

**CODE OF REGULATIONS OF THE
NORTHEAST OHIO REGIONAL SEWER DISTRICT**

TITLE II

PRETREATMENT REGULATIONS

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NORTHEAST OHIO REGIONAL SEWER DISTRICT
CODE OF REGULATIONS
TITLE II - **PRETREATMENT REGULATIONS**

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CHAPTER 1 - TITLE, DISTRIBUTION AND APPLICABILITY

Section 2.0101 Title and Distribution - This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District shall be known as Title II- Pretreatment Regulations of the Northeast Ohio Regional Sewer District and may be separately printed and distributed.

Section 2.0102 Applicability – Title II of the Code of Regulations of the Northeast Ohio Regional Sewer District is applicable to any non-domestic user of the public sewer system that discharges substances that may pass through the system or interfere with the operation or performance of the system or may violate any provision of Sections 405 and 406 of the Water Quality Act of 1987 or is engaged in any of the following industrial processes or other processes which may subsequently be added or is otherwise designated by the District. All Users subject to Title II remain subject to all other applicable provisions of the Code of Regulations. The National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall be incorporated into these regulations.

<u>Category</u>	<u>Federal Regulations</u>
(a) Aluminum Forming	40 CFR 467*
(b) Asbestos Manufacturing	40 CFR 427
(c) Battery Manufacturing	40 CFR 461*
(d) Carbon Black Manufacturing	40 CFR 458*
(e) Canned and Preserved Fruits and Vegetables Processing	40 CFR 407
(f) Canned and Preserved Seafood Processing	40 CFR 408
(g) Cement Manufacturing	40 CFR 411
(h) Centralized Waste Treatment	40 CFR 437*
(i) Coal Mining	40 CFR 434
(j) Coil Coating	40 CFR 465*
(k) Coil Coating (Canmaking)	40 CFR 465*
(l) Copper Forming	40 CFR 468*
(m) Dairy Products Processing	40 CFR 405
(n) Electrical & Electrical Components (Phase I)	40 CFR 469*
(Phase II)	40 CFR 469*
(o) Electroplating (Nonintegrated)	40 CFR 413*
(Integrated)	40 CFR 413*
(p) Explosives Manufacturing	40 CFR 457

(q)	Feedlots	40 CFR 412*
(r)	Ferroalloy Manufacturing	40 CFR 424
(s)	Fertilizer Manufacturing	40 CFR 418*
(t)	Glass Manufacturing	40 CFR 426*
(u)	Grain Mills	40 CFR 406*
(v)	Gum and Wood Chemicals	40 CFR 454
(w)	Hospitals	40 CFR 460
(x)	Ink Formulating	40 CFR 447*
(y)	Inorganic Chemicals	
	(Phase I)	40 CFR 415*
	(Phase II)	40 CFR 415*
(z)	Iron & Steel Manufacturing	40 CFR 420*
(aa)	Leather Tanning and Finishing	40 CFR 425*
	(Amendments)	40 CFR 425*
(ab)	Meat Products	40 CFR 432
(ac)	Metal Finishing	40 CFR 433*
(ad)	Metal Molding and Casting	40 CFR 464*
(ae)	Mineral Mining and Processing	40 CFR 436
(af)	Nonferrous Metal Forming and Metal Powders	40 CFR 471*
(ag)	Nonferrous Metals Manufacturing	
	(Phase I)	40 CFR 421*
	(Phase II)	40 CFR 421*
(ah)	Oil and Gas Extraction	40 CFR 435
(ai)	Ore Mining and Dressing	40 CFR 440
(aj)	Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR 414*
(ak)	Paint Formulating	40 CFR 446*
(al)	Paving and Roofing Materials	40 CFR 443*
(am)	Pesticide Chemicals	40 CFR 455*
(an)	Petroleum Refining	40 CFR 419*
(ao)	Pharmaceuticals Manufacturing.	40 CFR 439*
(ap)	Phosphate Manufacturing	40 CFR 422
(aq)	Photographics	40 CFR 459
(as)	Plastic Molding and Forming	40 CFR 463
(at)	Porcelain Enameling	40 CFR 466*
(au)	Pulp and Paper	40 CFR 430*
(av)	Builders Paper/Board Mills	40 CFR 431*

(aw) Rubber Manufacturing	40 CFR 428*
(ax) Soap and Detergent Manufacturing	40 CFR 417*
(ay) Steam Electric	40 CFR 423*
(az) Sugar Processing	40 CFR 409
(ba) Textile Mills	40 CFR 410
(bb) Timber Products	40 CFR 429*
(bc) Transportation Equipment Cleaning	40 CFR 442*

*Categories with Pretreatment Standards

Section 2.0103 Purpose and Policy - These Pretreatment Regulations set forth uniform pretreatment requirements for discharges into the Northeast Ohio Regional Sewer District's wastewater collection and treatment system, and enables the District to protect public health in conformity with all applicable Local, State and Federal laws relating thereto.

The purposes/goals of these Pretreatment Regulations are as follows:

- (a) To satisfy the State and Federal requirements that the Northeast Ohio Regional Sewer District develop and implement an industrial waste control program in compliance with the Clean Water Act of 1977 and the General Pretreatment Regulation for New and Existing Sources, 40 CFR Part 403.
- (b) To prevent the introduction of pollutants into the Northeast Ohio Regional Sewer District wastewater system which may interfere with the normal operation of the system or contaminate the resulting municipal sludge.
- (c) To prevent the introduction of pollutants into the Northeast Ohio Regional Sewer District's wastewater system which may not receive adequate treatment in the Sewage Treatment Plant, and which may pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (d) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

Title II of the Code of Regulations provides for the regulation of discharges into the Northeast Ohio Regional Sewer District's wastewater system through the enforcement of administrative regulations. Title II does not provide for the recovery of operation, maintenance or replacement costs of the sewerage facilities of the District or the costs associated with the construction of

collection and treatment systems used by industrial dischargers, in proportion to their use of the sewerage system, which are included in Title I of the Code of Regulations.

CHAPTER 2 - DEFINITIONS

- Section 2.0201 Definitions - Unless the content specifically indicates otherwise, the meaning of the following terms wherever they are used in this Title of the Code of Regulations shall be as defined in the following Sections.
- Section 2.0202 "Act" - shall mean the Clean Water Act of 1977, and all subsequent amendments thereto (33 U.S.C. 1251 et seq., as amended).
- Section 2.0203 "Applicable Pretreatment Standard" - Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in these regulations deemed to be the most restrictive with which industrial users will be required to comply.
- Section 2.0204 "Approval Authority" - shall mean the Director of the Ohio Environmental Protection Agency.
- Section 2.0205 "Authorized Representative of Industrial User" - shall mean:
- (a) A principal executive officer with written authority to execute documents on behalf of the corporation, if the industrial user is a corporation;
 - (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- Section 2.0206 "Average Monthly Discharge Limitations" - The highest allowable average of "daily averages" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- Section 2.0207 "Average Weekly Discharge Limitation" - The highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during the calendar week divided by the number of daily discharges measured during the week.
- Section 2.0208 "Beneficial Uses" - These uses shall mean but not be limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or preserves, and other uses, both tangible and intangible, as specified by state or federal law.

- Section 2.0209 “Best Management Practice (BMP)” – Methods determined by the Director to be the most effective, practical means of preventing or reducing pollution, including but not limited to: substitution of materials; reformulation or redesign of products; modification of equipment, facilities, technology, processes, and procedures; and improvement in management, inventory control, materials handling or general operation of a facility.
- Section 2.0210 "Categorical Pretreatment Standard" - shall mean the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the sewerage system by specific industrial processes.
- Section 2.0211 "Composite Sample" - A sample of wastewater which should contain a minimum of eight discreet samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discreet samples will be required where the wastewater is highly variable.
- Section 2.0212 "Daily Discharge" - Discharge of a pollutant measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling.
- Section 2.0213 "Director" - Shall mean the Executive Director of the Northeast Ohio Regional Sewer District or his designated representative.
- Section 2.0214 "Discharge" - Shall mean any liquid, solid, or gas, or combination thereof, flowing out of any domestic, commercial, or industrial establishment.
- Section 2.0215 "District" or "NEORSD" - Shall mean the Northeast Ohio Regional Sewer District, its officers, employees and facilities.
- Section 2.0216 "Easement" - An acquired legal right to use land owned by others for a specific purpose or purposes.
- Section 2.0217 "Effluent" - Shall mean sewage, water or other liquid after some degree of treatment, flowing out of any treatment device or facility.
- Section 2.0218 "Enforcement Agency" - Shall mean the District, Ohio EPA, State, local and Federal Governments charged with the jurisdiction to implement and enforce applicable laws and regulations.
- Section 2.0219 "Equivalent Concentration Based Standards" - Shall mean the conversion of mass of pollutant per unit of production limits, as established in some categorical pretreatment standards to equivalent mass per day or concentration limits. Such conversion shall be at the District's discretion, with the District's approval, and be reviewed on a case by case basis. If the District develops these equivalent limits, they will be deemed pretreatment standards that the

Industrial Users will be required to comply with in lieu of the promulgated standards.

- Section 2.0220 "Federal Pretreatment Standard" - Shall mean any regulation containing pollutant discharge limits and/or other requirements promulgated by the U.S. EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1251 et seq.) that applies to a specific category of Industrial Users.
- Section 2.0221 "Garbage" - Any solid waste from the preparation, cooking or dispensing of food and from the handling, storage, or sale of produce.
- Section 2.0222 "Ground Garbage" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one half (½) inch in dimension.
- Section 2.0223 "Grab Sample" - A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.
- Section 2.0224 "Industrial User" - Any industrial, commercial, nondomestic, manufacturing, or processing facility that discharges industrial waste to a sewerage facility.
- Section 2.0225 "Industrial Waste" - Shall mean any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trades, or research, including the development, recovery, or processing of natural resources. Groundwater or surface runoff may be considered to be Industrial Waste.
- Section 2.0226 "Indirect Discharge" - The discharge or the introduction of non-domestic pollutants from a source regulated under Section 307 (b) or (c) of the Act.
- Section 2.0227 "Influent" - Shall mean water, together with any wastes that may be present, flowing into any sewage treatment device or facility.
- Section 2.0228 "Interference" - shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (b) therefore may constitute a cause of a violation of any requirement of the POTW's permit (including an increase of the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or

permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) 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, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- Section 2.0229 "Laboratory Determination" - Shall mean the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the provisions of 40 CFR Part 136 - Guidelines Establishing Test Procedures for the Analyses of Pollutants. These methods are contained in the latest edition of these publications:
- (a) Standard Methods for Examination of Water and Wastewater - a joint publication of the American Public Health Association, and the Water Environment Federation;
 - (b) ASTM - "Annual Book of Standards, Part II, Water, and Environmental Technology, a publication of the American Society for Testing Materials, 2001;"
 - (c) EPA Methods - which means "Methods for Chemical Analyses of Water and Wastes," a publication of the U.S. Environmental Protection Agency; or in accordance with any other equivalent method prescribed by the Director.
- Section 2.0230 "Maximum Combined Solvent" – shall mean the sum of the concentrations of solvents limited in this Title of the Code of Regulations.
- Section 2.0231 "Maximum Daily Discharge Limitations" - Highest allowable daily discharge of specific pollutants as limited by District, local, state or Federal regulations whichever is more stringent.
- Section 2.0232 "May" - Indicates a discretionary condition.
- Section 2.0233 "Mg/L" - Shall mean milligrams per liter.
- Section 2.0234 "National Categorical Pretreatment Standard" - Shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) that applies to a specific category of Industrial Users.
- Section 2.0235 "New Source" - Shall mean:

- (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 which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) 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 in paragraphs (a)(2), or (a)(3) of this section 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:
 - (1) Begun or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or

contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

Section 2.0236 "NPDES Permit" - Shall mean a National Pollutant Discharge Elimination System permit setting conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act.

Section 2.0237 "Pass Through" - Shall mean a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, may constitute a cause of a violation of any requirement of the POTWs NPDES permit (including an increase in the magnitude or duration of a violation).

Section 2.0238 "Person" - Shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their legal representatives, agents, or assigns.

Section 2.0239 "Pollution" - Shall mean an alteration of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses, as defined in Section 2.0208. The term also means human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

Section 2.0240 "Pollution Parameters" - Shall include but shall not be limited to:

- (a) Biochemical Oxygen Demand (BOD) - Shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Centigrade. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."
- (b) Chemical Oxygen Demand (COD) - Shall mean a measure of the oxygen equivalent of that portion of the organic material in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be in accordance with procedures set forth in "Standard Methods."
- (c) Fecal Coliform - Any of a number of organisms common to the intestinal tract of man and animals, whose presence in waste or wastewater is an indicator of pollution.

- (d) Floatable Oil - Oil, fat, or grease in a physical state such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- (e) Grease and Oil - A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with procedures set forth in "Standard Methods."
- (f) Grease and Oil of Animal and Vegetable Origin - Shall mean substances that are more readily biodegradable in nature than mineral oil such as are discharged by meat packing, vegetable oil and fat companies, food processors, canneries, restaurants and like establishments.
- (g) Grease and Oil of Mineral Origin - Shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refining wastes and storage depot wastes.
- (h) pH - Shall mean logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
- (i) Suspended Solids - Shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods."
- (j) Total Solids - The sum of suspended and dissolved solids.
- (k) Volatile Organic Matter - The material in the sewage solids that transforms to gases or vapors when heated at 550° centigrade for 15 to 20 minutes.

Section 2.0241 "POTW" - is an acronym for Publicly Owned Treatment Works and means all the sewerage facilities of the District.

Section 2.0242 "Pretreatment" - Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful or more easily handled state prior to or in lieu of discharging or otherwise introducing such pollutants to the public sewer system.

- Section 2.0243 "Pretreatment Facility" - Shall mean structures, devices or equipment for the purpose of removing deleterious waste from sewage generated from a premises prior to its discharge into the public sewer system.
- Section 2.0244 "Process Wastewater" – shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- Section 2.0245 "Process Wastestream" – shall mean any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- Section 2.0246 "Receiving Stream" - The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.
- Section 2.0247 "Regional Administrator" - Shall mean the USEPA Region V Regional Administrator.
- Section 2.0248 "Sewage" - Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other wastes as may be present.
- Section 2.2049 "Sewer" - Shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- Section 2.0250 "Shall" – Indicates a mandatory condition.

- Section 2.0251 "Significant Industrial User" - Shall mean:
- (a) Except as provided in Part (b) of this Section, the term Significant Industrial User includes:
 - (1) All Industrial Users subject to Categorical Pretreatment Standards; and
 - (2) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewaters to the District; contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the District's treatment plant to which the discharge is tributary; or has a reasonable potential, in the opinion of the Executive Director, to adversely affect the District's operations, or for violating any pretreatment standard or requirement
 - (b) The Executive Director may at any time, on his own initiative, or in response to a petition received from an Industrial User, determine that a Noncategorical Industrial User is not a Significant Industrial User if the Industrial User has no reasonable potential to adversely affect the District's operation or for violating any Pretreatment Standard or requirement.
- Section 2.0252 "Sludge" - Shall mean any solid, semisolid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects as defined in the standards issued under Sections 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act PL 94-580.
- Section 2.0253 "Standard Industrial Classification" (SIC) - Shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 and any and all amendments added thereto.
- Section 2.0254 "System" - Shall mean the sewerage system of the Northeast Ohio Regional Sewer District including all treatment and disposal facilities and interceptor sewers owned and operated by the District and all sewerage collection systems and all other appurtenances connected thereto.
- Section 2.0255 "Toxic Substance" - Shall mean any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may interfere with any sewage treatment process, or may constitute a hazard to human beings or animals, or may inhibit aquatic life or create a hazard to

recreation in receiving waters of the effluent from the sewage treatment plant, or substances listed in the Federal Regulations promulgated pursuant to Section 307 of the Clean Water Act.

- Section 2.0256 "Unpolluted Water" - Means water discharged in its original state or water discharged after use for any purpose, which is at least equal chemically, physically and biologically, to the water from its original source, e.g. potable water, groundwater, river and stream water.
- Section 2.0257 "Upset" - An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in the applicable pretreatment requirements due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.
- Section 2.0258 "User" or "Discharger" - Any person that discharges, causes, or permits the discharge of wastewater into the sewerage system.
- Section 2.0259 "Wastewater Constituents and Characteristics" - The chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity and strength of wastewater.
- Section 2.0260 "Watercourse" - A channel in which a flow of water occurs either continuously or intermittently.

CHAPTER 3 - PRETREATMENT REGULATIONS

Section 2.0301 General Discharge Prohibitions - No discharger shall discharge, cause or allow to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Northeast Ohio Regional Sewer District:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the structure or operation of the sewer system or wastewater treatment facilities, including, but not limited to, materials with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (c) Any wastewater having a pH less than 5.0 or higher than 12.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
- (d) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into sewers for maintenance and repair.
- (e) Any substance that may cause the sewage treatment plant's treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (f) Any substance that may cause the District's facilities to violate its NPDES and/or other Disposal System Permits.
- (g) Any substance with color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (h) Any wastewater having a temperature which will inhibit biological activity in the District's treatment plant or otherwise result in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).
- (i) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary

discharge episode of such volume or strength as may cause interference to the District's facilities.

- (j) Any unpolluted water including, but not limited to non-contact cooling water in areas of the District serviced by separate storm and sanitary sewers.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the District in compliance with applicable Local, State or Federal regulations.
- (l) Any wastewater that causes a hazard to human life or creates a public nuisance.
- (m) Any water or waste containing petroleum oil, nonbiodegradable cutting oil or products of mineral origin in sufficient quantities as may pass through or interfere with District operations, or, at the discretion of the Executive Director, water or wastes containing fats, wax, grease, or oils regardless of origin, and whether emulsified or not, in excess of 250 mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (1 degree and 65 degrees Centigrade).
- (n) Discharges of trucked or hauled waste are prohibited except at specific discharge points designated in Title I, Chapters 7 and 10 of the Code of Regulations.
- (o) Any water or wastes that are derived from the manufacture or blending of products containing certain bioaccumulative chemicals of concern (BCCs) or that are brought into a facility for the purpose of reclamation, recovery, or treatment of these chemicals, which include but may not be limited to: chlordane, 4,4'-DDD (p,p'-DDD, 4,4'-TDE, p,p'-TDE), , 4,4'-DDE (p,p'-DDE), 4,4'- DDT (p,p'-DDT), dieldrin, hexachlorobenzene, hexachlorobutadiene (hexachlor-1,3-butadiene), hexachlorocyclohexanes (BHCs), alpha-hexachlorocyclohexane (alpha-BHC), beta-hexachlorocyclohexane (beta-BHC), delta-hexachlorocyclohexane (delta-BHC), lindane (gamma-hexachlorocyclohexane, gamma-BHC), mirex, octachlorostyrene, PCBs (polychlorinated biphenyls), pentachlorobenzene, photomirex , 2,3,7,8-TCDD (dioxin), 1,2,3,4-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, toxaphene.

Section 2.0302 National Categorical Standards - National categorical standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the respective regulated industrial categories.

Section 2.0303 Right of Revision - The District reserves the right to amend this Title of the Code of Regulations to provide for more stringent limitations or requirements on dischargers to the District's facilities where deemed necessary to comply with the objectives set forth in Section 2.0103 of this Title.

Section 2.0304 Dilution - No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams with the result of or for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Title.

Section 2.0305 Supplementary Limitations - No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values, at any time:

<u>Substance or Material</u>	<u>Concentration</u>
<u>Metals</u>	
Cadmium	2 mg/L
Chromium Hexavalent	10 mg/L
Chromium Total	25 mg/L
Copper	3 mg/L
Nickel	10 mg/L
Zinc	15 mg/L
Lead	2 mg/L
<u>Cyanide</u>	
Cyanide (Cl ₂ amenable)	2 mg/L
Total Cyanide	10 mg/L
<u>Phenols</u>	50 mg/L
<u>Solvents</u>	
Benzene	0.014 mg/L
Toluene	1.659 mg/L
Ethylbenzene	2.075 mg/L
Xylenes (o-, m- or p-)	2.091 mg/L
Carbon Tetrachloride	} Maximum Combined Concentration
Tetrachloroethylene	
Trichloroethylene	
	n
Methylene Chloride	25 mg/L
1,1,1, Trichloroethane	25 mg/L
Chlorobenzene	25 mg/L
O-Chlorobenzene	25 mg/L
Creosols	25 mg/L
Cresylic acid	25 mg/L
Nitrobenzene	25 mg/L
Carbon Disulfide	25 mg/L
Isobutanol	25 mg/L

Spent Chlorofluorocarbon solvents	25 mg/L
Methyl Ethyl Ketone	250 mg/L
Maximum combined solvent limitation is	250 mg/L

Mercury Except where application of the most sensitive analytical method approved under 40 CFR part 136 for mercury in wastewater demonstrates to the District's satisfaction that no mercury is detectable in the user's discharge to the System, all Industrial Users are, for the purpose of this section, sources of mercury. All Industrial Users that are sources of mercury shall implement best management practices (BMPs), as defined under section 2.0209 of this Title, to minimize discharges of mercury to the system. Certain Industrial Users and/or classes of Industrial Users identified by the District as significant sources of mercury shall comply with District-issued administrative orders requiring submittal and implementation of BMP plans for mercury discharge minimization. Any Industrial User that is a source of mercury failing to implement BMPs in a manner and to an extent satisfactory to the District and/or failing to fully comply with requirements in an administrative order shall be subject to charges as indicated under Section 2.0701 of this Title and/or refusal of service as indicated under Section 1.0907 of Title I of the Code of Regulations.

Section 2.0306 Mass Limitations - The District may impose mass limitations on discharges where dilution occurs in order to meet the Pretreatment Standards or Requirements of this Title of the Code of Regulations, or in other cases where the imposition of mass limitations is deemed appropriate by the District.

Section 2.0307 Prevention of Accidental Discharges - Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Title of the Code of Regulations. Where determined by the Executive Director to be necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and approval by the District before construction of the facility.

Section 2.0308 Accidental Discharge - Notification Required - Dischargers shall notify the District immediately upon the occurrence of a "slugload," as described in Section 2.0301 (i), or accidental discharge of substances prohibited by this Title. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. An industrial user shall be responsible for accidental discharges caused by employees, contractors, subcontractors, or any and all individuals permitted upon the premises. Any discharger who has an accidental discharge of

prohibited materials shall be liable for any expense, loss or damage to the District's facilities or expenses incurred in the cleanup of the substance in addition to the amount of any charges imposed on the District on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on a discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge as to emergency notification procedure. Charges for accidental discharges of prohibited material may be assessed against the discharger pursuant to Section 1.0919 of Title I of the Code of Regulations.

Section 2.0309 Inspection and Sampling Manhole - All sewers shall have an inspection and sampling manhole or structure with an opening sufficient to permit accurate sampling and gauging of the wastewater flow, to assure compliance with these Regulations. Such structures, shall be constructed in accordance with plans approved by the Executive Director. The structure shall be installed at the owner's expense and shall be maintained by him so as to be safe and accessible at all times.

Section 2.0310 Hazardous Waste Disposal Permit Requirement - All Industrial Users must evaluate all solid, liquid, or gaseous waste residuals in order to determine if said residuals are regulated under RCRA. If said residuals are covered under RCRA, then disposal of said residuals in accordance with RCRA is required.

Section 2.0311 Slug Discharge Control Plan – Upon request of the Northeast Ohio Regional Sewer District Significant Industrial Users shall submit a slug discharge control plan. The plan shall contain at a minimum the following elements:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition of Section 2.0301 of this Title of the Code of Regulations with procedures for follow-up written notification within five days;
- (d) 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 plant site runoff, worker training, building of containment structures or equipment, measures for containing organic pollutants (including solvents), and/or measures and equipment for emergency response.

CHAPTER 4 - CHARGES AND FEES

Section 2.0401 Purpose - It is the purpose of this chapter to provide for the payment of charges and fees from dischargers to the District's waste disposal system, to compensate the District for the cost of administration of the pretreatment program established herein.

Section 2.0402 Charges and Fees - The District may adopt charges and fees that may include:

- (a) Charges and fees for monitoring, inspections, and surveillance procedures, including all costs associated with sampling and analyses for Total Toxic Organics (TTO's) which are required pursuant to the categorical pretreatment requirements;
- (b) Charges and fees for permit applications;
- (c) Charges and fees for filing appeals;
- (d) Charges and fees for reviewing accidental discharge incidents and their associated investigation analyses;
- (e) Charges and fees for discharge in violation of the standards set forth herein;
- (f) Charges and fees for violation of procedural requirements set forth herein;
- (g) Charges and fees for reviewing plans for the construction of new facilities relating to this title.

CHAPTER 5 - ADMINISTRATION

Section 2.0501 Wastewater Dischargers - It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the District and/or to the District's facilities without first having complied with the terms of this Title of the Code of Regulations.

Section 2.0502 Baseline Report Requirement - All industrial dischargers shall complete and file with the District a baseline report on the forms provided therefor, upon request of the District. Industries regulated under the Categorical Pretreatment Standards shall submit this baseline report to the District within 180 days after the promulgation of their respective categorical standard as required by 40 CFR Part 403. New sources as defined in Section 2.0233, are required to submit a Baseline Monitoring Report to the District within 90 days prior to commencement of the New Source discharge. This report shall include information regarding the intended pretreatment method, data regarding production rates, the expected flow, and the expected amounts of regulated pollutants as set forth on the District's Baseline Report Form.

Section 2.0503 Baseline Report Form - The baseline report shall be made in writing and shall include, at a minimum, the following:

- (a) Name, address and location of the discharger and the owner and operator of the discharging facility;
- (b) Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in the regulations contained in this Title, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended;
- (d) Name of the party who prepared the analysis;
- (e) Time and duration of discharges;
- (f) Average daily wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any;
- (g) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

- (h) Description of activities, facilities and plant processes on the premises including all materials that are or may be discharged to the District's facilities;
- (i) Nature and concentration of any pollutants or materials prohibited or limited by the regulations within this Title in the discharge, together with a statement regarding whether or not compliance is being achieved with these regulations on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with these regulations;
- (j) Where additional pretreatment and/or operation and maintenance activities will be required to comply with the regulations within this Title, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. This schedule shall be prepared within the following parameters:
 - (1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these regulations including, but not limited to dates relating to:
 - a. hiring an engineer;
 - b. hiring other appropriate personnel;
 - c. completing preliminary plans;
 - d. completing final plans;
 - e. executing contract for major components;
 - f. commencing construction;
 - g. completing construction; and
 - h. all other acts necessary to achieve compliance with these regulations.
 - (2) Under no circumstances shall the District permit a time increment for any single step directed toward compliance that exceeds 9 months.

- (3) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the District, including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the District.
 - (4) Failure to meet the milestones established in Section 2.0503(j)(1) shall be subject to Chapter 6 of this Title when deemed to be in bad faith.
 - (5) Preliminary and final plans shall be submitted to the District for review and comment. All construction activities shall be conducted in a manner that allows the District the opportunity to monitor and inspect the activities.
- (k) Each product produced by type, amount, process or processes and rate of production;
 - (l) The type and amount of raw materials utilized (average and maximum per day);
 - (m) A list of all environmental permits held by user;
 - (n) The location of all disposal activities related to the pretreatment process.

The disclosure shall be reviewed by an authorized representative of the user and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required for the User to meet the Pretreatment Standards and requirements.

The District will evaluate the complete baseline report and data furnished by the discharger and may require additional information. Within a reasonable time after full evaluation and acceptance of the data furnished, the District shall notify the discharger in writing of the District's acceptance or rejection thereof.

Section 2.0504 Standards Modification - The District reserves the right to amend the regulations within this Title and the terms and conditions hereof in order to assure compliance by the District with applicable laws and regulations. Within

9 months of the promulgation of a National Categorical Pretreatment Standard, that contains regulations which necessitating amendments, this Title will be amended to require compliance by the dischargers with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this Title shall be adopted by the District as part of the regulations of this Title. Citing the Code of Federal Regulations and the date of promulgation in Section 2.0102 will constitute adoption of a categorical standard. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a baseline report as required by Section 2.0502, the discharger shall file a baseline with the District within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a baseline report shall submit to the District within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the additional information required by paragraphs (h) and (i) of Section 2.0503. Any changes or new conditions in regulations contained within this Title shall include a reasonable time schedule for compliance.

Section 2.0505 Compliance Date Report - Within 90 days following the date for final compliance by the Discharger with applicable Pretreatment Standards set forth in this Title or 90 days following commencement of the introduction of wastewater into the District facilities by a new discharger, any discharger subject to these regulations shall submit to the District a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable Pretreatment Standards or Requirements. The 90-day compliance report must also include, where appropriate, the new production, flow, and pollutant data which would constitute an update of the data required for the Baseline Monitoring Report. Where applicable the 90-day compliance report must also include production data for Industrial Users subject to Production-based Standards and the long term production rate data for Industrial Users with equivalent limits. This report shall be signed by an authorized representative of the discharger and such signature shall be properly notarized.

Section 2.0506 Periodic Compliance Reports - Any discharger subject to a National Categorical Standard set forth in the regulations of this Title, after the compliance date of such National Categorical Standard, or a Categorical New Source, after commencement of the discharge to the District, or any noncategorical industrial discharges required to self-monitor by the District, shall submit to the District during the months of June and December, unless required more frequently by the District, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are

limited by the Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period as set out in Section 2.0505 and 2.0506. Flows shall be reported on the basis of actual measurement, provided however, where cost or feasibility conditions justify, the District may accept reports of average and maximum flows estimated by verifiable techniques.

The District, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above. All modifications will be made in writing by the District and shall not be applicable until received by the discharger.

Periodic Compliance Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the District. All analyses shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S.E.P.A. These reports shall be signed by an authorized representative of the discharger and such signature shall be properly notarized.

Section 2.0507 Resampling if Noncompliance is Determined - Any Industrial User required by the District to self-monitor who determines, upon review of the self-monitoring data, that a violation of the categorical or local limits has occurred, shall notify the District within 24 hours of becoming aware of a violation, and submit the results of the self-monitoring to the District within 30 days. This Industrial User must resample for the parameter that is in violation and submit results of resampling within 30 days of first becoming aware of the violation. The Industrial User must continue this process each additional 30-day period until the violation is corrected.

Section 2.0508 Inspection and Sampling - The District may inspect the facilities of any discharger to determine compliance with the requirements of the regulations of this Title. The discharger shall allow the District or its representatives, without prior notice, upon presentation of credentials of identification, to enter upon the premises of the discharger at all hours for the purposes of inspection, sampling, or records examination. Delays in permitting access by District personnel in excess of ten minutes shall be a failure to provide reasonable access under Section 2.0601. The District shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The District shall have the right to require the discharger to purchase, install, and operate

remote sensing and telemetry of pretreatment system alarms, meters, and flow gauges.

Section 2.0509 Confidential Information - Information and data furnished to the District with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the discharger. All requests to keep information confidential must be made in writing.

Said confidentiality shall be honored to the extent required by State and Federal law provided the discharger is in compliance with the regulations of this Title. Said information shall be made available to enforcement agencies (e.g., Ohio EPA, U.S.E.P.A.) where the discharger has failed to comply with the standards established herein.

Section 2.0510 Reporting is Required - The discharger is required to report as per Chapter Five of this Title and failure to comply shall constitute a violation of this Title and may result in an enforcement action under Chapter Six and assessment of charges under Chapter Seven of this Title.

Section 2.0511 Operating Upsets - Any discharger that experiences an upset in operations which places the discharger in a temporary state of noncompliance with this Title of the Code of Regulations and/or any applicable Administrative Order shall inform the District within 12 hours of the commencement of the upset. Where such information is given orally, a written follow-up report shall be filed by the discharger with the District within five days. The report shall specify:

- (a) Description of the upset, the cause thereof and the upset's impact on discharger's compliance status.
- (b) Duration of noncompliance, including exact dates and times of noncompliance and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Section 2.0512 Diversion Prohibited - There shall be no diversions, shunts, removal of pretreatment equipment, or removal of integral unit processes of the pretreatment system without prior written notification to and approval of the District.

Section 2.0513 New Source Compliance Deadline - A New Source, as defined in Section 2.0235 must have installed and operational a pretreatment system technologically capable of meeting the applicable pretreatment standard prior to discharging to the sewer system. Compliance must be achieved in the shortest possible time period following start-up, but in no case longer than 90 days.

Section 2.0514 Notification of Changed Discharge - All Industrial Users are required to promptly notify the District in advance of substantial changes in the volume or character of discharge. A substantial change is any change that affects the flow or chemical loading by more than ten percent, additional flows or loadings which cause the total regulated wastestream to surpass the design capacity of the pretreatment system, or a change in a discharge that would contain the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 (P).

CHAPTER 6 - ENFORCEMENT

Section 2.0601 Revocation of Treatment Services - The District may terminate the wastewater treatment services to any discharger who fails to:

- (a) Factually report the wastewater constituents and characteristics of its discharge;
- (b) Report significant changes in wastewater constituents or characteristics;
- (c) Provide access to the discharger's premises to representatives of the District for the purpose of inspection or monitoring;
- (d) Meet the conditions of Title I or Title II of the Code of Regulations; or
- (e) Comply with any final administrative or judicial order entered with respect the Code of Regulations.

Section 2.0602 Notification of Violation - Whenever the District determines that any industrial user has failed to comply with any requirement or condition of any Title of the Code of Regulations, the appropriate action and timetables as outlined in the District's Enforcement Response Plan (ERP) shall be taken by the District. The ERP is established in accordance with 40 CFR 403.8 (F)(5).

Section 2.0603 Administrative Orders - Administrative orders may be issued to any Industrial User for purposes of, but not limited to, establishing timetables, requiring installation of equipment, establishing spill control measures, etc.

An Administrative Order shall be issued to all Significant Industrial Users as defined in Section 2.0251 for purposes of notifying those Users of the requirements necessary to be met to comply with all applicable Federal, State, and Local regulations.

All Administrative Orders shall be delivered personally or by certified or registered mail, return receipt requested. All Administrative Orders shall:

- (a) Contain a statement of duration that shall not exceed five years;
- (b) Be immediately terminated upon a facility's going out of business or moving to a new location, either within or outside of the jurisdiction of the Northeast Ohio Regional Sewer District;
- (c) Be non-transferable.

The issuance of a new or revised Administrative Order shall terminate any existing Administrative Order upon personal delivery or signed receipt of certified mail.

Section 2.0604 Show Cause Hearing - Where a violation of the Code of Regulations occurs, the District may order the discharger who caused or allowed the violation to show cause, before the Board of Trustees or its designated Hearing Examiner in a hearing convened pursuant to Sections 1.0302 and 1.0303 of Title I of this Code of Regulations, why the revocation of service, termination action and/or application of charges should not occur. A written notice shall be served on the discharger by personal service or certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Board of Trustees or its designated Hearing Examiner regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the Board of Trustees or its designated Hearing Examiner why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven calendar days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger or to the discharger's principal place of business or to the facility at which the noncompliance occurred. The proceedings at the hearing shall be in accordance with Section 1.0302 and 1.0303 of Title I of the Code of Regulations, and the determination by the Board of Trustees shall be made in the manner prescribed in that Section.

Section 2.0605 Emergency Suspension of Service - The Executive Director may, for good cause shown, suspend the wastewater treatment service of a discharger when it appears to the District that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, may interfere with the operation of the POTW, or may violate any discharge limits imposed by Title I or Title II of the Code of Regulations. Any discharger notified of the suspension of the District's wastewater treatment service shall cease all discharges. In the event of failure of the discharger to comply with the suspension order within the specified time, the District shall take all actions necessary, including but not limited to judicial proceedings, to compel the discharger's compliance with such order. The discharger shall be responsible for all costs associated with said action. The District shall reinstate the wastewater treatment service upon receipt of proof of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above. Such emergency suspension of service is separate from suspension of service for nonpayment of any user charge(s).

Section 2.0606 Judicial Proceedings - Following the final appeal to the District permitted under procedures for Administrative Determinations of Section 5.1 of the Rules of Procedure For Administrative Determinations Made By The Northeast Ohio Regional Sewer District, the General Counsel of the District may, following the authorization of such action by the District, commence an

action for appropriate legal and/or equitable relief in the appropriate local court.

Section 2.0607 Enforcement Actions - Annual Publication - At least annually, the Executive Director shall publish a list of all industrial users who at any time during the previous twelve months were in significant non-compliance with applicable pretreatment requirements.

For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit 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 effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the District's exercise of emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge statement or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;

- (g) Any other violation or group of violations which the Executive Director determines will or has adversely affected the operation or implementation of the District's pretreatment program.

CHAPTER 7 - CHARGES

- Section 2.0701 Failure to Comply with Regulations - Charges - Any failure to comply with the provisions of this Title of the Code of Regulations may result in a minimum charge of \$300, but not to exceed \$5000, for each violation. Assessment of charges under this Section shall not preclude any other remedy available to the District.
- Section 2.0702 Civil Penalties - Any discharger who is found to have violated an Order of the District or who has failed to comply with any provision of this Title of the Code of Regulations, and the regulations or rules of the District or orders of any court of competent jurisdiction shall be subject to the imposition of a civil penalty.
- Section 2.0703 Recovery of Costs Incurred by the District - Any discharger violating any of the provisions of this Title of the Code of Regulations, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the District's wastewater disposal system, shall be liable to the District for any expense, loss or damage caused by such violation or discharge. The District shall bill the discharger for the costs incurred by the District for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Title of the Code of Regulations enforceable under the provisions of Chapter 6 of this Title of the Code of Regulations. In addition, charges specified under Section 1.0920 of Title I of the Code of Regulations may apply. The District may require adequate assurance of payment for charges that may accrue under this Section.
- Section 2.0704 Falsifying Information - Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Title of the Code of Regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title of the Code of Regulations, shall be charged a minimum of \$1000 to a maximum of \$5000 per violation.

CHAPTER 8 - RECORDS RETENTION

Section 2.0801 Records Retention - All dischargers subject to this Title of the Code of Regulations shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence, RCRA Sludge Hauling Manifests, and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the District pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

CHAPTER 9 - VALIDITY

- Section 2.0901 Conflicts With Other Titles - The provisions of this Title of the Code of Regulations of the Northeast Ohio Regional Sewer District are intended to be read in conjunction with and complement the provisions of Title I. If any provision of Title II conflicts with any provision of Title I, the provisions of Title II shall govern.
- Section 2.0902 Severability - If the provisions of any paragraph, section or article of this Title are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles shall continue in full force and effect.

CHAPTER 10 - ACCEPTANCE

Section 2.1001 Acceptance - By discharging to the system of the District, the discharging party agrees to comply with all terms and regulations of the District and to be bound by said terms, conditions and regulations.