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged. 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 to, or a prerequisite for, taking any other enforcement action against the User.

8.5 Cease and Desist Orders

When the Director finds that a User is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, any other Pretreatment Standard or Requirement, or that the User’s past violations of any of the foregoing are likely to recur, the Director 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 applicable requirements; and

B. Take such appropriate remedial or preventive measures as may be needed to 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 to, or a prerequisite for, taking any other action against the User.
8.6 Administrative Fines

A. When the Director finds that a User is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may Fine such User in an amount up to the maximum authorized by law per violation. Each Day that any such violation continues is a separate violation, and in the case of a violation of a limitation imposed as an average for a period of one month or longer, each Day of the averaging period constitutes a separate violation.

B. In addition, the User shall reimburse the County for all of its costs of preparing and prosecuting administrative enforcement actions, including the costs of preparing notices and orders. The County reserves the right to seek to record the aggregate amount of all such Fines, penalties and enforcement costs as a lien against the User's property.

C. If a User disputes the basis for a Fine imposed under this Section 8.6 or the amount thereof, within thirty (30) Days of being notified of the Fine the User may file an appeal in writing requesting that the Director reconsider the fine, provided that the User simultaneously makes full payment of the amount of the Fine. If the Director determines that a timely-filed appeal has merit, the Director shall convene a hearing on the matter within thirty (30) Days from the Director's receipt of the timely notice of appeal, and the User shall be notified in writing of the date, time and place for the appeal hearing. The Director or his/her designee shall serve as the Hearing Examiner. In the event the User's appeal is successful in whole or in part, the amount of the Fine paid by the User, or the portion thereof that corresponds to the matters for which the appeal was successful, together with any interest accruing on the applicable amount, shall be returned to the User.

D. Issuance of an administrative Fine shall not be a bar to, or a prerequisite for, taking any other action against the User.

8.7 Emergency Suspensions

The Director may immediately suspend a User's Discharge, after informal notice (which may be by telephone) to the User, whenever such suspension is necessary to terminate 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 may also immediately suspend a User's Discharge, after written 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 an emergency order for suspension of its Discharge under this Section 8.7 shall immediately comply with the order. In the event that a User fails to immediately comply voluntarily with the suspension order, the Director 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 may allow the User to resume its Discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed; provided that such resumption of the User's Discharge is not authorized where termination proceedings under Section 8.8 of these Rules and Regulations have been initiated against the User.
B. A User that is responsible, in whole or in part, for any Discharge presenting an imminent endangerment shall submit a detailed written statement to the Director prior to the date of any show cause or termination hearing under Sections 8.3 or 8.8 of these Rules and Regulations describing the causes of the harmful Discharge and the measures taken to prevent any future reoccurrence.

Nothing in this Section shall be interpreted as requiring an evidentiary hearing prior to any emergency suspension under this Section.

8.8 Termination of Discharge

In addition to the provisions in Section 5.7 of these Rules and Regulations, any User who violates the following conditions is subject to termination of its Discharge to the POTW:

A. Violation of Individual Discharge Permit or General Permit conditions;

B. Failure to accurately report the Wastewater constituents and characteristics of its Discharge;

C. Failure to report any Significant Change;

D. Denying to the Director or his/her designee reasonable access to the User’s Premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of Pretreatment Standards including without limitation the requirements of Chapters 2 and 3 of these Pretreatment Rules and Regulations.

Prior to termination of the User’s Discharge under this Section 8.8 such User will be notified of the proposed termination and offered an opportunity to show cause under Section 8.3 of these Rules and Regulations why the proposed action should not be taken. Exercise of the Director’s authority to terminate a Discharge under this Section 8.8 shall not be a bar to, or a prerequisite for, taking any other action against the User.

8.9 Publication of Users in Significant Noncompliance

The Director 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.

CHAPTER 9
JUDICIAL ENFORCEMENT

9.1 Commencement of Action

Upon finding that a User is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may commence an action in any court of competent civil and/or criminal jurisdiction through the County’s Prosecuting Attorney.
9.2 Injunctive Relief

In an action under Section 9.1 the Director may seek issuance of a temporary or permanent injunction, or other court order as appropriate, which restrains or compels the User's compliance with the applicable Individual Discharge Permit, General Permit or order, or other requirement imposed by these Rules and Regulations on activities of the User. The Director may also seek such other legal and/or equitable relief, as appropriate, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar to, or a prerequisite for, taking any other action against a User. Injunctive relief shall be nonexclusive of other remedies available to the Director for enforcement of these Pretreatment Rules and Regulations.

9.3 Civil Penalties

A. A User who is in violation or has violated any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the County for a civil penalty not to exceed the maximum authorized by law per violation. In addition to imposition of such civil penalties for each violation, the Director may recover as an additional civil penalty the amount that equals the economic benefit obtained by the User as a result of its violations.

B. The Director may seek to recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and any other costs incurred by the Director as a result of the enforcement action against the User.

C. In determining the amount of the civil penalty the County will ask the Court to impose, the Director will take into account and will ask the Court to take into account all relevant circumstances, including the extent of environmental harm caused by the underlying violations, the magnitude and duration of the violations, any economic benefit obtained by the User as a result of its violations, corrective measures undertaken by the User, the compliance history of the User, and any other factors as justice may require.

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

9.4 Criminal Prosecution

A. Any User who willfully or negligently (1) violates any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, or (2) introduces any unauthorized substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a first degree misdemeanor punishable by a penalty up to the maximum amount authorized by law per violation and/or one (1) year of imprisonment. The penalty or imprisonment imposed shall be in addition to any other cause of action for personal injury or property damage available under State law.

B. A User who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed, or required to be maintained, pursuant to these Pretreatment Rules and Regulations, an Individual 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 Pretreatment Rules and Regulations shall, upon conviction, be guilty of a first degree misdemeanor, and be subject to a penalty up to the maximum amount authorized by law per violation and/or one (1) year of imprisonment.

9.5 Reservation of Authority; Period of Violation

Filing an enforcement action under this Chapter 9 shall not be a bar to, or a prerequisite for, taking any other action against a User, and the penalties under this chapter shall be in addition to any other cause of action for personal injury or property damage available under State law. Each Day that any violation under this chapter continues is a separate violation, and in the case of a violation of a limitation imposed as an average for a period of one month or longer, each Day of the averaging period constitutes a separate violation.

9.6 Remedies Nonexclusive

The remedies provided in these Pretreatment Rules and Regulations are not exclusive. The Director 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 may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

CHAPTER 10
SUPPLEMENTAL ENFORCEMENT AUTHORITY

10.1 Fines for Late Reports

The Director is authorized to assess a Fine against any User for each Day that a report required by these Pretreatment Rules and Regulations, or required by a permit or order issued hereunder, is late. The Fine shall begin to accrue for untimely reports as of the sixth (6th) Day following the Day on which a given report was due and the amount of the Fine shall be one hundred dollars ($100) for each of the next thirty (30) Days that the subject report is not filed. After that thirty (30) Day period, and as long as the User's failure to file the report continues, the amount of the Fine shall be two hundred dollars ($200) per Day. Actions taken by the Director to collect Fines for late reporting shall not limit the Director’s authority to initiate other enforcement measures that may include Fines for late reporting violations under this Section 10.1.

10.2 Performance Bonds and Liability Insurance

The Director may decline to issue or reissue an Individual Discharge Permit or a General Permit to any User who has failed to comply with any provision of these Pretreatment Rules and Regulations, a previous Individual Discharge Permit, or a previous General Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless as a prerequisite such User:

A. Obtains a satisfactory bond, payable to the County, in the amount the Director determines sufficient to provide the necessary additional incentive for the User to achieve consistent compliance; and
B. Submits proof that it has obtained liability insurance or similar financial assurances in an amount that is sufficient to restore or repair damage to the POTW caused by the User’s Discharge.

10.3 Withholding Issuance or Reissuance of Permits

The Director may decline to issue or reissue an Individual 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 violation of these Pretreatment Rules and Regulations, a previous Individual Discharge Permit, a previous General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement.

10.4 Water Supply Severance

Whenever a User has violated or continues to violate any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, public water service to the User may be suspended. Service will resume, at the User’s expense, only after the User has satisfactorily demonstrated its ability to comply with each of the foregoing.

10.5 Public Nuisances

A violation of any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance.

10.6 Informant Rewards

In his or her discretion, the Director may pay an informant award of up to one thousand dollars ($1000) or ten percent (10%) of the Fine or penalty imposed, whichever is the lesser amount, if the User is found liable for violation of any provision of these Pretreatment Rules and Regulations, an Individual Discharge Permit, a General Permit, an order issued hereunder, or any other Pretreatment Standard or Requirement. In determining the appropriate amount of the informant award in a given case, the Director shall consider the seriousness of the violation(s) involved, the amount of the Fine or penalty imposed and the extent to which the information provided by the informant assisted in prosecution of the violation(s).

10.7 Contractor Listing

Users that have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contract 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.
CHAPTER 11
WASTEWATER TREATMENT RATES

11.1 Discharge Quantity

A. Charges and fees for Wastewater treatment shall be based upon the total amount of water used from all sources unless the Director determines that a significant portion of the water a User receives is 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 approved by the County, and installed and maintained at the expense of the User.

B. If the Director determines that a significant portion of the water received by a User from any metered source is not discharged to the Sanitary Sewer because of the principal activity of the user or because of removal by other means, the User's charges and fees will be determined based on the volume of water discharged from the User's Premises into the Sanitary Sewer. Written application and proof of diversion of water must be provided by the User to avoid determination of User charges and fees based on 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 County for this purpose. Such meters may measure either the amount of Sewage discharged or the amount of water diverted or removed by other means. When deemed necessary by the Director, such meters will be tested for accuracy at the User's expense.

C. If the Director determines that (i) it would be unnecessary or impractical for a User to install meters to measure the quantity of water used (and/or meters for Sewage discharged or water diverted when the Director has determined that there is a significant diversion of Wastewater), or (ii) metering the quantity of water received would not be representative of the quantity of sewage discharged due to diversions for which metering would not be practical, the quantity of Wastewater discharged shall be based upon an estimate prepared by the User subject to approval by the Director. This estimate shall be based upon a reasonable determination of the Wastewater Discharge and may consider such factors as the number of employees, workday population, seating capacity, annual production of goods and services, or such other factors that provide a reasonable basis to estimate the User's Wastewater Discharge volume.

D. When the User has a source meter, but an estimation is necessary because, in the opinion of the Director, there is a significant diversion of the water used, and it is unnecessary or impractical to install a meter to measure the diversion, the User may estimate the quantity of Wastewater discharged, provided that the estimate is subject to the Director's approval and the User includes in its estimate the method and calculations that were the basis for determining the Wastewater Discharge volume.

E. Each Person, partnership, corporation, business or industry discharging Wastes into the POTW shall be subject to all additional charges imposed by the County, including the County's baseline water and sewer fees, fees under the Montgomery County Sanitary Engineering Specifications, Rules and Regulations, the Montgomery County Water Services Connection and Ancillary Fee Schedules, and septage waste disposal rates.
11.2 Determination of Rates and Charges for Authorized Discharges

The County shall determine the rates and charges for authorized Discharges. The amount of such rates and charges shall be sufficient, in the aggregate, to recover all of the reasonably expected costs of the POTW including without limitation its collection and treatment systems, and all capital, operating and administrative costs attributable to Industrial Waste and the industrial Pretreatment program.

11.3 Pretreatment Charges and Fees

The County may adopt reasonable fees for reimbursement of all costs of the County's industrial Pretreatment program, which includes:

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 to collect and analyze a User's Discharge, and review 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 associated with the enforcement activity taken by the Director to address Industrial User 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 Pretreatment Rules and Regulations and are separate from all other fees, Fines and penalties the County may impose.

G. Applicable fees can be found in the current Ancillary Fee Schedule.

11.4 Extra Strength Surcharge

The Director is authorized to establish Extra Strength Surcharge rates for those Compatible Pollutants discharged in excess of the Pollutant specific criteria defined in the "Montgomery County Environmental Services Connection and Ancillary Fee Schedules".

A. Extra Strength Wastewater discharged to a County sewer, either directly or indirectly, is subject to an Extra Strength Surcharge if the discharge has any one of the following pollutants: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Ammonia (NH₃), Total Phosphorus (TP) and Fats, Oils & Grease (FOG), present in excess specific concentration thresholds defined in the current County approved rates as detailed in the "Montgomery County Environmental Services Connection and Ancillary Fee Schedules".

B. Extra Strength Surcharges are charges attached to sewer loadings for specific compatible pollutants in excess of typical domestic background wastewater loading or above POTW design thresholds. The charges are intended to recover the additional treatment costs associated with high strength wastewater.
C. The determination of Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Ammonia (NH3), Total Phosphorus (TP) and Fats, Oils & Grease (FOG), contained in the wastewater shall be in accordance with the procedure set forth in 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants or by standard sampling and laboratory procedures in a manner acceptable to the Director.

D. Payment of an extra strength surcharge does not excuse the discharger from complying with all other applicable provisions of the Rules and Regulations.

E. The Director may establish concentration thresholds for additional pollutants that are subject to extra strength surcharge as deemed necessary.

F. The charges incurred due to extra strength surcharge shall be billed at a frequency acceptable to the Director. The charges are enforceable and collectable in the same manner as water and sewer charges.

CHAPTER 12
MISCELLANEOUS PROVISIONS

12.1 Severability

If any provision of these Pretreatment 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.

12.2 Right to Amend

The County reserves the right to amend these Pretreatment Rules and Regulations from time to time to provide, among other things, additional or more stringent limitations or requirements relating to Discharges to the POTW.

12.3 Non-Liability

A. Compliance with these Rules and Regulations is solely the responsibility of the User, and no provision, nor any term used herein, imposes any duty whatsoever on the County or any of its officers, employees, or agents, except as provided under the Federal Act or other related statutes of the United States or the State of Ohio.

B. Nothing contained herein is intended to be nor shall it be construed to create or form the basis for any liability on the part of the County or its officers, employees, or agents, for any injury or damage resulting from the failure of any User to comply with the provisions of these Rules and 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 Rules and Regulations, or inaction on the part of the County related in any manner to the implementation or enforcement of these regulations by the County's officers, employees, or agents.
CHAPTER 13
EFFECTIVE DATE

These Rules and Regulations shall be in full force and effect immediately following their approval and publication, as provided by law.