

STATE OF OHIO

Permit Program Regulating Discharge
of Nondomestic Wastewater into a POTW

Chapter 3745-36 of the ADMINISTRATIVE CODE

Most Recent Revision:

Effective February 1, 2019

Ohio Environmental Protection Agency
Division of Surface Water
Permits & Compliance Section

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3745-36-01 Purpose and applicability.

- (A) The purpose of this chapter is to establish, as a part of a state pretreatment program under Chapter 6111. of the Revised Code, both of the following:
- (1) A permit program regulating the discharge of nondomestic wastewater into a POTW to assure compliance with pretreatment standards in this chapter.
 - (2) Enforceable state requirements and standards regulating the introduction of pollutants into POTWs by industrial users.
- (B) This chapter has the following objectives:
- (1) To prevent the introduction of pollutants that will interfere with the operation of a treatment works into a POTW, including interference with the use or disposal of the POTW's sewage sludge.
 - (2) To prevent the introduction of pollutants into a POTW that will pass through the treatment works or otherwise be incompatible with such works.
 - (3) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.
- (C) In accordance with section 6111.032 of the Revised Code, nothing in this chapter is intended to supersede the primacy of the POTW in the regulation of the POTW's collection system and treatment works. All local laws, regulations, and ordinances shall apply as long as these requirements are as stringent as, or more stringent than, any set forth in the pretreatment rules under Chapter 3745-3 of the Administrative Code and indirect discharge permit rules under this chapter.
- (D) The provisions in this chapter apply to both of the following:
- (1) Pollutants from nondomestic sources covered by pretreatment standards that are indirectly discharged into, or transported by truck or rail or otherwise introduced into a POTW that is not administering an approved pretreatment program, as defined in this chapter. Pretreatment standards do not apply to sources connected to a sewer that is neither connected to a POTW nor discharging directly into a POTW.
 - (2) As defined in rule 3745-36-02 of the Administrative Code, industrial users that discharge nondomestic wastewater to a POTW that is not administering an approved pretreatment program. Industrial users which discharge nondomestic wastewater to a POTW that is administering an approved pretreatment program are subject to the pretreatment rules in Chapter 3745-3 of the Administrative Code.

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3745-36-02 Definitions.

As used in this chapter:

(A)

- (1) "Act" means the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) 33 U.S.C. sections 1251 to 1387.
- (2) "Administrator" means the administrator of the United States environmental protection agency.
- (3) "Applicant" means any person who files for an Ohio individual indirect discharge permit.
- (4) "Application" means the Ohio environmental protection agency form used to apply for an Ohio individual indirect discharge permit.
- (5) "Approved POTW pretreatment program" or "POTW pretreatment program" or "pretreatment program" means a program administered by a POTW that meets the criteria established in 40 C.F.R. 403 and section 6111.032 of the Revised Code and that has been approved by the director in accordance with 40 C.F.R. 403 and section 6111.03 of the Revised Code.

(B) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in rule 3745-36-04 of the Administrative Code. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(C)

- (1) "Categorical industrial user" means an industrial user subject to categorical pretreatment standards.
- (2) "Categorical pretreatment standard" means any national pretreatment standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories, promulgated by the administrator in accordance with section 307 of the act and established under 40 C.F.R. chapter I, subchapter N.

(D) "Director" means the director of the Ohio environmental protection agency or the director's duly authorized representative.

(E) [Reserved.]

(F) [Reserved.]

(G) [Reserved.]

(H) "Historical data" means data that are more than five years old.

(I)

(1) "Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source including, but not limited to, those regulated under section 307(b), (c), or (d) of the act.

(2) "Individual indirect discharge permit" means an authorization to discharge issued by the director to a significant industrial user or non-significant categorical industrial user specifying the terms and conditions of discharge. These terms and conditions may include, but are not limited to, effluent limits, monitoring requirements, pretreatment requirements, and requirements for BMPs, pollution prevention plans and any other elements as deemed necessary by the director.

(3) "Industrial user" or "user" means a source of indirect discharge.

(4) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, results in either of the following:

(a) Inhibits or disrupts the POTW, the POTW's treatment processes or operations, or the POTW's sludge processes, use, or disposal.

(b) Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with all of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):

(i) Section 405 of the act.

(ii) The Solid Waste Disposal Act (SWDA) 42 U.S.C. sections 6901 to 6992 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA).

(iii) The standards for the use and disposal of sewage sludge (40 C.F.R. 503, and Chapter 3745-40 of the Administrative Code).

(iv) The Clean Air Act (CAA) 42 U.S.C. sections 7401 to 7671.

(v) The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 to 2692.

(J) [Reserved.]

(K) [Reserved.]

(L) "Local limits" means limits on industrial users, developed by a POTW, that are technically based on site-specific factors to protect the POTW's operations from interference and pass through and to ensure that the POTW's dischargers comply with state and federal requirements. Local limits may be expressed as numerical values, narrative statements or

best management practices, or a combination of these.

(M) "Mid-tier categorical industrial user" is a significant industrial user subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N, that the director may determine is subject to a reduction in the user's reporting requirement, upon satisfaction of all of the following conditions:

- (1) The industrial user's total categorical wastewater flow does not exceed 0.01 per cent of any of the following:
 - (a) The design dry weather hydraulic capacity of the POTW, or five thousand gallons per day (gpd), whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches.
 - (b) The design dry weather organic treatment capacity of the POTW.
 - (c) The maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which approved local limits were developed by a POTW and approved by Ohio EPA.
- (2) The industrial user has not been in significant noncompliance, as defined in this rule, for any amount of time in the past two years.
- (3) The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (B) of rule 3745-36-08 of the Administrative Code.
- (4) The industrial user is not located upstream of a combined sewer overflow or sanitary sewer overflow, unless the procedures for the categorization of such a user as a mid-tier categorical industrial user and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in one of the following:
 - (a) The POTW's or Ohio EPA's approved long term control plan.
 - (b) The POTW's or Ohio EPA's approved combined sewer system operation plan implementing the nine minimum controls.

(N)

- (1) "National pretreatment standard" means any regulation of the U.S. EPA, containing pollutant discharge limits promulgated by the administrator in accordance with sections 307(b) and (c) of the act, that applies to industrial users. The term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5.
- (2) "New source" means any of the following:
 - (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act that will be applicable to such source if such standards are thereafter promulgated in accordance

with that section provided that one of the following applies:

- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located.
 - (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
 - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) 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 paragraph (N)(2)(a)(ii) or (N)(2)(a)(iii) of this rule, but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has done any of the following:
- (i) Begun, or caused to begin as part of a continuous onsite construction program, in either of the following ways:
 - (a) Any placement, assembly, or installation of facilities or equipment.
 - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment.
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in the operation within a reasonable time. Options to purchase, or contracts that 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.
- (3) "Noncontact cooling water" means the water used to reduce temperature that does not come into contact with any raw material, intermediate product, waste product (other than heat), or finished product. Noncontact cooling water does not include any process waters or other types of wastewaters, nor is the water exposed to anything but the inside of the pipe. Noncontact cooling water should be reasonably free from contaminants like metals, ammonia, organics, and total dissolved solids so that discharge of noncontact cooling water to the POTW does not result in any of the following:
- (a) An exceedance of Ohio's waters quality standards in Chapter 3745-1 of the Administrative Code.

- (b) Interference with the operation of the POTW.
- (c) Pass through of the POTW.
- (4) "Non-significant categorical industrial user" is an industrial user subject to 40 C.F.R. chapter I, subchapter N, that the director may determine is a non-significant categorical industrial user, rather than a significant industrial user, on a finding that the industrial user does not discharge more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and all of the following conditions are met:
 - (a) The industrial user, prior to the director's finding, has consistently complied with all applicable categorical pretreatment standards and requirements.
 - (b) The industrial user annually submits the certification statement required in paragraph (F)(3) of rule 3745-36-10 of the Administrative Code together with any additional information necessary to support the certification statement.
 - (c) The industrial user never discharges any untreated concentrated wastewater.
 - (d) The industrial user's discharge does not result in pass through or interference of the POTW.
 - (e) The industrial user is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the industrial user does not discharge wastewater regulated by categorical pretreatment standards at any time, or the following conditions are met:
 - (i) The industrial user has not been in significant noncompliance for any time in the past two years.
 - (ii) The procedures for the categorization of such a user as a non-significant categorical industrial user and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in one of the following:
 - (a) The POTW's or Ohio EPA's approved long term control plan.
 - (b) The POTW's or Ohio EPA's approved combined sewer system operation plan implementing the nine minimum controls.
- (5) "NPDES permit" means a national pollutant discharge elimination system permit issued by the director under the requirements of section 402 of the act, Chapter 6111. of the Revised Code, and Chapter 3745-33 of the Administrative Code.
- (O) "Ohio EPA" means the Ohio environmental protection agency.
- (P)
 - (1) "Pass through" means a discharge that exits the POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges

from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

- (2) "Person" means person as defined in section 6111.01 of the Revised Code.
- (3) "pH" means the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
- (4) "Pollutant" means sewage, industrial waste, or other waste as defined by divisions (B) to (D) of section 6111.01 of the Revised Code.
- (5) "Pollution prevention" means the use of source reduction techniques in order to reduce risk to public health, safety, and welfare, and the environment and, as a second preference, the use of environmentally sound recycling to achieve these same goals. Pollution prevention avoids cross-media transfers of waste or pollutants and is multi-media in scope. Pollution prevention addresses all types of waste and environmental releases to the air, water, and land.
- (6) "POTW treatment plant" means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- (7) "Pretreatment" means 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 discharging, or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (F) of rule 3745-36-09 of the Administrative Code.
- (8) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
- (9) "Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user through regulations promulgated by U.S. EPA in accordance with section 307(b) and (c) of the act, by this chapter, by local ordinance, or individual indirect discharge permit. This term includes all of the following:
 - (a) Categorical pretreatment standards.
 - (b) Prohibited discharges established pursuant to rule 3745-36-04 of the Administrative Code.
 - (c) Local limits developed by the POTW and approved by the Ohio EPA.
 - (d) Any enforceable schedule designed to achieve compliance with limits in paragraphs (P)(9)(a) to (P)(9)(c) of this rule.
- (10) "Process wastewater" means any water that, during manufacturing or processing, comes into contact with, or results from the production or use of any raw material, intermediate

product, finished product, byproduct, or waste product.

- (11) "Process wastewater pollutants" means pollutants present in process wastewater.
- (12) "PSES" means categorical pretreatment standards for existing sources.
- (13) "PSNS" means categorical pretreatment standards for new sources.
- (14) "Public authority" means a municipal corporation, the governing board of a county, a sanitary district established pursuant to Chapter 6115. of the Revised Code, a sewer district established pursuant to Chapter 6117. of the Revised Code, a conservancy district under Chapter 6101. of the Revised Code, or any other special district owning or operating a POTW in accordance with section 6111.032 of the Revised Code.
- (15) "Publicly owned treatment works " or "POTW" means a treatment works that is owned or operated by a public authority. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that owns or operates the POTW and that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(Q) [Reserved.]

(R) [Reserved.]

(S)

- (1) "Significant industrial user" means either of the following, except as provided in paragraph (S)(1)(c) of this rule:
 - (a) Any industrial user subject to categorical pretreatment standards, except industrial users considered non-significant categorical industrial users, as defined in paragraph (N) of this rule.
 - (b) Any other industrial user that meets one of the following:
 - (i) Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW (process wastewater excludes sanitary, non-contact cooling and boiler blowdown wastewaters).
 - (ii) Contributes a process wastestream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - (iii) Is designated as such by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (c) Upon finding that an industrial user designated as a significant industrial user for meeting the criteria in paragraph (S)(1)(b)(iii) of this rule 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 the director's own initiative or in response to a petition received from an industrial user or POTW, determine that such industrial user is not a significant industrial user.

- (2) "Significant noncompliance" for a non-significant industrial user means a violation meets any of the criteria in paragraph (S)(2)(c), (S)(2)(d), or (S)(2)(h) of this rule. Significant noncompliance for a significant industrial user means a violation of any of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six per cent or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
 - (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three per cent 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, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH).
 - (c) Any other violation of a pretreatment standard or requirement as defined in this rule (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge.
 - (e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in the individual indirect discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - (f) Failure to provide, within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, reports on compliance with compliance schedules, or any other reports required by the director.
 - (g) Failure to accurately report noncompliance.
 - (h) Any other violation or group of violations, including a violation of BMPs, that the director determines adversely affects the operation of the POTW.
- (3) "Slug discharge" or "slug load" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way

violate the POTW's regulations, local limits, or permit conditions.

(T) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, building sewer connected directly to treatment works, incinerator, or other works used for the purpose of treating, stabilizing, blending, composting, or holding sewage, sludge, sludge materials, industrial waste, or other wastes, except as otherwise defined.

(U) "U.S. EPA" means the United States environmental protection agency.

(V) [Reserved.]

(W)

(1) "Water quality standards" means the regulations in Chapter 3745-1 of the Administrative Code.

(2) "Waters of the state" means the waters of the state as defined in section 6111.01 of the Revised Code.

(X) [Reserved.]

(Y) [Reserved.]

(Z) [Reserved.]

(AA) Incorporation by reference. The text of the incorporated materials is not included in the rules contained in this chapter. The materials are hereby made a part of this chapter. For materials subject to change, only the version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new version.

(1) Availability. The materials incorporated by reference are available as follows:

(a) Code of federal regulations (C.F.R.). Information and copies may be obtained by writing to: "U.S. Government Publishing Office Bookstore, 710 North Capitol Street N.W., Washington, D.C. 20403." The full text of the C.F.R. is also available in electronic format at <http://www.gpoaccess.gov/cfr/>. The C.F.R. compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(b) Federal statutes. The full text is available in electronic format at <http://www.gpo.gov/fdsys>. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) Appropriate "Federal Statutes." The statutes listed in this rule are those versions of the laws amended through July 1, 2017, including the following:

(i) Solid Waste Disposal Act (SWDA), 42 U.S.C. sections 6901 to 6992.

- (ii) Clean Air Act (CAA), 42 U.S.C. sections 7401 to 7671.
 - (iii) Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 to 2692.
 - (iv) Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), 33 U.S.C. sections 1251 to 1387.
 - (v) Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 to 6992.
- (3) Appropriate "Code of Federal Regulations." As used in this chapter "40 C.F.R." means Title 40 of the Code of Federal Regulations as amended through July 1, 2017.

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3745-36-03 Individual indirect discharge permits.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-36-02 of the Administrative Code.]

- (A) Any significant industrial user or non-significant categorical industrial user, as defined in rule 3745-36-02 of the Administrative Code, is required to apply for and obtain an individual indirect discharge permit in accordance with this chapter.
- (B) The requirement to obtain an individual indirect discharge permit in accordance with this rule or coverage under an indirect discharge permit-by-rule as specified in rule 3745-36-06 of the Administrative Code shall not apply to any industrial user that is under the regulatory jurisdiction of a POTW that has an approved pretreatment program in accordance with the provisions of Chapter 3745-3 of the Administrative Code, except in the context of an enforcement action.
- (C) Where a POTW's pretreatment program approval has been withdrawn or revoked, all significant industrial users and non-significant categorical industrial users of the POTW shall be required to apply for an indirect discharge permit in accordance with this chapter no later than ninety days from the date on which the industrial user was notified of the withdrawal or revocation of the pretreatment program approval.
- (D) New individual indirect discharge permits. Industrial users required to obtain an individual indirect discharge permit for the first time shall submit the application required in paragraph (H) of this rule. In addition, the application shall include an authorization to discharge by the POTW, as described in paragraph (I) of this rule. A complete application shall be submitted in accordance with the corresponding time frame, as follows:
 - (1) At least one hundred eighty days prior to commencement of discharge for new sources, as defined in rule 3745-36-02 of the Administrative Code.
 - (2) Within the timeframe specified by Ohio EPA upon notifying the industrial user of the user's requirement to apply for and obtain an individual indirect discharge permit.
- (E) Renewal of individual indirect discharge permits.
 - (1) Any permittee who wishes to continue to discharge after the expiration of the permittee's individual indirect discharge permit shall submit a complete application for renewal of the permit at least one hundred eighty days prior to the expiration of the permit. The application shall contain the information required in paragraph (H) of this rule. If the industrial user wishes to request less stringent permit conditions, new pollutants, or increases in pollutant concentrations or loadings, the industrial user's application shall include the authorization to discharge by the POTW, as described in paragraph (I) of this rule.
 - (2) Individual indirect discharge permits shall be renewed in accordance with the provisions for issuance of permits under this chapter.

- (3) In renewing a permit, the director shall consider the compliance history of the permit holder and may deny the renewal if the director determines that the permit holder has not complied with the terms and conditions of the existing permit. If a permit renewal application is submitted at least one hundred eighty days prior to the expiration date of the existing permit, and the director proposes to deny the renewal of the permit in accordance with rule 3745-49-05 of the Administrative Code, the expired permit shall continue to be in effect in accordance with section 119.06 of the Revised Code until such time as the director issues a final action.

(F) Modification of individual indirect discharge permits.

- (1) The director may modify individual indirect discharge permits. When a permit is modified, only the conditions subject to modification are reopened.
- (2) Any of the following are causes for modification of individual indirect discharge permits:
 - (a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that occurred after permit issuance and that justify the application of permit conditions that are different or absent in the existing permit.
 - (b) Information. The director has received new information. Permits may be modified during their terms for this cause only if the information was not provided to Ohio EPA at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance.
 - (c) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during the term of the permit for this cause only as follows:
 - (i) For promulgation of amended standards or regulations, when all of the following occur:
 - (a) The permit condition requested to be modified was based on a promulgated categorical pretreatment standard or general pretreatment standard.
 - (b) That portion of the pretreatment standard on which the permit condition was based has been revised, withdrawn, or modified.
 - (c) The permittee requests modification of the indirect discharge permit within ninety days of the effective date of the amended standard or state regulation on which the request is based.
 - (ii) For judicial decisions, when a court of competent jurisdiction has remanded and stayed promulgated regulations or categorical pretreatment standards, if the remand and stay concern that portion of the regulations or standards on which the permit condition was based and a request is filed by the permittee within ninety days of judicial remand.
 - (d) When a permittee has received a variance under the act or pretreatment regulations.

- (e) When required to incorporate an applicable toxic effluent standard or prohibition under section 307(a) of the act.
 - (f) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.
 - (g) When required by reopener conditions in a permit.
- (3) Minor modifications of individual indirect discharge permits.
- (a) Upon the consent of the permittee, the director may modify a permit to make the corrections or allowances for changes in the permitted activity in paragraph (F)(3)(b) of this rule without following Chapter 3745-49 of the Administrative Code.
 - (b) Minor modifications may only do the following:
 - (i) Correct typographical errors.
 - (ii) Require more frequent monitoring or reporting by the permittee.
 - (iii) Allow for a change in ownership or operational control of a facility where the director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the director.
 - (iv) Change facility name when no change of ownership has occurred.
- (4) Submittals requesting a modification of the individual indirect discharge permit.
- (a) Except for minor modifications, applications for modifications of individual indirect discharge permits at the request of the permittee shall include the information required in paragraphs (H) and (I) of this rule and a description of the proposed change. This information shall be submitted on current forms prepared by and obtained from Ohio EPA and shall contain such information as Ohio EPA deems necessary.
 - (b) For minor modification requests, as described in paragraph (F)(3) of this rule, the industrial user shall describe the requested change and any other information required by the Ohio EPA.
- (5) A modification application for an individual indirect discharge permit submitted by the permittee shall be signed using the same signatory requirements required for a permit application pursuant to paragraph (H)(3) of this rule.
- (G) Transfer of individual indirect discharge permits. An individual indirect discharge permit may be transferred by the permittee to a new owner or operator only through a minor permit modification, in accordance with paragraph (F)(3) of this rule, to identify the new permittee and to incorporate such other requirements as deemed necessary by the director to effect the transfer.

(H) Applications for individual indirect discharge permits.

- (1) Applications for individual indirect discharge permits shall be submitted on current forms prepared by and obtained from Ohio EPA, and shall contain such information as Ohio EPA deems necessary. The director may require as a permit condition or otherwise, electronic submittal of an application using information systems compatible with those of Ohio EPA.
- (2) Any application that fails to provide Ohio EPA with requested information needed for ascertaining compliance with applicable provisions of this chapter may be considered incomplete. Ohio EPA may either request additional information or return the application to the applicant without further processing. A written explanation of the deficiency shall accompany the returned application.
- (3) An application submitted to the director pursuant to this chapter shall be signed in one of the following ways:
 - (a) In the case of a corporation, by a responsible corporate officer. For the purpose of this paragraph, a "responsible corporate officer" means either of the following:
 - (i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation.
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following requirements:
 - (a) Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations.
 - (b) Can ensure that the necessary systems are established, or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements.
 - (c) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
 - (b) In the case of a partnership, by a general partner.
 - (c) In the case of a sole proprietorship, by the proprietor.
 - (d) In the case of a limited liability company, by an authorized member or manager.

(I) Authorization to discharge by a POTW.

- (1) If required by paragraph (D), (E), or (F) of this rule, an industrial user discharging to a POTW not administering an approved pretreatment program shall be issued an individual indirect discharge permit only upon the written authorization of the POTW.

The applicant shall obtain written authorization from the POTW and shall submit said authorization to Ohio EPA with the individual indirect discharge permit application.

- (2) The written authorization letter from the POTW to the industrial user shall be submitted to Ohio EPA and shall include, but not be limited to, all of the following information and signatory requirements:
 - (a) A description of the discharge being authorized based on the industrial user's individual indirect discharge permit application.
 - (b) Any conditions set by the POTW for accepting the discharge that may include pretreatment standards including specific prohibitions described in rule 3745-36-04 of the Administrative Code, local limits developed by the POTW, and other conditions deemed necessary by the POTW to control pollutants which pass through or interfere with treatment processes in the POTW, or which may contaminate sewage sludge, and that are as stringent as or more stringent than the pretreatment requirements in this chapter.
 - (c) A signature by a principal executive officer or ranking elected official with the authority to bind the POTW to legal obligations, or by any other duly authorized employee if such employee is responsible for overall operation of the POTW.

(J) Criteria for issuing individual indirect discharge permits.

- (1) The director may issue an individual indirect discharge permit for the discharge if, on the basis of all information available to Ohio EPA, the director determines all of the following:
 - (a) The discharge levels comply with pretreatment requirements pursuant to rule 3745-36-04 of the Administrative Code.
 - (b) If applicable, BMPs, pollution prevention plans and monitoring to obtain required pollutant discharge information are provided for.
 - (c) If required by Ohio EPA, performance tests, conducted at the applicant's expense after the application was filed and in accordance with methods prescribed by Ohio EPA, demonstrate that the discharge is in compliance with the authorized discharge levels pursuant to applicable pretreatment standards and to rule 3745-36-04 of the Administrative Code.
- (2) The director shall have the authority to disqualify any industrial discharger from coverage under an indirect discharge permit-by-rule or deny an application for an individual indirect discharge permit if either of the following apply:
 - (a) The director has reason to believe that any of the prohibited substances in rule 3745-36-04 of the Administrative Code will be discharged.
 - (b) The discharge will interfere with, pass through, or be incompatible with the POTW's treatment process.

- (K) Individual indirect discharge permit duration.
- (1) An individual indirect discharge permit shall be effective for a fixed term not to exceed five years.
 - (2) An individual indirect discharge permit may be issued for a duration that is less than the full allowable term under this rule.
- (L) Revocation of individual indirect discharge permits. The director may revoke an individual indirect discharge permit during the permit term for cause, including, but not limited to any of the following situations:
- (1) Noncompliance by the permittee with any terms or conditions of the permit.
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time.
 - (3) An industrial user, holding an individual indirect discharge permit, that undergoes changes that result in it no longer being classified as a significant industrial user or non-significant categorical industrial user as defined in rule 3745-36-02 of the Administrative Code.
 - (4) A determination that the permitted activity endangers human health, POTW worker safety, or the environment, and can only be regulated to acceptable levels by permit revocation.
 - (5) Revocation by the POTW of the written authorization to discharge obtained pursuant to paragraph (I) of this rule.
 - (6) When the POTW is damaged or disabled and, as a result, continued discharge of wastewaters by the industrial user may endanger public health, damage public or private property, or cause serious environmental harm.
 - (7) The authorized discharge has been permanently discontinued.
- (M) Applicability of rules of procedure. Indirect discharge permit applications and modification requests shall be acted upon and may be challenged in accordance with the provisions in Chapters 3745-47 and 3745-49 of the Administrative Code.

Replaces: 3745-36-03
Effective: 2/1/2019

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Prior Effective Dates: 04/07/1988, 02/28/1990, 04/15/1991, 05/21/2001,
02/01/2007, 10/01/2012, 05/01/2013

3745-36-04 Prohibited discharges.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-36-02 of the Administrative Code.]

- (A) Pollutants introduced into a POTW by an industrial user shall not pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions and the specific prohibitions in paragraph (B) of this rule apply to all sources of indirect discharge whether or not the source is subject to other national, state, or local pretreatment standards or requirements.
- (B) None of the following described substances shall be introduced into a POTW:
- (1) Pollutants that create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty degrees Celsius (one hundred forty degrees Fahrenheit), using the test methods specified in 40 C.F.R. 261.21.
 - (2) Pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
 - (3) Solid or viscous pollutants in amounts that will cause obstruction to the flow in sewers, or other interference with the operation of the POTW.
 - (4) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference or pass through of the POTW.
 - (5) Heat in amounts that will inhibit biological activity in the POTW's treatment plant resulting in interference or pass through, or causing damage, but in no case heat in such quantities that the temperature exceeds forty degrees Celsius (one hundred four degrees Fahrenheit) at the POTW treatment plant unless the director, upon request of the POTW, approves an alternate temperature limit.
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through of the POTW.
 - (7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (C) No industrial user shall discharge any pollutant in violation of applicable pretreatment standards.
- (D) In cases where pollutants contributed by an industrial user may result or have resulted in interference or pass through of the POTW and such violation is likely to recur, the director may require POTWs that are not required to develop a pretreatment program pursuant to

paragraph (A) of rule 3745-3-03 of the Administrative Code, to develop and enforce BMPs and specific technically supported effluent limits for an industrial user, and all other users, as appropriate, that together with appropriate changes in the POTW's treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, or sludge use or disposal practices.

Effective:	2/1/2019
Five Year Review (FYR) Dates:	02/01/2024
Promulgated Under:	119.03
Statutory Authority:	6111.03(P), 6111.042
Rule Amplifies:	6111.03(P), 6111.042

3745-36-05 Notification of potential problems.

- (A) All industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loading, as defined in rule 3745-36-02 of the Administrative Code. The industrial user shall immediately notify the POTW and Ohio EPA upon discovery of any slug load as follows:
- (1) Immediately upon the discovery of a slug load, the industrial user shall provide all of the following:
 - (a) A description of the discharge and the cause of the incident.
 - (b) The period of slug loading or bypass, including exact dates and times and, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (c) The steps taken or planned to reduce, eliminate, and prevent recurrence of the slug loading or bypass.
 - (2) Within five business days of the day when the slug load occurred, a written report containing the information required by paragraph (A)(1) this rule shall be filed with the POTW and the appropriate district office of Ohio EPA.
- (B) An industrial user determined by Ohio EPA to need a slug control plan shall maintain posted signs in conspicuous places that Ohio EPA deems acceptable, advising employees whom to call in the event of a slug load discharge. The signs shall instruct all employees who may cause or discover such a discharge with respect to the notification procedure required by this rule.

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Rule Amplifies:	6111.03(P), 6111.042

3745-36-06 Indirect discharge permit-by-rule.

- (A) Notwithstanding any other provision of this chapter, an industrial user shall be deemed to have an indirect discharge permit-by-rule if the industrial user meets all of the following conditions:
- (1) The industrial user is not a significant industrial user or non-significant categorical industrial user as defined in rule 3745-36-02 of the Administrative Code.
 - (2) The industrial user complies with all applicable requirements in rules 3745-36-04 and 3745-36-05 of the Administrative Code.
 - (3) The industrial user is not under the regulatory jurisdiction of a POTW that has an approved pretreatment program pursuant to Chapter 3745-3 of the Administrative Code.
- (B) An industrial user that does not qualify for an indirect discharge permit-by-rule in accordance with this rule shall submit an application for an individual indirect discharge permit as specified in rule 3745-36-03 of the Administrative Code.

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Rule Amplifies:	6111.03(P), 6111.042
Prior Effective Dates:	04/07/1988, 05/21/2001, 02/01/2007

3745-36-07 Trade secrets; request for confidentiality.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-3-01 of the Administrative Code.]

- (A) Any record, report, or other information obtained under this chapter shall be available to the public, except upon a showing satisfactory to the director that all or part of such record, report, or other information, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, in which instance Ohio EPA shall consider such record, report, or other information or part thereof as confidential and administer such record, report, or other information pursuant to this rule. Wastewater constituents and characteristics and other effluent data, as defined in 40 C.F.R. 2.302, shall not be considered confidential information and shall be available to the public without restriction. All other information that is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 C.F.R. 2.302.
- (B) A request for confidential treatment shall be submitted to Ohio EPA simultaneously with submission of the specific record, report, or other information with documentation sufficient to support that the record, report, or other information is confidential. Failure to make such timely request shall constitute a waiver of the right to prevent public disclosure. A request at a later time will be entertained by Ohio EPA, but Ohio EPA will not be liable for any information released prior to receiving the request.
- (C) A decision as to whether to treat the record, report, or other information as confidential shall be made by the director within forty-five days of receipt of the request and accompanying documentation. Until such decision is made, the record, report, or other information or part thereof, shall be treated as confidential. The person requesting confidentiality shall be notified in writing of the director's decision.
- (D) Any record, report, or other information determined to be confidential may be disclosed, without such person's consent in any of the following circumstances:
 - (1) To officers, employees, or authorized representatives of the state or a federal agency.
 - (2) In any judicial proceeding.
 - (3) In any administrative hearing.

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Rule Amplifies: 6111.03(P), 6111.042

3745-36-08 Requirements applicable to all facilities covered under an individual indirect discharge permit.

- (A) Periodic compliance monitoring reports. These reports shall contain all results of sampling required by the individual indirect discharge permit.
- (1) Industrial users subject to pretreatment standards after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of discharge into the POTW, shall submit a periodic compliance monitoring report to Ohio EPA and the POTW during the months of June and December, unless any of the following apply:
- (a) The report is required more frequently.
 - (b) The report is required during different months by the categorical pretreatment standard or Ohio EPA.
 - (c) Reduced reporting requirements have been approved in accordance with rule 3745-36-10 of the Administrative Code.
- (2) The periodic compliance monitoring report shall include all of the following information:
- (a) A report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards.
 - (b) A record of measured or estimated average and maximum daily flows for the reporting period for the discharge to the POTW, reporting the measured average daily and maximum daily flow, in gallons per day, to the POTW. Ohio EPA may allow for verifiable estimates of these flows where justified by cost or feasibility considerations. The reported flow information shall include all of the following information:
 - (i) Regulated process streams.
 - (ii) Other streams as necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6.
 - (iii) Any other more specific or detailed flow rate information requested by Ohio EPA.
 - (c) Where Ohio EPA has imposed mass limitations on industrial users, the mass of pollutants in the discharge from the industrial user relevant to such mass limitations.
 - (d) For categorical industrial users subject to equivalent mass or concentration limits established by Ohio EPA, a reasonable measure of the user's long-term production rate.
 - (e) For industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the user's actual average production rate for the reporting period.

- (3) In cases where the pretreatment standard requires compliance with a BMP or a pollution prevention alternative, the report shall include documentation required by Ohio EPA or the pretreatment standard necessary to determine the compliance status of the user.
 - (4) For mid-tier categorical industrial users as authorized in accordance with rule 3745-36-09 of the Administrative Code, Ohio EPA may reduce the frequency of the reporting specified in paragraph (A)(2)(a) of this rule to no less than once per year, unless required more frequently in the pretreatment standard.
 - (5) For categorical industrial users subject to categorical standards for electroplating (40 C.F.R. Part 413), metal finishing (40 C.F.R. Part 433), and electrical and electronic component manufacturing (40 C.F.R. Part 469), in lieu of requiring monitoring for total toxic organics (TTOs), Ohio EPA may allow for implementation of a certified total toxic organics management plan (TOMP), as described in rule 3745-36-10 of the Administrative Code.
- (B) Sampling and analysis performed in preparation of any report required by this chapter shall be conducted in accordance with all of the following:
- (1) The individual indirect discharge permit application, initial compliance report, and periodic compliance report required in this chapter, shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, in which data is representative of conditions occurring during the reporting period.
 - (2) The Ohio EPA shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
 - (3) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
 - (4) For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by Ohio EPA.
 - (5) Where time-proportional composite sampling or grab sampling is authorized by the director, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented by the industrial user.
 - (6) Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows:
 - (a) For hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.
 - (b) For volatile organics and oil and grease the samples may be composited in the laboratory.
 - (c) Composite samples for other parameters unaffected by the compositing procedures as

documented in approved U.S. EPA methodologies may be authorized by the director, as appropriate.

- (7) For the individual indirect discharge permit application and the initial compliance report required in rules 3745-36-03 and 3745-36-09 of the Administrative Code:
 - (a) A minimum of four grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organics for facilities for which historical sampling data do not exist.
 - (b) For facilities for which historical sampling data are available, the director may authorize a requirement of fewer grab samples.
 - (c) For all other pollutants, twenty-four-hour composite samples shall be obtained through flow- proportional composite sampling techniques, unless flow-proportional sampling is waived by the director.
 - (d) In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- (8) For the periodic compliance report required by paragraph (A) of this rule, the Ohio EPA shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. The required number of grab samples shall only apply for pollutants listed in paragraph (B)(3) of this rule, or where grab sampling is authorized by the director in accordance with paragraph (B)(5) of this rule.
- (9) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the wastewaters regulated by categorical standards mix with other wastestreams prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula under paragraph (H) of rule 3745-36-10 of the Administrative Code in order to evaluate compliance with the categorical pretreatment standards.
- (10) Except as otherwise provided in this rule, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. 136. Where 40 C.F.R. 136 does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the 40 C.F.R. 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling and analytical procedures approved by the director.
- (11) Except in the case of non-significant categorical industrial users, the Ohio EPA may perform the sampling and analysis required in this chapter in lieu of the industrial user. Where Ohio EPA performs the required sampling and analysis in lieu of the industrial user, both of the following apply:

- (a) The industrial user will not be required to submit the compliance certification statement required in paragraph (C) of this rule.
 - (b) The industrial user will not be required to submit the report if Ohio EPA collects all the information required for the report.
- (12) Resampling of a violation. Unless paragraph (B)(12)(c) of this rule applies, repeat sampling and analysis shall be performed within thirty days after the industrial user or Ohio EPA becomes aware of the violation. The responsible party for resampling is determined by the following:
- (a) If sampling performed by an industrial user indicates a violation, the user shall notify Ohio EPA within twenty-four 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 Ohio EPA within thirty days after becoming aware of the violation.
 - (b) If sampling and analysis performed by Ohio EPA under paragraph (B)(11) of this rule indicates a violation, Ohio EPA shall perform the repeat sampling and analysis unless Ohio EPA notifies the user of the violation and requires the user to perform the repeat analysis.
- (c) Resampling is not required if either of the following apply:
- (i) Ohio EPA performs sampling at the industrial user at a frequency of at least once per month.
 - (ii) Ohio EPA performs sampling at the user between the time when initial sampling was conducted and the time when the results of the initial sampling are received.
- (13) If an industrial user subject to the reporting requirement in paragraph (A) of this rule monitors any regulated pollutant at the permitted sampling location more frequently than required by Ohio EPA, using the procedures described in paragraph (B)(10) of this rule, the results of this monitoring shall be included in the report.
- (14) Ohio EPA may require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.
- (C) The reports and certifications required by this rule shall include the following certification statement and shall be signed by an authorized representative of the industrial user:
- (1) "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and

imprisonment for knowing violations."

(2) An authorized representative may be any of the following:

- (a) A responsible corporate officer, if the industrial user submitting the reports required by this rule is a corporation. For the purpose of this paragraph, a "responsible corporate officer" means one of the following:
 - (i) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation.
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following:
 - (a) Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations.
 - (b) Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements.
 - (c) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
- (b) A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.
- (c) A member or manager if the industrial user submitting the report is a limited liability company.
- (d) A duly authorized representative of the individual designated in paragraph (C)(2)(a), (C)(2)(b), or (C)(2)(c) of this rule if all of the following apply:
 - (i) The authorization is made in writing by the individual described in paragraph (C)(2)(a), (C)(2)(b), or (C)(2)(c) of this rule.
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.
 - (iii) The written authorization is submitted to the control authority.
- (e) If an authorization under paragraph (C)(2)(d) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation

of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (C)(2)(d) of this rule shall be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

- (D) Ohio EPA may require the industrial user to develop and submit a slug control plan. If Ohio EPA decides that a slug control plan is necessary, the industrial user shall develop and submit a slug control plan which contains, at a minimum, all of the following elements:
- (1) Description of discharge practices, including non-routine batch discharges.
 - (2) Description of stored chemicals.
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under rule 3745-36-04 of the Administrative Code, with procedures for follow-up written notification within five days.
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.
- (E) All industrial users shall promptly notify Ohio EPA and the POTW in advance of any substantial change in the volume or character of pollutants in the discharge including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p). Industrial users shall notify the POTW immediately of any changes at the facilities affecting potential for a slug discharge.
- (F) All industrial users subject to this rule shall retain records of all information resulting from any monitoring activities, regardless of whether such monitoring activities were required by the individual indirect discharge permit, including documentation associated with BMPs. Such records shall be retained for a minimum of three years and shall include the following for all samples:
- (1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples.
 - (2) The dates that the analyses were performed.
 - (3) The name and address of the laboratory that performed the analysis.
 - (4) The analytical techniques or methods used.
 - (5) The results of such analyses.
- (G) In addition to the requirements in paragraph (F) of this rule, any industrial user subject to this rule shall retain all of the following for a minimum of three years:
- (1) Any reports, including applications for coverage under an individual indirect discharge

permit, submitted to Ohio EPA pursuant to Chapter 3745-36 of the Administrative Code.

- (2) Any documentation of industrial user inspections.
- (3) Any record of communication pertaining to compliance with the pretreatment standards or individual indirect discharge permit.
- (H) Industrial users subject to this rule shall retain all copies of the individual indirect discharge permits and pollution prevention alternatives (i.e. slug control plan, toxic organic management plan) for as long as these documents are effective and for at least three years after the date on which the documents became ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.
- (I) Industrial users shall make the records described in paragraphs (F) to (H) of this rule available for inspection and copying by the Ohio EPA. The period of retention described in paragraphs (F) to (H) of this rule shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or the operation of the POTW or when requested by the director.
- (J) As a permit condition or otherwise, the director may require electronic submittal of the reports and monitoring data required in this chapter using information systems compatible with those of Ohio EPA.

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3745-36-09 Conditions specific to categorical industrial users.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-36-02 of the Administrative Code.]

- (A) In addition to the requirements specified in rule 3745-36-08 of the Administrative Code, categorical industrial users shall comply with the reporting requirements and limits specified in this rule.
- (B) Initial compliance report. Within ninety days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, within ninety days following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit to Ohio EPA a report containing all of the following information:
 - (1) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams.
 - (b) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. 403.6. The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
 - (2) Measurement of pollutants.
 - (a) The user shall identify the pretreatment standards applicable to each regulated process.
 - (b) Sampling and analysis shall be performed in accordance with paragraph (B) of rule 3745-36-08 of the Administrative Code.
 - (c) The user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. If the standard requires compliance with a BMP or a pollution prevention alternative, the industrial user shall submit documentation as required by Ohio EPA or the applicable standards to determine compliance with the standard.
 - (d) The user shall take a minimum of one representative sample from each sampling location, as approved by Ohio EPA, to comply with the requirements of this paragraph.
 - (e) Ohio EPA may allow the submission of a report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial

pretreatment measures.

- (f) The report shall indicate the time, date and place, of sampling, and methods of analysis.
 - (3) For industrial users subject to equivalent mass or concentration limits established by Ohio EPA in accordance with the procedures in rule 3745-36-10 of the Administrative Code, this report shall contain a reasonable measure of the user's long-term production rate.

[Comment: A reasonable measure is a projection or estimation of the facility's production rate for the life of the individual indirect discharge permit. The industrial user shall derive these production rates to the best of the user's knowledge, and considering any available information representative of the facility.]
 - (4) For all industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
 - (5) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (C) of rule 3745-36-08 of the Administrative Code, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- (C) Categorical industrial users shall comply with the limits under rule 3745-36-04 of the Administrative Code, and with any more stringent pretreatment standards, including local limits.
 - (D) Existing sources that become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in rule 3745-36-02 of the Administrative Code.
 - (E) New sources shall comply with the pretreatment standard for new sources (PSNS) that is specified in the applicable subcategory of the categorical pretreatment standard.
 - (F) Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director may impose mass limitations on industrial users that are using, or attempt to use, dilution to meet applicable pretreatment standards or requirements, or in such other cases where the imposition of mass limitations is appropriate.
 - (G) Pollutant discharge limits in categorical pretreatment standards are expressed either as concentration or mass limits or both. When equivalent mass limits are provided, the Ohio EPA may use either concentration or mass limits for enforcement purposes. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the

standard, or as otherwise specified by the standard.

- (H) Unless otherwise provided in an applicable categorical pretreatment standard, compliance with such standards shall be measured in accordance with the methods of analyses and sampling procedures specified under rule 3745-36-08 of the Administrative Code.
- (I) In all cases in which a determination is sought by an industrial user concerning the applicability of a particular subcategory under the categorical pretreatment standards, the final determination issued under 40 C.F.R. 403.6 shall control the application of the appropriate subcategory. There shall be no right or procedure implied under this chapter for industrial users to seek such categorical determinations from the director other than through the procedures and within the requirements of 40 C.F.R. 403.6.

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3745-36-10 Alternative conditions specific to categorical industrial users.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-36-02 of the Administrative Code.]

- (A) Categorical industrial users shall comply with the requirements in rules 3745-36-08 and 3745-36-09 of the Administrative Code, and any alternative condition described in this rule that has been approved by Ohio EPA and incorporated into the categorical industrial user's indirect discharge permit or the director's written approval.
- (B) Categorical industrial users may apply for reduced reporting or monitoring requirements, or alternative limits as follows:
 - (1) The categorical industrial user shall first submit the initial compliance report as described in paragraph (A) of rule 3745-36-09 of the Administrative Code, or a periodic compliance report as described in paragraph (B) of rule 3745-36-08 of the Administrative Code.
 - (2) The categorical industrial user shall submit a formal request to Ohio EPA for the approval of an alternative condition initially and prior to each subsequent renewal of such condition. The request shall include the information described in paragraphs (D) to (H) of this rule, as applicable, and the certification statement in paragraph (C)(1) of rule 3745-36-08 of the Administrative Code, and shall be signed by an authorized representative, as defined in paragraph (C)(2) of rule 3745-36-08 of the Administrative Code.
 - (3) Alternative conditions described in paragraphs (D) to (H) of this rule may only be implemented and enforced through the following methods, as applicable:
 - (a) Renewal of modification of an individual indirect discharge permit that includes alternative conditions described in paragraphs (D), (E), (F), and (H) of this rule.
 - (b) Renewal or modification of an individual indirect discharge permit or the director's written approval for the alternative condition described in paragraph (G) of this rule.
 - (4) Conditions described in this rule may only be authorized by Ohio EPA for the duration of the indirect discharge permit, but in no case longer than five years.
 - (5) Industrial users implementing any of the alternative conditions described in paragraphs (D) to (H) of this rule shall maintain compliance with the records retention requirements described in paragraphs (F) to (I) of rule 3745-36-08 of the Administrative Code. In addition, the industrial user shall maintain both of the following for a minimum of three years after the date on which they become ineffective:
 - (a) Documentation of all requests to implement an alternative condition described in paragraphs (D) to (H) of this rule, regardless of whether Ohio EPA approved the request.

- (b) Any records which demonstrate compliance with the applicable alternative conditions described in paragraphs (D) to (H) of this rule.
- (6) Industrial users implementing any of the alternative conditions described in paragraphs (D) to (H) of this rule shall maintain compliance with the notification requirements described in rule 3745-36-05 of the Administrative Code.
- (C) Removal, revocation, or modification of alternative conditions:
 - (1) At any time, the director may remove, revoke, or modify alternative conditions described in paragraphs (D) to (H) of this rule through the following actions, as applicable:
 - (a) Remove, revoke, or modify an alternative condition described in paragraph (D), (E), (F) or (H) of this rule from an individual indirect discharge permit.
 - (b) Revoke the director's written approval of the TTO monitoring alternative described in paragraph (G) of this rule, or remove, revoke, or modify the TTO monitoring alternative from an individual indirect discharge permit.
 - (2) The director's decision to remove, revoke, or modify an alternative condition in accordance with paragraph (C)(1) of this rule may be based on:
 - (a) Noncompliance by the permittee with any terms or conditions of this rule or the individual indirect discharge permit.
 - (b) The industrial user's failure to disclose information in any application, or the industrial user's misrepresentation of facts.
 - (c) A categorical industrial user undergoes changes that result in the user no longer being classified as a categorical industrial user.
 - (d) Ohio EPA finds that the industrial user's discharge no longer meets the requirements for the applicable alternative conditions.
- (D) Monitoring waivers. Ohio EPA may authorize an industrial user subject to at least one categorical pretreatment standard, except for centralized waste treatment facilities regulated by and defined in 40 C.F.R. 437, to forgo sampling of a pollutant regulated by a categorical pretreatment standard. This reduction in sampling may only be authorized by Ohio EPA if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to all of the following:
 - (1) Ohio EPA may authorize a waiver 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) In making a demonstration that a pollutant is not present, the industrial user shall provide data from at least one sampling of the facility's process wastewater prior to any

treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the U.S. EPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.

- (3) Upon Ohio EPA's approval of the monitoring waiver and implementation of the industrial user's individual indirect discharge permit, the industrial user shall certify on each periodic compliance monitoring report required by paragraph (A) of rule 3745-36-08 of the Administrative Code 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 (A) of rule 3745-36-08 of the Administrative Code."

- (4) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the user shall immediately meet both of the following:

(a) Notify Ohio EPA in writing.

(b) Comply with the monitoring requirements specified in the categorical pretreatment standards and the provisions of the individual indirect discharge permit.

- (5) The provision for a monitoring waiver does not relieve the industrial user of any other certification processes and requirements established by Ohio EPA or in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(E) Mid-tier categorical industrial user. For a mid-tier categorical industrial user as defined in rule 3745-36-02 of the Administrative Code, Ohio EPA may reduce the frequency for the periodic compliance reports described in paragraph (A) of rule 3745-36-08 of the Administrative Code to no less than once per year, unless required more frequently in the pretreatment standard or by the director.

- (1) The industrial user shall submit a request to Ohio EPA for a determination of the user's status as a mid-tier categorical industrial user which shall include documentation that the industrial user meets all of the criteria of a mid-tier categorical industrial user. This request shall be signed in accordance with paragraph (C) of rule 3745-36-08 of the Administrative Code, and include the certification statement in paragraph (C)(1) of rule 3745-36-08 of the Administrative Code.

- (2) The industrial user shall notify Ohio EPA immediately of any changes at the facility causing the user to no longer meet the definition of a mid-tier categorical industrial user in rule 3745-36-02 of the Administrative Code. Upon notification, the industrial user shall immediately begin complying with the minimum reporting requirement specified in paragraph (A) of rule 3745-36-08 of the Administrative Code.

- (3) In accordance with paragraphs (F) to (I) of rule 3745-36-08 of the Administrative Code, the industrial user shall retain documentation to support its compliance with the definition of a mid-tier categorical industrial user in rule 3745-36-02 of the Administrative Code. The industrial user shall maintain these records for a period of three years after the expiration of the individual indirect discharge permit.
- (F) Non-significant categorical industrial users. For a non-significant categorical industrial user as defined in rule 3745-36-02 of the Administrative Code, Ohio EPA may reduce or remove sampling requirements from the indirect discharge permit.
- (1) The industrial user shall submit a request to Ohio EPA for a determination of the user's status as a non-significant categorical industrial user which shall include documentation that the industrial user meets all of the criteria of a non-significant categorical industrial user, as defined in rule 3745-36-02 of the Administrative Code. This request shall be signed in accordance with paragraph (C) of rule 3745-36-08 of the Administrative Code, and include the certification statement in paragraph (C)(1) of rule 3745-36-08 of the Administrative Code.
- (2) The industrial user shall notify Ohio EPA immediately in writing of any changes at the facility causing the user to no longer meet the definition of a non-significant categorical industrial user in rule 3745-36-02 of the Administrative Code. The director's determination of a significant industrial user may be made for any of the reasons described in paragraph (C) of this rule.
- (3) Facilities determined by Ohio EPA to be a non-significant categorical industrial user shall annually submit the following certification statement, signed by an authorized representative, as defined in paragraph (C) of rule 3745-36-08 of the Administrative Code. Except for the periodic compliance report described in paragraph (A) of rule 3745-36-08 of the Administrative Code, this certification shall be accompanied by any additional reports required by Ohio EPA, if any:
- "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]:
- (a) The facility described as [insert facility name] met the definition of a non-significant categorical industrial user as defined in rule 3745-36-02 of the Administrative Code.
- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period.
- (c) 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: [specify information]."
- (G) Total toxic organic monitoring. The Ohio EPA may allow the implementation of a certified total organics management plan (TOMP) in lieu of requiring monitoring for total toxic

organics (TTOs). The implementation of a certified TOMP is only applicable to categorical industrial users subject to categorical standards for electroplating (40 C.F.R. Part 413), metal finishing (40 C.F.R. Part 433), and electrical and electronic component manufacturing (40 C.F.R. Part 469).

- (1) To implement this option, a TOMP shall be submitted to Ohio EPA for review and approval and shall include all of the following information. If the requested information is not applicable, an explanation shall be included in the plan.
 - (a) A complete inventory of all toxic organic chemicals used, generated, stored or identified through sampling and analysis of the wastewater from regulated process operations. A listing of regulated TTOs can be found in 40 C.F.R. 413, 433, and 469. Organic constituents of trade name products shall be obtained from the supplier.
 - (b) The identities and determinations or best estimates of approximate maximum quantities of toxic organic pollutants used in and discharged from the regulated processes. Compounds present in the wastestreams that are discharged to sanitary sewers or surface waters may be a result of regulated processes or disposal, spills, leaks, rinse waters carryover, air pollution control, and other sources.
 - (c) A pollution prevention assessment for TTOs. This includes an assessment of pollution prevention options that could be implemented to minimize or eliminate the discharge of toxic organics introduced into the wastewater under current and future conditions.
 - (i) Pollution prevention options include, but are not limited to, the following:
 - (a) Material substitution.
 - (b) Improved operating practices.
 - (c) Technology changes.
 - (d) Recycling.
 - (ii) Once pollution prevention options are identified, a technical and economic evaluation of viable options shall be conducted to select options, or projects that are technically and economically viable. A schedule of implementation shall be developed and a measurement system to track the implementation progress of the pollution prevention options shall be developed and revised as necessary.
 - (d) A description of the methods of disposal other than discharge to wastewaters, such as reclamation, contract hauling, or incineration. A detailed description for each waste shall be included with information on how the waste is stored prior to disposal.
 - (e) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, noncontact cooling water, groundwater, surface waters, sanitary sewers, or any other location which allows the discharge of the compounds. These procedures shall include, but are not limited to,

the following:

- (i) A description of the practices to be followed, including housekeeping procedures, during the use, collection, and storage of organics. These practices shall include, but are not limited to, the following:
 - (a) Proper labeling and handling of containers of toxic organics.
 - (b) Storing a minimal amount of organics at the site.
 - (c) A centralized storage area designed and maintained to not allow leakage.
 - (d) Sealing floor drains when they are in the area where toxic organics are used or stored.
 - (e) Overfill control equipment.
 - (f) Secondary containment system capable of holding one hundred and ten per cent of the total volume stored or the volume of the largest container, whichever is greater. The containment system shall be designed and maintained to not allow leakage.
 - (ii) A description of the procedure that will provide routine and detailed visual inspections to ensure the absence of leaking storage containers. Visual inspections shall be conducted at least once per week.
 - (iii) A description of how all employees are trained in the proper use, collection, and storage of all chemicals they work with.
 - (iv) A simple but complete floor plan showing the storage location of toxic organics prior to use, in use and toxic organic waste awaiting disposal. This plan shall include all floor drains, dikes, and containment areas in the storage facility.
- (f) A spill or leak notification plan and containment procedures. If a spill or leak containing a TTO enters the process wastewaters and discharges to a POTW or surface waters, the POTW and Ohio EPA shall be promptly notified by the industrial user within twenty-four hours of discovery. Information regarding the facility, chemicals spilled and remedial actions shall be provided in the notification. The spill or leak notification plan shall also include, at a minimum:
- (i) The name of the individual responsible for implementing the TOMP.
 - (ii) The name of the facility's emergency response coordinator.
 - (iii) A list of agencies to be contacted during an emergency and their telephone numbers shall also be posted where organics are used and stored.
 - (iv) A description of practices to be followed in the event of a spill or leak.
 - (v) A description of equipment and supplies on site to contain and clean up spills and leaks.

- (2) Initial sampling. The facility's effluent shall be sampled and analyzed for all toxic organic compounds, as indicated on the list included in the appropriate categorical standard.
 - (a) Samples shall be collected and analyzed in accordance with 40 C.F.R. 136, with appropriate detection levels.
 - (b) The reporting form from the laboratory analyzing the samples shall be included in the TOMP.
 - (c) The steps in the regulated process in which toxic organics are used shall be described.
 - (d) The source where toxic organics could be introduced into the wastestream besides those referenced in paragraph (G)(2)(c) of this rule shall be described.
 - (e) A flow schematic showing all of the sources and pathways where toxic organics could enter the wastestream shall be provided.
 - (f) The approximate quantities of each toxic organic chemical used at each step in the regulated process shall be listed.
 - (g) An evaluation of any regulated TTO found in the effluent other than those in the TTO inventory list required in paragraph (G)(1)(a) of this rule. The evaluation shall state if the TTOs are formed as reaction products or by-products or from raw materials, impurities, equipment corrosion or other sources.
- (3) Certification eligibility. In order to qualify for the alternative in paragraph (G) of this rule, the following criteria shall be met:
 - (a) The baseline analysis shall show compliance with the appropriate TTO standards.
 - (b) An acceptable TOMP shall be submitted to Ohio EPA.
 - (c) The certification statement in paragraph (C)(1) of rule 3745-36-08 of the Administrative Code, signed by an authorized representative of the industrial user, as defined in paragraph (C)(2) of rule 3745-36-08 of the Administrative Code.
 - (d) The following certification statement shall be signed by an authorized representative of the industrial user, as defined in paragraph (C)(2) of rule 3745-36-08 of the Administrative Code and submitted with the TOMP and each subsequent periodic compliance report:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no discharge or dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to Ohio EPA."
- (4) Ohio EPA and the POTW shall be notified if any production process is modified or if conditions change that affect the use or storage of toxic organics. Ohio EPA may require

that additional sampling be performed.

- (5) Certification re-evaluation. To continue implementation of the alternate TTO monitoring, the industrial user shall update the TOMP at least every permit cycle and at intervals no longer than five years. In addition, within twelve months of requesting re-evaluation, the industrial user shall conduct the initial sampling requirements described in paragraph (G)(2) of this rule. The industrial user shall submit the sampling results and updated TOMP to Ohio EPA for review and approval. A copy of this submittal shall also be sent to the POTW.
- (6) Revocation of certification eligibility. The certification eligibility may be revoked if independent sampling reveals violations or results inconsistent with the values reported by the entity or for any of the reasons described in paragraph (C) of this rule.
- (7) TTO monitoring shall resume upon the end or revocation of certification.

(H) Enforceable alternative limits.

- (1) Categorical pretreatment standards shall apply to an industrial user unless an enforceable alternative limit to the standard is applicable to the industrial user under any of the following regulations:
 - (a) 40 C.F.R. 403.7 (removal credits) to reflect the POTW's removal of pollutants discharged by the industrial user.
 - (b) 40 C.F.R. 403.6(e) (combined wastestream formulas) to reflect a situation where process effluent is mixed prior to treatment with wastewater other than that generated by the regulated process.
 - (c) 40 C.F.R. 403.13 (fundamentally different factor variance) to reflect the existence of data and information that was not considered or available when the categorical pretreatment standard was promulgated.
 - (d) 40 C.F.R. 403.15 (net/gross calculation) to reflect the presence of pollutants in the intake water of an industrial user.
 - (e) 40 C.F.R. 403.6(c)(1) to reflect the conversion of mass-based limits into equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration.
 - (f) 40 C.F.R. 403.6(c)(5) to reflect the conversion of concentration-based limits into equivalent mass-based limits.
 - (g) 40 C.F.R. 403.6(c)(6) to reflect the conversion of mass-based limits of the categorical pretreatment standards in 40 C.F.R. 414, 40 C.F.R. 419, and 40 C.F.R. 455 to concentration-based limits.
- (2) In order for the alternative limit referenced in paragraph (H)(1) of this rule to be considered enforceable, compliance with the alternative limit shall be required by the individual indirect discharge permit issued to the industrial user by the director under

section 6111.03 of the Revised Code.

- (3) There shall be no right or procedure implied under this chapter for an industrial user, or any other person to seek an alternative limit to a categorical pretreatment standard other than through the procedures and within the requirements set forth in paragraphs (H)(1) and (H)(2) of this rule.
- (4) Categorical industrial users shall comply with the limits under rule 3745-36-04 of the Administrative Code, and with any more stringent pretreatment standards, including local limits.

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