

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

**TITLE II**

**DISCHARGE REGULATIONS**

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NORTHEAST OHIO REGIONAL SEWER DISTRICT  
CODE OF REGULATIONS  
TITLE II - **DISCHARGE 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- Discharge 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 all Users of the System.
- Section 2.0103 Purpose and Policy - Title II of the Code of Regulations sets forth uniform standards and requirements for discharges into the 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 this Title is 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 of Pollution, 40 C.F.R. Part 403.
- (b) To prevent the introduction of Pollutants into the System that may interfere with the normal operation of the System or contaminate the resulting sludge.
- (c) To prevent the introduction of Pollutants into the System that may not receive adequate treatment and that may Pass Through the System into receiving waters or into the atmosphere, or that are otherwise incompatible with the System.
- (d) To improve the opportunity to recycle and reclaim wastewater and sludge from the System.

## 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. In addition, the definitions in Chapter 2 of Title I shall also apply to this Title.
- 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 “Administrator” – shall mean the Administrator of the United States Environmental Protection Agency.
- Section 2.0204 “Approval Authority” - shall mean the Director of the Ohio Environmental Protection Agency.
- Section 2.0205 “Authorized Representative” - shall mean:
- (a) A responsible corporate officer, if the industrial user is a corporation.  
A responsible corporate officer means:
    - 1. A president, vice, president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
    - 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) A general partner or proprietor if the Industrial User 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 Section 2.0205 (a), (b), or (c) if:

1. The authorization is made in writing by the individual described in paragraph Section 2.0205 (a), (b), or (c);
  2. 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; and,
  3. The written authorization is submitted to the District.
- (e) If an authorization under Section 2.0205(d) of this section 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 Section 2.0205(d) of this section must be submitted to the District prior to, or together with, any reports to be signed by an Authorized Representative.

Section 2.0206      “Best Management Practice (BMP)” – shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.0304. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Section 2.0207      “Building Drain” – shall mean that part of the lowest piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes, including sump pumps, roof drains, and other similar connections from inside the walls of the building and extending 30-inches in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the Building Sewer.

Section 2.0208      “Building Sewer” – shall mean the extension from the Building Drain to the public sewer or other place of disposal beginning 30-inches beyond the exterior wall of the building.

Section 2.0209      “Bypass” – shall mean the intentional diversion of wastestreams from any portion of an Industrial User’s Pretreatment System.

Section 2.0210      “Categorical Industrial User” – shall mean any Industrial User subject to a Categorical Pretreatment Standard.

Section 2.0211      “Categorical Pretreatment Standard” – shall mean any National Pretreatment Standard, specifying quantities or concentrations of Pollutants or Pollutant

properties that may be discharged or introduced into the POTW by new or existing Industrial Users in specific subcategories, promulgated by the Administrator in accordance with section 307 of the Act and established under 40 C.F.R. Chapter I, subchapter N.

Section 2.0212 “Day” or “Daily”– Unless otherwise specified, day or daily may be any 24-hour period and may span multiple calendar days.

Section 2.0213 “Effluent” – shall mean sewage, water, or any liquid or semi-liquid flowing out of any treatment device or facility.

Section 2.0214 “Interfere” or “Interference” – shall mean Discharge, that alone or in conjunction with Discharge(s) from other sources, does 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 prevents the use of sewage sludge or disposal in compliance with all of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):
  - 1. Section 405 of the Act.
  - 2. 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).
  - 3. The standards for the use and disposal of sewage sludge (40 C.F.R. 503, and Chapters 3745-40 of the Administrative Code).
  - 4. The Clean Air Act (CAA) 42 U.S.C. sections 7401 to 7671.
  - 5. The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 to 2692.

Section 2.0215 “Mid-Tier Categorical Industrial User” – shall mean a Significant Industrial User subject to Categorical Pretreatment Standards that meets all of the following conditions:

- (a) The Industrial User's total categorical wastewater flow does not exceed any of the following:

1. 0.01 percent of the design dry weather hydraulic capacity of the POTW Treatment Plant or 5,000 gallons per Day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  2. 0.01 percent of the design dry weather organic treatment capacity of the POTW Treatment Plant; or
  3. 0.01 percent of the maximum allowable headworks loading for any Pollutant regulated by the applicable Categorical Pretreatment Standard for which approved local limits were developed by the District;
- (b) The Industrial User has not been in significant noncompliance, as defined in Section 2.0605, for any time in the past two years;
- (c) The Industrial User does not have Daily flow rates, production levels, or Pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period;

Section 2.0216 “National Pretreatment Standard” – shall mean any regulation of the U.S. EPA containing pollutant discharge limits promulgated by the Administrator in accordance with section 307 (b) and (c) of the Act that applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5.

Section 2.0217 “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 Pretreatment 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;
  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 shall 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 either:
  - 1. Begun or caused to begin as part of a continuous on-site construction program:
    - i. Any placement, assembly, or installation of facilities or equipment; or
    - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of New Source facilities or equipment.
  - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which 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 2.0218

“Noncontact Cooling Water” – shall mean water used to reduce temperature that does not come into contact with any raw material, intermediate product, waste product (other than heat), or any finished product. Noncontact Cooling Water does not include any industrial Process Wastewaters or other types of wastewaters. Noncontact Cooling Water is water that is not exposed to anything but the inside of the pipe it is circulated in. Noncontact Cooling Water shall 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 the District’s local limits or any limits contained in a permit issued by the District.

- (b) Interference with the operation of the POTW.
- (c) Pass Through of the POTW Treatment Plant.

Section 2.0219

“Non-Significant Categorical Industrial User” – shall mean an Industrial User subject to Categorical Pretreatment Standards which does not discharge more than 100 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 District’s determination that the Industrial User meets the criteria to be considered non-significant, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required in Section 2.0512 together with any additional information necessary to support the certification statement; and,
- (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:
  - 1. The Industrial User has not been in significant noncompliance for any time in the past two years; and
  - 2. 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 the District’s program modification request submitted to the Approval Authority, and one of the following:
    - i. The District’s approved long-term control plan.
    - ii. The District’s approved combined sewer system operation plan implementing the nine minimum controls.

- Section 2.0220 “NPDES (National Pollutant Discharge Elimination System) Permit” – shall mean the same as defined in the Code of Federal Regulations, 40 C.F.R. Part 125.
- Section 2.0221 “Owner” – shall mean the record owner of the premises and/or the responsible person in control of the premises (e.g., lessee).
- Section 2.0222 “Pass Through” – shall mean a discharge which exits the POTW Treatment Plant into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW Treatment Plant’s NPDES permit (including an increase in the magnitude or duration of a violation).
- Section 2.0223 “Pollutant” – shall mean sewage, industrial waste, or other wastes as defined by divisions (B) to (D) of section 6111.01 of the Ohio Revised Code.
- Section 2.0224 “POTW” – shall mean System.
- Section 2.0225 “POTW Treatment Plant” – shall mean the portion of the POTW that is designed to provide treatment (including recycling and reclamation) of sewage and industrial waste.
- Section 2.0226 “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 prior to discharging, or otherwise introducing such Pollutants to the System. The reduction, elimination, or alteration may be obtained by: physical, chemical, or biological treatment processes; BMPs; pollution prevention alternatives including process changes, material substitutions, improved operating practices, recycling; or other means, except as prohibited by Section 2.0310.
- Section 2.0227 “Pretreatment Requirements” – shall mean any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.
- Section 2.0228 “Pretreatment Standard” – shall mean a discharge limit related to Pretreatment that is imposed on an Industrial User by this Title and/or by a discharge permit or administrative order, including Categorical Pretreatment Standards, prohibitive discharge limits set forth in Section 2.0304, local limits set forth in Section 2.0312, and any enforceable schedule designed to achieve compliance with such limit.
- Section 2.0229 “Pretreatment System” – shall mean structures, devices, or equipment designed to perform Pretreatment.
- Section 2.0230 “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 2.0231 “Significant Industrial User” – shall mean any of the following, except as provided in Part (c) of this Section:

- (a) Any Industrial User subject to Categorical Pretreatment Standards, except the Industrial Users considered Non-Significant Categorical Industrial Users as defined in this Title.
- (b) Any other Industrial User that meets one of the following:
  - 1. Discharges an average of 25,000 gallons per Day or more of Process Wastewaters to the District (excluding sanitary wastewater, Noncontact Cooling Water, and boiler blowdown wastewater).
  - 2. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant that receives the wastestream.
  - 3. Has a reasonable potential, in the opinion of the CEO, or designated District staff, to adversely affect the District’s operations or to violate any Pretreatment Standard or Pretreatment Requirement.
- (c) The District may at any time, on its own initiative or in response to a petition received from an Industrial User, determine that an Industrial User meeting the criteria in Part (b) of this section is not a Significant Industrial User if the Industrial User’s Discharge has no reasonable potential to adversely affect the District’s operation or to violate any Pretreatment Standard or Pretreatment Requirement.

Section 2.0232 “Sludge” – shall mean any solid, semi-solid, or liquid residue waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility, industrial process, or from any other source having similar characteristics or effects.

Section 2.0233 “Slug Load” or “Slug Discharge” – shall mean 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 District’s regulations, local limits, or permit conditions.

## CHAPTER 3 - DISCHARGE STANDARDS & REQUIREMENTS

- Section 2.0301     Acceptability or Unacceptability of Discharge - Determination by District – The District shall determine the acceptability or unacceptability of any Discharge to the System pursuant to this Title. All such determinations will be made on the basis of sound engineering and operational evaluations, taking into consideration, as applicable, the nature and concentration of the Discharge, its point of entry into the System, its compatibility with other actual or potential Discharges to the System, its compatibility with the conveyance or treatment facility receiving it, all applicable federal, state, and local regulations, and any other factors pertinent to the effect of the Discharge on any part of the System or treatment process. The District may deem any Discharge to be conditionally acceptable and may develop Discharge site specific limitations in accordance with Section 2.0305.
- Section 2.0302     Refusal of Service – The District may refuse service to any Person whose Discharge is determined by the District to be unacceptable in accordance with the provisions of this Title.
- Section 2.0303     Appeal from Determination Regarding Discharge – Any Person whose Discharge has been determined by the District to be unacceptable shall have thirty (30) calendar days from the date of such determination to apply for a review thereof, in accordance with Section 1.0304 of Title I Sewer Use Code and the Rules of Procedure.
- Section 2.0304     Prohibited Discharges
- (a)     General Prohibitions - No User shall discharge, cause or allow to be discharged, directly or indirectly, any Pollutants that may Pass Through or Interfere with the operation or performance of the System or that may constitute a hazard to life or health of personnel engaged in inspection, maintenance, or operation of the System.
  - (b)     Specific Prohibitions - The following described substances shall not be introduced into the System or otherwise to the facilities of the Northeast Ohio Regional Sewer District:
    - 1.     Pollutants that may create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 C.F.R. 261.21.
    - 2.     Solid or viscous substances, or substances that may become solid or viscous after discharge to the

System, in amounts that may cause obstruction to the flow in Sewers and/or interfere with the operation of the POTW.

3. Pollutants that may cause corrosive damage to the POTW, but in no case Discharges with a pH lower than 5.0, greater than or equal to 12.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel.
4. Any noxious, malodorous, or other liquids, gases, or solids that either singly or by interaction may create a public nuisance or hazard to life, or are sufficient to prevent entry into sewers for maintenance or repair.
5. Any substance that may cause the POTW's treatment residues, sludges, or scums to be unsuitable for reclamation or reuse or may interfere with the reclamation process.
6. Any substance that may cause the District to violate its NPDES and/or other permits.
7. Any substance that imparts color that cannot be removed in the treatment process, such as, but not limited to, dye, ink, or paint waste.
8. Any Wastewater having a temperature that may inhibit biological activity in the POTW Treatment Plant or may otherwise result in Interference, but in no case Wastewater with a temperature at the introduction into the POTW Treatment Plant that exceeds 40 degrees Celsius (104 degrees Fahrenheit).
9. Any Slug Load.
10. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration that exceed limits established by the District in compliance with applicable local, State, or Federal regulations.
11. Any Wastewater that results in the presence of toxic gas, vapors, fumes, or pathogens that may cause worker health or safety problems, create a public nuisance, or contain toxic substances or substances listed in Section 307 of the Act or any regulations promulgated thereunder.

12. Any water or wastewater containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in sufficient quantities as may Pass Through or Interfere with District operations, but in no case in excess of 250 mg/L.
13. Discharges of trucked or hauled waste are prohibited except at specific discharge points designated in Chapters 7 and 9 of Title I – Sewer Use Code or unless otherwise authorized by the District in writing or by permit.
14. Any water or wastewaters that are derived from manufacturing, blending, or use 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.
15. Virgin, used, and/or spent chlorofluorocarbon solvents not regulated by Section 2.0312.
16. Brine from gas, oil, or water well drilling operations.

Section 2.0305 Site Specific Limitations – The District may develop site specific discharge limitations including but not limited to maximum Daily, average Daily, average weekly, and average monthly limitations as necessary to protect the System.

Section 2.0306 Discharges Containing Ground Food Waste - Approval of Certain Size Grinders Required – Any Discharge to the System that is unacceptable due to the size of food waste may be made acceptable by means of grinding and liquefying the food waste. However, the installation and operation of any food waste grinder equipped with a motor of three-fourth (3/4) horsepower

(0.76 h.p. metric) or greater may be subject to review and approval by the District prior to installation and operation and subject to periodic inspection by the District thereafter. Food waste shall be shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the System.

Section 2.0307 Discharge of Odors - Control Required – Dischargers shall eliminate or control offensive odors emanating from the System as a result of their Discharge. Whenever the District determines that offensive odors emanating from building sewers or the System are present, the Discharger may be required to take whatever steps are necessary to eliminate such odors from the System. The cost of any devices which may be necessary to eliminate or control such odors, and all attendant expenses, shall be borne by the Discharger.

Section 2.0308 Prevention of Accidental Discharges – Each Discharger shall provide adequate protection to prevent accidental discharge of substances regulated by this Title. Persons who in the course of their business or otherwise transport, store, receive, ship, or in any other way handle or process any such materials or substances shall take precautions to prevent accidental spillage of such substances to any connection to the System by way of floor drains, basins, catch basins, down spouts, gutters, manholes, or any other such connection. There shall be no connection to the System that could lead to direct or indirect discharge into the System, whether accidental or otherwise, from any vessel, tank, container, or receptacle of any kind used to receive, hold, store, or in any other way handle any toxic or deleterious materials or other substances, the discharge of which is prohibited. Whenever the District determines that spillage has occurred through any connection to the System as described above, the owner or operator of the facility may be required to eliminate the connection at the owner’s expense.

Section 2.0309 Accidental Discharge - Notification Required - Dischargers shall notify the District immediately upon the occurrence of an accidental Discharge, Slug Load, or spill of substances prohibited or limited by this Title. The notification shall include location of Discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Owner and/or Discharger shall be responsible for accidental discharges, Slug Loads, or spills of substances prohibited or limited by this Title, caused by employees, contractors, subcontractors, or any and all individuals permitted upon the premises. Any Owner and/or Discharger who has an accidental Discharge, Slug Load, or spill of prohibited or limited substances 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 an Industrial

User's premises, advising employees whom to call in the event of a Slug Load 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 Chapter 7 of this Title.

- Section 2.0310      Dilution – Except where expressly authorized to do so by an applicable Pretreatment Standard or Pretreatment Requirement, no Industrial User shall ever increase the use of potable or 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 Pretreatment Requirement or the standards set forth in this Title. The District may impose mass limitations on discharges where dilution occurs in order to meet the Pretreatment Standards or Pretreatment Requirements of this Title, or in other cases where the imposition of mass limitations is deemed appropriate by the District.
- Section 2.0311      Categorical Pretreatment Standards – Categorical pretreatment 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 2.0312      Local Limits – The District will develop and enforce local limits, which may include narrative local limits requiring Industrial Users to develop and implement Best Management Practices (BMPs) to control the discharge of pollutants when the District can demonstrate, to the satisfaction of Ohio EPA, that a BMP is the most economically feasible method for regulating the pollutant of concern. No Discharger shall discharge, or cause or allow to be discharged, directly or indirectly, Wastewater in violation of the District's Local Limits. The District's local limits can be found at [www.NEORSD.org](http://www.NEORSD.org) or are available upon request.
- (a)      The local limits apply to the Discharge at the introduction to the Public Sanitary Sewer System, or an aggregate of the Discharges from the Building Drains, Building Sewers, or any other connection or conveyance to the Public Sanitary Sewer System proportionate to flow, unless otherwise specified.
  - (b)      The local limits for solvents shall apply to any material discharged to any drain, Building Drain, Building Sewer, or through any other connection or conveyance, including through groundwater, to the Public Sanitary Sewer System.

Section 2.0313

Equivalent Mass Based Limitations - When the limits in a Categorical Pretreatment Standard are expressed only in terms of Pollutant concentrations, an Industrial User may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the sole discretion of the District.

- (a) To be eligible for equivalent mass limits, the Industrial User must meet all the following conditions:
  - 1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its discharge permit;
  - 2. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - 3. Provide sufficient information to establish the facility's actual average Daily flow rate for all wastestreams, based on data from a continuous Effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average Daily flow rate and long-term average production rate must be representative of current operating conditions;
  - 4. Not have Daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and,
  - 5. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
  
- (b) An Industrial User subject to equivalent mass limits must:
  - 1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - 2. Continue to record the facility's flow rates through the use of a continuous Effluent flow monitoring device;
  - 3. Continue to record the facility's production rates and notify the District whenever production rates are expected to vary

by more than 20 percent from its baseline production rates determined in Section 2.0313(a)(3). Upon notification of a revised production rate, the District will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 2.0313(a)(1) so long as the facility discharges under an equivalent mass limit.

(c) If the District chooses to establish equivalent mass limits for an Industrial User, the District:

1. Must calculate the equivalent mass limit by multiplying the actual average Daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily maximum and monthly average standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
2. Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
3. May retain the same equivalent mass limit in subsequent discharge permit terms if the Industrial User's actual average Daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average Daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.0310. The Industrial User must also be in compliance with Section 2.0321 (regarding the prohibition of Bypass).

(d) The District may not express limits in terms of mass for Pollutants such as pH, temperature, radiation, or other Pollutants which cannot appropriately be expressed as mass.

Section 2.0314

Equivalent Concentration Based Limitations - The District may convert the mass limits of the Categorical Pretreatment Standards in 40 C.F.R. parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. When converting mass limits to concentration limits, the District will use the concentrations listed

in the applicable subparts of 40 C.F.R. parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.0310.

Section 2.0315 Production-Based Limitations Conversion – When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the District may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per Day or Effluent concentration for purposes of calculating Effluent limitations applicable to individual Industrial Users.

Section 2.0316 Combined Wastestream Formula – Where process Effluent is mixed prior to treatment with Wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the District or by the Industrial User with the written concurrence of the District. These alternative limits shall be applied to the mixed Effluent. When deriving alternative categorical limits, the District, or the Industrial User with concurrence of the District, shall calculate both an alternative Daily maximum value using the Daily maximum value(s) specified in the appropriate Categorical Pretreatment Standard(s) and an alternative consecutive sampling Day average value using the monthly average value(s) specified in the appropriate Categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative Daily maximum and monthly average limits fixed by the District until the District modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated Pollutant. An Industrial User must immediately report any such material or significant change to the District. Where appropriate, new alternative categorical limits shall be calculated within 30 days.

- (a) *Alternative limit calculation.* For purposes of these formulas, the “average daily flow” means a reasonable measure of the average daily flow for at least a 30-day period. For New Sources, flows shall be estimated using projected values. The alternative limit for a specified Pollutant will be derived by the use of either of the following formulas:

1. *Alternative concentration limit.*

$$C_T = \left( \frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left( \frac{F_T - F_D}{F_T} \right)$$

where

$C_T$  = the alternative concentration limit for the combined wastestream.

$C_i$  = the Categorical Pretreatment Standard concentration limit for a Pollutant in the regulated stream  $i$ .

$F_i$  = the average Daily flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such Pollutant.

$F_D$  = the average Daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a Pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that Pollutant, the District, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) shall be classified as diluted or unregulated. In its application to the District, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the District can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from Categorical Pretreatment Standards for one or more of the following reasons:

- i. The Pollutants of concern are not detectable in the Effluent from the Industrial User;
- ii. The Pollutants of concern are present only in trace amounts and are neither causing nor

likely to cause toxic effects;

- iii. The Pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator; or,
- iv. The wastestream contains only Pollutants which are compatible with the POTW.

$F_T$  = The average Daily flow (at least a 30-day average) through the combined treatment facility (includes  $F_i$ ,  $F_D$  and unregulated streams).

$N$  = The total number of regulated streams.

2. *Alternative mass limit.*

$$M_T = \left( \sum_{i=1}^N M_i \right) \left( \frac{F_T - F_D}{\sum_{i=1}^N F_i} \right) \text{ where}$$

$M_T$  = the alternative mass limit for a Pollutant in the combined wastestream.

$M_i$  = the Categorical Pretreatment Standard mass limit for a Pollutant in the regulated stream  $i$  (the Categorical Pretreatment mass limit multiplied by the appropriate measure of production).

$F_i$  = the average flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such Pollutant.

$F_D$  = the average Daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a Pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction

of that Pollutant, the District, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) shall be classified as diluted or unregulated. In its application to the District, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the District can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards for one or more of the following reasons:

- i. The Pollutants of concern are not detectable in the Effluent from the Industrial User;
- ii. The Pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;
- iii. The Pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator; or,
- iv. The wastestream contains only Pollutants which are compatible with the POTW.

$F_T$  = The average flow (at least a 30-day average) through the combined treatment facility (includes  $F_i$ ,  $F_D$  and unregulated streams).

$N$  = The total number of regulated streams.

- (b) An alternative Pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated Pollutants.
- (c) Where a treated regulated process wastestream is combined prior to treatment with Wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable Pretreatment Standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable

categorical Pretreatment Standard. If the User chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The Industrial User may change monitoring points only after receiving approval from the District. The District shall ensure that any change in an Industrial User's monitoring point(s) will not allow the Industrial User to substitute dilution for adequate treatment to achieve compliance with applicable Standards.

- Section 2.0317 Unacceptable Discharges – Any User whose Discharge has been determined by the District to be unacceptable in accordance with the provisions of this Chapter shall be required to cease discharge until the discharge can be brought into compliance with this Title.
- Section 2.0318 Acceptable Methods of Pretreatment – All Industrial Users shall obtain a permit from the Ohio Environmental Protection Agency for any new or modified Pretreatment Systems, as required by law. The District shall have the right to review all permit-to-install application submittals and evaluate the Pretreatment System’s potential discharge into the System.
- Section 2.0319 Inspection of Pretreatment Systems by District – Pretreatment Systems shall at all times be subject to inspection by the District in order to determine if such systems are operating and performing as designed. If the Pretreatment System is found to be unacceptable, then the District may refuse service under [Section 2.0603](#), and/or may require additional information or design modifications to make the Pretreatment method acceptable.
- Section 2.0320 Cost of Pretreatment to be Borne by User – All costs related to Pretreatment acquisition, installation, operation, maintenance, and repair shall be borne by the User or Owner/operator. Any extraordinary administrative or investigative expenses incurred by the District as a result of the installation or use of Pretreatment Systems may be charged to the User or Owner/operator.
- Section 2.0321 Bypass of Pretreatment System – Bypass is prohibited unless authorized by the District in accordance with 40 C.F.R. section 403.17 or unless it complies with 40 C.F.R. section 403.17(b).
- Section 2.0322 Slug Discharge Control Plan – Upon request, and no less than once per discharge permit cycle, Significant Industrial Users shall submit a Slug Discharge control plan to the District. 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 District of Slug Discharges, including any Discharge that would violate a prohibition of Section 2.0304 of this Title with procedures for follow-up written notification to the District within five calendar 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.

Section 2.0323 Right of Revision - The District may establish, by permit or otherwise, more stringent Pretreatment Standards, Pretreatment Requirements, and/or additional requirements on Dischargers where deemed necessary to comply with the objectives of this Title.

## CHAPTER 4 - ADMINISTRATIVE FEES

Section 2.0401 Fees - The District may adopt fees for the following:

- (a) Monitoring, inspections, and surveillance, including all costs associated with sampling and analyses;
- (b) Permit applications;
- (c) Filing appeals under this Title;
- (d) Reviewing accidental discharges, Slug Loads, and spills;
- (e) Administrative costs associated with violations of the standards set forth herein;
- (f) Administrative costs associated with violations of procedural requirements set forth herein;
- (g) 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 the System without complying with the terms of this Title.
- Section 2.0502 Access for Inspection and Sampling – The District may inspect the facility of any Industrial User or anyone reasonably believed to be an Industrial User in order to determine compliance with the requirements of these regulations. The Dischargers shall allow the District or its representatives, without prior notice, upon presentation of credentials of identification, to enter upon the premises of the Industrial User at all hours for the purpose of inspection, sampling, or records examination. Delays in permitting access to District personnel in excess of ten (10) minutes shall be considered a failure to comply with this Title for purposes of [Section 2.0701](#). The District shall have the right to set up on the Industrial User's property such devices as are necessary to evaluate compliance with this Title.
- Section 2.0503 Inspection Access Point may be Required – Where necessary, the District may require any Industrial User to install suitable access points, monitoring or sampling sites, meters, telemetry, or other appurtenances necessary to facilitate observation, sampling, and measurement of Discharge, or potential discharge. Such installations shall conform with plans approved by the District. The access point and monitoring equipment shall be installed at the owner/operator's expense and shall be maintained by the owner/operator so as to be safe and accessible at all times.
- Section 2.0504 Information Submittal Requirements – The District may require any Industrial User to develop, collect, and report information concerning the purchase, storage, usage, and disposal of the Industrial User's raw materials, treatment chemicals, by-products, waste products, final products, and/or any other chemical constituents on the premises. The District may also require the Industrial User to submit any other information necessary to carry out the functions of this Title.
- Section 2.0505 Discharge Permits – Significant Industrial Users shall not discharge to the System without a discharge permit. The District may require any Industrial User to obtain a discharge permit, issued by the District, authorizing and setting forth terms for the use of the System, as necessary to carry out the purposes of this Title.
- (a) Any violation of the terms and conditions of a discharge permit shall be deemed a violation of this Title and subjects the permittee to the provisions set out in Chapters 6 (Enforcement) and 7 (Charges) of this Title.

- (b) Obtaining a discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
  
- (c) The following shall be included in discharge permits for Significant Industrial Users and may be included in discharge permits for any other Industrial Users, as applicable:
  - 1. A statement of duration that shall not exceed five years;
  - 2. A provision for the termination of the Discharge Permit 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;
  - 3. Be non-transferable;
  - 4. Effluent limits that are based on applicable discharge standards contained in Chapter 3 of this Title and State and Local law;
  - 5. Requirements for:
    - i. Self-monitoring, including an identification of the Pollutants to be monitored, sample location, sampling frequency, and sample type;
    - ii. Reporting;
    - iii. Notification; and
    - iv. Recordkeeping.
  - 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule; and
  - 7. Requirements to control Slug Discharges.

Section 2.0506 Discharge Permit Applications – The District may require any Industrial User to apply, in a form approved by the District, for a Discharge Permit to discharge Industrial Waste.

- (a) Significant Industrial Users shall apply to the District for a Discharge Permit to discharge Industrial Waste. Application shall be in a form approved by the District and submitted to the District a minimum of ninety (90) days prior to the proposed date to originate or renew such discharge into the System. Delay in application for an initial or renewal permit may result in a delay of the issuance of said permit, and/or the District suspending acceptance of discharge of Industrial Waste until such time that an application is received, and a permit is issued.
- (b) Application is required prior to a Significant Industrial User:
  - 1. Originating any process that is subject to Categorical Pretreatment Standards;
  - 2. Originating the discharge of any Industrial Waste for the first time into the System; or
  - 3. Renewing an existing Discharge Permit.
- (c) Application is required for any existing Industrial User upon becoming a Significant Industrial User.
- (d) Industrial Users, that are not otherwise categorized as Significant Industrial Users, applying for a Discharge Permit shall comply with the submittal requirements of the District as determined necessary.
- (e) Incomplete or inaccurate applications will be rejected and returned to the applicant for revision.

Section 2.0507 Site Specific Agreements – Whenever necessary or expedient in order to carry out the provisions of the Code of Regulations, the District may enter into agreements with individual Users setting forth terms under which the Discharge of such Users will be acceptable to the District. Neither State nor Federal regulations may be superseded by any such agreement.

Section 2.0508 Baseline Report

- (a) Baseline Report Requirement - Categorical Industrial Users shall submit a baseline report to the District by the applicable deadline below:
  - 1. Existing Sources - Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category

determination submission, whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the District shall be required to submit a baseline report which contains the information listed in Section 2.0508(b)(1-7).

2. New Sources - At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall be required to submit to the District a baseline report which contains the information requested in Section 2.0508(b)(1-5). New Sources shall also be required to include in this report information on the method of Pretreatment the source intends to use to meet applicable Categorical Pretreatment Standards. New Sources shall give estimates of the information requested in Section 2.0508(b)(4) and (b)(5).
  3. Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance, fundamentally different factor variance, or the combined wastestream formula, at the time the user submits the baseline report, the information required by paragraphs (b)(6) of this Section shall pertain to the modified limits.
  4. If the applicable Categorical Pretreatment Standard is modified by a removal allowance, fundamentally different factor variance, or the combined wastestream formula after the user submits the baseline report, any necessary amendments to the information requested by paragraphs (b)(6) of this Section shall be submitted by the user to the District within 60 days after the modified limit is approved.
- (b) Baseline Report - The baseline report shall be made in writing and shall include, at a minimum, the following:
1. *Identifying Information.* The Categorical Industrial User shall submit the name and address of the facility including the name of the operator(s) and owner(s);
  2. *Permits.* The Categorical Industrial User shall submit a list of any environmental control permits held by or for the facility;
  3. *Description of operations.* The Categorical Industrial

User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Categorical Industrial User. This description shall include a schematic process diagram which indicates points of Discharge from the regulated processes.

4. *Flow measurement.* The Categorical Industrial User shall submit information showing the measured average Daily and maximum Daily flow, in gallons per Day, from each of the following:
  - i. Regulated process streams; and
  - ii. Other streams as necessary to allow use of the combined wastestream formula.

The District may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. *Measurement of Pollutants.*
  - i. The Categorical Industrial User shall identify the Categorical Pretreatment Standards applicable to each regulated process;
  - ii. In addition, the Categorical Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Categorical Pretreatment Standard or the District) 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. In cases where the Categorical Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Categorical Industrial User shall submit documentation as required by the District or the applicable Categorical Pretreatment Standards to determine compliance with the Categorical Pretreatment Standard;
  - iii. The Categorical Industrial User shall take a

minimum of one representative sample from each sampling location as approved by the District to comply with the requirements of this Section.

- iv. Samples shall be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to Pretreatment, the Categorical Industrial User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of Section 2.0316 in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 2.0316 this adjusted limit along with supporting data shall be submitted to the District;
- v. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto. Where 40 C.F.R. part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the District determines that the part 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 District;
- vi. The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures; and
- vii. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.

6. *Certifications*

- i. A statement, reviewed, signed, and certified by an

Authorized Representative of the Categorical Industrial User certifying that the information reported is representative of normal work cycles and expected Pollutant discharges to the District; and

- ii. A statement, reviewed, signed, and certified by an Authorized Representative of the Categorical Industrial User, 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 by the Categorical Industrial User to meet the Pretreatment Standards and Requirements.

7. *Compliance schedule.* If additional Pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the Categorical Industrial User shall provide for such additional Pretreatment and/or operation and maintenance measures utilizing the shortest possible schedule as approved by the District. The completion date in this schedule shall not be later than the compliance date established for the applicable Categorical Pretreatment Standard.

- i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Categorical Industrial User to meet the applicable Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed 9 months; and,
- ii. Not later than 14 days following each date in the schedule and the final date for compliance, the Categorical Industrial User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such 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 Categorical Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such

progress reports to the District.

- (c) The District will evaluate the complete baseline report and data furnished by the Discharger and may require additional information.

Section 2.0509 Initial Compliance Report - Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Categorical Industrial User subject to Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 2.0508 (b)(4) to (b)(7) of this Code. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in §403.6(c), this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other 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 Industrial User's actual production during the appropriate sampling period.

Section 2.0510 Self-monitoring Requirements – The District may impose self-monitoring requirements on any Industrial User.

Section 2.0511 Periodic Compliance Reports

- (a) Any Significant Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge to the District, shall submit a periodic compliance report to the District during the months of January and July, unless required more frequently, or in different months, by the Categorical Pretreatment Standard or by the District. The periodic compliance report shall include all of the following information:

1. A report indicating the nature and concentration of Pollutants in the Effluent that are limited by such Categorical Pretreatment Standards and any Pollutants required to be analyzed by the District.
2. A record of measured or estimated average and maximum Daily flows for the reporting period for the discharge reported in Section 2.0508(b)(4) or specified by the District. The District may require more detailed reporting of flows.
3. Where the District has imposed mass limitations on the Industrial Users, the mass of Pollutants in the discharge

from the Industrial User relevant to such mass limitations.

4. For Industrial Users subject to equivalent mass or concentration limits established by the District, a reasonable measure of the Industrial User's long-term production rate.
  5. 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 Industrial User's actual average production rate for the reporting period.
  6. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User.
  7. For Industrial Users granted a monitoring waiver by the District, the periodic compliance report shall include the signed certification requirements specified in Section 2.0519(f) of this Title, as well as the certification requirements specified in Section 2.0513.
- (b) For Mid-Tier Categorical Industrial Users, the District may reduce the frequency for reporting specified in Section 2.0511 of this Title to no less than once a year, unless required more frequently in the Pretreatment Standard, by the District, or by the Approval Authority. If the District so allows, both of the following conditions shall be met:
1. The Industrial User shall notify the District immediately of any changes at the facility causing the User to no longer meet the definition of a Mid-Tier Categorical Industrial User. Upon notification, the Industrial User shall immediately begin complying with the minimum reporting requirement specified in Section 2.0511.
  2. The District shall retain documentation to support the determination that an Industrial User meets the definition of a Mid-Tier Categorical Industrial User for a period of three years after the expiration of the discharge permit.
- (c) Any Non-Significant Industrial User may be required to submit a periodic compliance report, at a frequency determined by the

District, containing information necessary to determine compliance with applicable Pretreatment Standards and any requirements in this Title.

Section 2.0512 Annual Certification by Non-Significant Categorical Industrial Users – Non-Significant Categorical Industrial Users must annually submit the following certification statement and shall be signed by an Authorized Representative. This certification statement must accompany any additional report required by the control document:

- (a) *“Based on my inquiry of the person or persons directly responsible for managing compliance with Categorical Pretreatment Standards under 40 C.F.R. [specify applicable Pretreatment standard part or parts], I certify that, to the best of my knowledge and belief that during the period from [specify month, day, and year] to [specify month, day, and year]:*
- (b) *The facility described as [insert facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 2.0219 of the NEORSD’s Code of Regulations.*
- (c) *The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period.*
- (d) *The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information: [specify information].”*

Section 2.0513 Certification Statement – The reports and certifications required by 2.0508(b) (Baseline Report), 2.0509 (Initial Compliance Report), 2.05011 (Periodic Compliance Report), and 2.05012 (Annual Certification by Non-Significant Categorical Industrial Users), or any other report required by the District under this Chapter, shall include the following certification statement and shall be signed by an Authorized Representative of the Industrial User, as follows:

*“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.”*

Section 2.0514 Resampling if Noncompliance is Determined – Repeat sampling and analysis shall be performed within 30 days after the Industrial User or the District becomes aware of a Pretreatment Standard exceedance. The responsible party for resampling is determined by the following:

- (a) If sampling performed by an Industrial User indicates a Pretreatment Standard exceedance, the User shall notify the District within 24 hours of becoming aware of the exceedance. The User shall also repeat the sampling and analysis and submit the results of the original and repeat analysis to the District within 30 days after becoming aware of the exceedance.
- (b) If sampling and analysis performed by the District indicates a Pretreatment Standard exceedance, the District shall perform the repeat sampling and analysis unless the District notifies the User of the exceedance and requires the User to perform the repeat analysis.
- (c) Resampling is not required if the District performs sampling at the Industrial User between the time when initial sampling was conducted and the time when the results of the initial sampling are received.

Section 2.0515 Confidential Information

- (a) Any record, report, or other information obtained under this Title shall be available to the public, except upon a showing satisfactory to the District 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 the District shall consider such record, report, or other information or part thereof as confidential and administer such record, report, or other information pursuant to this Section Wastewater constituents and characteristics and other Effluent data are not confidential information, pursuant to 40 C.F.R. 2.302. All other information that is submitted to the state or the District 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 the District 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 opportunity for the information to be treated as confidential . A request at a later time will be considered by the District when received.
- (c) A decision as to whether to treat the record, report, or other

information as confidential shall be made by the District 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, will be treated as confidential. The person requesting confidentiality will be notified in writing of the District's decision.

- (d) Any record, report, or other information determined to be confidential may be disclosed, without 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.

Section 2.0516 Pretreatment System Malfunction - Any Discharger that experiences a Pretreatment System malfunction or outage shall inform the District within 4 hours of the discovery of such outages or malfunctions. 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 malfunction or outage, including the date/time of the malfunction, the cause thereof and the malfunction's impact on discharger's compliance status.
- (b) Duration the malfunction or outage is reasonably expected to last.
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such a malfunction or outage.

Section 2.0517 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 2.0518 Notification of Changed Discharge - All Industrial Users shall notify the District at least thirty days in advance of any process, operational, or other change that causes a substantial change in the volume or character of 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).

Section 2.0519 Monitoring Waivers - The District may authorize an Industrial User

subject to a Categorical Pretreatment Standard, except for centralized waste treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

- (a) 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 Pretreatment Standard and otherwise includes no Process Wastewater;
- (b) A monitoring waiver is valid only for the duration of the effective period of the discharge permit, but in no case longer than five years. The Industrial User shall submit a new request for the waiver before the waiver can be granted for each subsequent discharge permit;
- (c) 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. The request for a monitoring waiver shall be signed by an Authorized Representative and include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a Pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that Pollutant was used;
- (d) The District shall include any monitoring waiver as a condition in the Industrial User's discharge permit;
- (e) The reasons supporting any monitoring waiver and any information submitted by the Industrial User in its request for the waiver shall be maintained by the District for three years after expiration of the waiver;
- (f) Upon approval of the monitoring waiver and revision of the Industrial User's discharge permit, the Industrial User shall certify on each periodic compliance monitoring report required by the District's discharge permit: "*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 Section 2.0511 of the NEORSD Code of Regulations.”*

- (g) 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 be required to immediately:
  - 1. Notify the District in writing; and,
  - 2. Comply with the monitoring requirements specified in the District’s discharge permit.
- (h) The provision for a monitoring waiver does not relieve the Industrial User of any other certification processes and requirements established by the District or in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

Section 2.0520 Reporting is Required - Failure to comply with the reporting requirements in this Chapter 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.

## CHAPTER 6 - ENFORCEMENT

- Section 2.0601      Enforcement Response Plan - Whenever the District determines that any Industrial User has failed to comply with any requirement or condition of any Title, 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 C.F.R. 403.8(F)(5).
- Section 2.0602      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 occur to show cause, at a hearing convened pursuant to Section 1.0303 of Title I - Sewer Use Code and the Rules of Procedure, 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 regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause 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 1.0304 of Title I - Sewer Use Code and the Rules of Procedure.
- Section 2.0603      Revocation of Sewer Service
- (a)      Termination of Discharge
- When a Discharger is in violation, but there is no imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, or the potential to interfere with the operation of, and/or damage the POTW, the Discharger will be notified of the proposed termination and be offered an opportunity to show cause under Section 2.0602 why the proposed action should not be taken.
- (b)      Emergency Suspension of Sewer Service
- The CEO may immediately suspend sewer service if a potential or actual discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, or the potential to interfere with the operation of the POTW. The District may take any actions necessary to terminate services or to compel the Discharger's compliance with such order. The Discharger shall be responsible for all costs associated with

termination or restoration of services. Wastewater treatment services terminated under this Section will only be restored upon receipt of proof of the elimination of the noncomplying discharge or elimination of the conditions creating the threat of imminent or substantial danger.

Section 2.0604 Judicial Proceedings - The NEORSD's Chief Legal Officer may take legal action to enforce this Title as appropriate.

Section 2.0605 Enforcement Actions - Annual Publication - At least annually, the CEO 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 and Standards.

For the purposes of this provision, an Industrial User is in significant noncompliance if the violation meets the criteria in paragraphs c, d, or h of this section. A Significant Industrial User is in significant noncompliance if the violation meets any of the criteria in this section.

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for the same Pollutant during a six-month period equal or 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 percent or more of all of the measurements taken for the same Pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, 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 (Daily maximum, long-term average, instantaneous limit, or narrative standard) that the CEO 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 its 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 discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within 45 days after the due date, required reports including, but not limited to baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the CEO determines will adversely affect the operation or implementation of the District's Pretreatment program.

## CHAPTER 7 - CHARGES

Section 2.0701 Failure to Comply with Regulations – Charges/Penalties - Any User who fails to comply with the provisions of this Title, a Discharge Permit, or any other Order of the District, shall be liable to the District for a minimum amount of \$300, but not to exceed \$5000, for each violation per Day. Any charge or penalties under this Section shall not preclude any other remedy available to the District. The amount to be imposed shall be determined by the Board of Trustees, either directly or upon the recommendation of an Appeals Board or Hearing Officer.

In addition, any Person or premises shall be liable for any damages which occur to the System as a result of the failure to comply with any provision of this Title, and each such failure to comply is hereby deemed to be a distinct and separate failure, and charges shall be levied accordingly. Such charges shall be collected by the District in the same manner as other charges set by the District.

Section 2.0702 Recovery of Costs Incurred by the District - Any Person or premise

- (a) Violating any of the provisions of this Title;
- (b) Discharging or causing a Discharge that produces a deposit or obstruction;  
or
- (c) Causing damage to or impairing the System,

shall be liable to the District for any expense, loss, or damage caused by such violation, Discharge, or impairment. The District shall bill the Discharger for the costs incurred by the District for any cleaning, repair, or replacement work caused by the violation, Discharge, or impairment. Refusal to pay the assessed costs shall constitute a violation of this Title enforceable under the provisions of Chapter 6 of this Title. The District may require adequate assurance of payment for charges that accrue under this Section.

The amount of the charge shall be determined by the Board of Trustees, upon recommendation of the CEO or designated District staff. Each such Discharge may be considered separately and costs and charges shall be levied accordingly. Such charges shall be collected by the District in the same manner as other charges set by the District.

Costs incurred under this Section are in addition to any costs, fees, charges, or penalties due under other provisions of the Code of Regulations.

Section 2.0703 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,

or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title, shall be charged a minimum of \$1000 to a maximum of \$5000 per violation.

## CHAPTER 8 - RECORDS RETENTION

Section 2.0801 Records Retention - All Industrial Users shall retain and preserve for a minimum of three (3) years, unless a longer period is specified by the District in writing, any:

- a. Records, books, documents, memoranda, reports, correspondence relating to monitoring, sampling, and chemical analyses made by or on behalf of a Discharger in connection with its Discharge;
- b. RCRA hauling manifests; and
- c. Any and all summaries of (a) and (b).

All records pertaining to matters that are the subject of any enforcement or litigation activities brought by the District, or which the District is party to, shall be retained and preserved by the Discharger until all enforcement activities or litigation activities have concluded and all periods of limitation with respect to appeals have expired.

## CHAPTER 9 - MISCELLANEOUS PROVISIONS

- Section 2.0901 Other Titles - The provisions of this Title are intended to be read in conjunction with, and to complement, other provisions of the Code of Regulations.
- 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.
- Section 2.0903 Acceptance - By discharging to the System, the discharging party agrees to comply with the Code of Regulations and all other terms and regulations of the District. The discharging party shall be bound by said terms, conditions, and regulations.