

Pretreatment Guidance 2 Final	<h1>Pretreatment Streamlining Rule</h1>	
	Statutory references: ORC 6111.03(Q) and 6111.042 Rule references: OAC 3745-3; 40 CFR 403	Ohio EPA, Division of Surface Water Revision 0, October 4, 2007
This guidance does not affect the requirements found in the referenced rules or statute.		

On February 1, 2007 changes to Ohio Administrative Code 3745-3 became effective. These streamlining changes affect all POTWs with Pretreatment Programs approved by Ohio EPA. In order to more efficiently adopt these changes, Ohio EPA has developed this guidance document.

There are two categories of changes: changes required by rule and optional changes.

Required Changes

It is necessary that all approved pretreatment programs correctly reflect the changes to the OAC in these areas.

- [Slug Control Requirements](#)
- [Significant Noncompliance](#)
- [Best Management Practices as Local Limits](#)
- [Sampling](#)
- [Signatory Requirements](#)

Optional Changes

These changes are not required and their implementation is at the discretion of the POTW. However, program modification procedures must still be followed.

- [Alternative National Categorical Standards](#)
- [Non-Significant Categorical Industrial Users](#)
- [Mid-Tier Categorical Industrial Users](#)
- [Monitoring Waivers](#)
- [General Control Mechanisms](#)

All of the required Program Modifications should be submitted as a single modification request. It is preferred that any optional changes, elected to be implemented, be included in the modification request at the same time that the required Program Modifications are submitted. If this is not feasible then optional changes to be implemented after the submission of the required changes should be submitted as a single modification request.

All modification requests should include the existing and proposed program elements clearly identifying how the requirements for correctly implementing any change, required or optional, will be accomplished.

For more information contact:

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Slug Control Requirements

REQUIRED

Current Rule	Necessary Changes
Both individual and general control mechanisms shall include requirements to control slug discharges, if determined by the POTW to be necessary.	<p>In the section of the Sewer Use Ordinance (SUO) or Regulations (SUR) dealing with the contents of individual wastewater control mechanisms, there must be new language for the control mechanisms to contain requirements to control Slug Discharges, if determined by the Superintendent to be necessary.</p> <p>Note: If a slug load discharge control plan is determined to be required, the plan must be specifically referenced or otherwise incorporated into the IU's control mechanism.</p>
Evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism or within one year of being identified a significant industrial user.	In the section of the Ordinance or Regulations dealing with the review period for slug discharge control plans, the once every two years requirement may be changed to once per control mechanism cycle.
Significant industrial users shall now be required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.	It is necessary to include language requiring that each user notify the Superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least (e.g. 30) days before the change.
Action to Implement Required Changes	
<p>The POTW will need to modify its Ordinance or Regulations, control mechanisms, and/or the enforcement response plan (ERP) as necessary to address the changes with regard to accidental discharge/slug discharge control plans.</p> <p>The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.</p> <p>This is not a substantial modification.</p>	

Current Rule

- Chronic and Technical Review Criteria now only apply to SIUs but other SNC criteria can be grounds for finding a non-SIU in SNC.
- The Chronic and Technical Review Criteria are clarified as being applicable to each of an SIU's permitted monitoring points.
- The Chronic and Technical Review Criteria now apply to violations of instantaneous limits.
- Violations of instantaneous limits or narrative standards that cause pass-through or interference are SNC.
- The SNC criterion for any late reports has been changed from 30 to 45 days.
- SNC criterion for violations that adversely affect the operation or implementation of the pretreatment program now include violations of BMPs.

Action to Implement Required Changes

The POTW will need to modify its Ordinance or Regulations, control mechanisms, and/or the enforcement response plan (ERP) as necessary to address the changes with regard to the SNC definition.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.

This is not a substantial modification.

Current Rule	Necessary Changes
Best Management Practices or BMPs are now defined.	The Ordinance or Regulations need to be revised to include the definition for BMPs as follows: “Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04. BMPs also 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 be developed as a local limit and if so, must be incorporated in the control mechanism.	The section of the Ordinance or Regulations dealing with the contents of individual wastewater control mechanisms will need to be updated to include provisions for Best Management Practices as an enforceable limit.
IUs with applicable standards that require compliance with a BMP or a pollution prevention alternative shall submit documentation to determine compliance with the standard when submitting baseline or periodic compliance reports.	The section of the Ordinance or Regulations dealing with IU reporting requirements for baseline and periodic compliance reports will need to be updated to require the submission of documentation indicating compliance with a BMP when determined to be necessary.
Actions to Implement Required Changes	
<p>The POTW will need to modify its Ordinance or Regulations, control mechanisms, and/or the enforcement response plan (ERP) as necessary to establish the required authority for utilizing BMPs as pretreatment standards.</p> <p>The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.</p> <p>This is not a substantial modification.</p>	

Current Rule

- The sampling requirements for Initial Compliance Reports are now the same as the Baseline Monitoring Report.
- Periodic Compliance Reports (IU Self-Monitoring Reports) now specifically require grab samples for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
- Except for those pollutants that are required to be measured by grab samples (referenced above), all other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file.
- Multiple grab samples collected during a twenty-four-hour period may now be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may now be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may now be composited in the laboratory. Protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance must be followed.
- The control authority may now require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.
- If a violation is detected through sampling and analysis conducted by the control authority in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis within thirty days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

Actions to Implement Required Changes

The POTW will need to modify its Ordinance or Regulations, control mechanisms, and/or the enforcement response plan (ERP) as necessary to address the changes with regard to the SNC definition.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.

This is not a substantial modification.

Signatory Requirements

REQUIRED

Current Rule

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

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

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

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

Actions to Implement Required Change

The POTW will need to modify its Ordinance or Regulations and control mechanisms as necessary to establish the requirements for authorized representatives.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.

This is not a substantial modification.

Alternative National Categorical Standards	OPTIONAL
NOTE: These changes are necessary only if control authority elects to implement.	

Current Rule	Necessary Changes (if implemented)
Categorical Industrial Users regulated by concentration-based limits may now have those limits converted to equivalent mass-based limits.	The Ordinance or Regulations would need to make appropriate reference to 40 CFR 403.6(c)(5) for equivalent mass-based limits or 40 CFR 403.6(c)(6) for equivalent concentration-based limits
Facilities regulated by the Categorical Pretreatment Standards for Organic Chemicals, Plastics, and Synthetic Fibers (40 CFR 414), Petroleum Refining (40 CFR 419), and Pesticide Chemicals (40 CFR 455) that have mass-based limits may now have those limits converted to equivalent concentration-based limits.	
Actions to Implement Optional Change	
<p>The POTW will need to modify its Ordinance or Regulations to include the appropriate references for establishing alternative national categorical standards.</p> <p>The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change.</p> <p>This would be considered a substantial program modification.</p>	

Non-Significant Categorical Industrial Users

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule	Necessary Changes (if implemented)
<p>A Categorical Industrial User may now be considered a Non-Significant Industrial User.</p>	<p>Appropriate language would need to be included in the Ordinance or Regulations defining this new classification and the necessary conditions that must be met for it to be applied to an IU.</p>
<p>The new classification requires that the IU does not discharge more than one hundred gallons per day of total categorical wastewater that does not include sanitary, non-contact cooling and boiler blowdown wastewater unless it is specifically included in the categorical pretreatment standard.</p>	
<p>In order for this classification to apply, no untreated concentrated wastewater, which is regulated by categorical pretreatment standards, may be discharged at any time by the IU.</p>	
<p>The IU must submit an annual certification statement, with appropriate justification, that indicates the facility:</p> <ul style="list-style-type: none"> • Meets the requirements of a Non-Significant Categorical Industrial User ; • Is meeting all pretreatment standards and requirements; and • Did not discharge more than one hundred gallons of total categorical wastewater on any day. 	<p>The following certification statement is required to be submitted annually to the POTW by an IU determined to be a non-significant categorical industrial user:</p> <p>Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 C.F.R. [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, during the period from [specify month, day and year] to [specify month, day and year]:</p> <p>(1) "The facility described as [insert facility name] met the definition of a nonsignificant categorical industrial user as described in paragraph (P) of rule 3745-3-01 of the Administrative Code;</p> <p>(2) "The facility complied with all applicable pretreatment standards and requirements during this reporting period; and</p> <p>(3) "The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:</p> <p>Appropriate justification in support of this statement must be required to be included with the certification statement. Appropriate justification may include water billing records, production records, etc.</p>

Non-Significant Categorical Industrial Users

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule	Necessary Changes (if implemented)
<p>If the IU is located upstream of a combined or sanitary sewer overflow the following additional requirements must be met for the application of this classification:</p> <ul style="list-style-type: none"> • The IU cannot discharge wastewater that is regulated by categorical pretreatment standards or, • Must not have been in SNC at any time in the past two years • Procedures for categorization of an IU as a Non-Significant Categorical Industrial User and the issues related to combined and sanitary sewer overflows must be addressed through either: <ul style="list-style-type: none"> • the long term control plan (LTCP), • approved combined sewer system operation plan implementing the nine minimum controls or, • the program modification request 	
<p>If the POTW has determined that an IU meets the criteria for Non-Significant Categorical Industrial User and is classified as such, the POTW must evaluate and document, at least once per year, whether the industrial user continues to meet the requirements for the classification.</p>	<p>The POTW will need to determine the procedures it will use for evaluating whether an IU meets the criteria of non-significant categorical industrial user and evaluate each of the IUs classified as such at least once a year. Documentation should be made of these evaluations and determinations.</p>
<p>Actions to Implement Optional Change</p>	
<p>The POTW will need to modify its Ordinance or Regulations and control mechanisms to include the appropriate requirements for utilizing the non-significant categorical industrial user.</p> <p>The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change. This would be considered a substantial program modification. In the POTW's program modification request for adopting this classification, the POTW must provide a list of all significant industrial users, the applicable criteria for identifying each user as significant, and an indication as to which of these users have been determined to meet the definition of non-significant categorical industrial user.</p> <p>If a CIU is located upstream of a CSO or SSO, the procedures for the categorization of the user as a non-significant categorical industrial user and how the issue(s) related to the CSO or SSO are addressed should be provided in one of the applicable documents; either the LTCP, approved combined sewer system operation plan implementing the nine minimum controls, or the program modification request.</p>	

Mid-Tier Categorical Industrial Users

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule

A Categorical Industrial User may now be considered a Mid-Tier Categorical Industrial User.

The new classification requires that the IU does not discharge total categorical wastewater that exceeds:

- zero point zero one (0.01) percent of the design dry weather hydraulic capacity of the POTW;
- five thousand (5,000) gallons per day of total categorical wastewater;
- zero point zero one (0.01) percent of the design dry weather organic treatment capacity of the POTW; and
- zero point zero (0.01) percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which a local limit has been developed.

The IU's flow must be measured by a continuous effluent flow monitoring device unless the IU discharges in batches.

The IU must not have been in SNC for any time in the past two years to be classified as a mid-tier categorical industrial user.

The daily flow rates, production levels, or pollutant levels of the IU cannot vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period.

If the IU is located upstream of a combined or sanitary sewer overflow, procedures for categorization of an IU as a Mid-Tier Categorical Industrial User and the issues related to combined and sanitary sewer overflows must be addressed through either:

- the long term control plan,
- approved combined sewer system operation plan implementing the nine minimum controls or,
- the program modification request.

Any IU classified as a mid-tier categorical industrial user will be required to be inspected and the effluent randomly sampled and analyzed by the POTW at least once every two years. If the IU no longer meets the criteria for being classified as a mid-tier categorical industrial user the POTW must immediately begin inspecting the IU and monitoring the effluent at the frequency set by the POTW's pretreatment program.

As a mid-tier categorical industrial user the control authority may reduce the IU's reporting frequency to no less than once a year unless required more frequently by the categorical pretreatment standard or the Director of the Ohio EPA.

If an IU no longer meets the conditions to be classified as a mid-tier categorical industrial user, the IU must immediately begin complying with the minimum reporting requirement specified in the POTW's pretreatment program.

Mid-Tier Categorical Industrial Users

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Actions to Implement Optional Changes

The POTW will need to modify its Ordinance or Regulations and control mechanisms to include the appropriate requirements for utilizing the mid-tier categorical industrial user classification.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that implement the change. This would be considered a substantial program modification. In the POTW's program modification request for adopting this classification, the POTW must provide a list of all significant industrial users identified, the applicable criteria for identifying each user as significant, and an indication as to which of these users have been determined to meet the definition of mid-tier categorical industrial user.

If a CIU is located upstream of a CSO or SSO, the procedures for the categorization of such a user as a mid-tier categorical industrial user and how the issue(s) related to the CSO or SSO are addressed should be provided in one of the applicable documents; either the LTCP, approved combined sewer system operation plan implementing the nine minimum controls, or the program modification request.

Note that an industrial user identified as a Mid-Tier Categorical Industrial User **MUST** provide evidence of compliance with the flow criteria through the use of a continuous effluent flow monitoring device unless the industrial user discharges in batches.

Monitoring Waivers

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule

A POTW's legal authority as an approved program now allows the POTW to authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for Centralized Waste Treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard.

Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the control authority or by categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standard.

If a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the user shall be required to immediately notify the control authority in writing and start monitoring that pollutant at the frequency specified in the POTW's pretreatment program.

The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.

In making its request for a pollutant monitoring exemption, the industrial user must demonstrate through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user.

In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative wastewater from all processes.

Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.

Waivers are valid only for the duration of the effective period of the IU's control mechanism but in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

The request for a monitoring waiver shall be signed by an authorized representative of the industrial user in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). This is the standard "**I certify under penalty of law**" statement.

The control authority shall include any monitoring waiver as a condition in the industrial user's control mechanism. This simply means that the control mechanism needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the control authority for three years after expiration of the waiver.

Monitoring Waivers

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule

The control authority shall include any monitoring waiver as a condition in the industrial user's control mechanism. This simply means that the control mechanism needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.

The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the industrial user's file by the control authority for three years after expiration of the waiver.

Upon approval of the monitoring waiver and revision of the IU's control mechanism by the control authority, the IU shall certify on each self-monitoring report with the following statement:

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

Necessary Changes (if implemented)

The provisions for monitoring waivers will need to be clearly spelled out in the section of the sewer use ordinance or regulation that addresses industrial user self-monitoring. IU control mechanisms will also need to be modified to include language addressing any monitoring waiver granted by the POTW. The monitoring waiver provisions should not be included in an IU control mechanism unless it is applicable.

Action to Implement Optional Changes

The POTW will need to modify its Ordinance or Regulations and control mechanisms to provide monitoring waivers for pollutants determined not to be present at qualifying IUs.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that correctly implement the changes. This is considered a substantial program modification.

General Control Mechanisms

OPTIONAL

NOTE: These changes are necessary only if control authority elects to implement.

Current Rule

General control mechanisms can now be issued for groups of users, including both significant and non-significant industrial users, that:

- Have the same or substantially similar types of operations;
- Discharge the same types of wastes;
- Require the same effluent limitations; and
- Require the same or similar monitoring.

General control mechanisms are not available to users:

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

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

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

The POTW shall retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria listed above and a copy of the user's written request for coverage for three years after the expiration of the control mechanism.

Action to Implement Optional Changes

The POTW will need to modify its Ordinance or Regulations to provide for general control mechanisms.

The POTW must submit a modification request to Ohio EPA along with the affected Program elements that correctly implement the changes.

Each general control mechanism developed by the POTW for a similar group of IUs will need to be submitted to Ohio EPA as a program modification. These modifications can be separate actions but each is considered to be substantial.