

**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, is engaged in any of the following industrial processes or other processes which may subsequently be added, is designated a Significant Industrial User under 40 CFR 403.3(v), 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) Concentrated Animal Feeding Operations	40 CFR 412*
(l) Concentrated Aquatic Animal Production	40 CFR 451
(m) Copper Forming	40 CFR 468*
(n) Dairy Products Processing	40 CFR 405
(o) Electrical & Electrical Components	40 CFR 469*
(p) Electroplating	40 CFR 413*
(q) Explosives Manufacturing	40 CFR 457
(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	40 CFR 415*

<u>Category</u>	<u>Federal Regulations</u>
(z) Iron & Steel Manufacturing	40 CFR 420*
(aa) Leather Tanning and Finishing	40 CFR 425*
(ab) Meat and Poultry Products	40 CFR 432
(ac) Metal Finishing	40 CFR 433*
(ad) Metal Molding and Casting	40 CFR 464*
(ae) Metal Products and Machinery	40 CFR 438
(af) Mineral Mining and Processing	40 CFR 436
(ag) Nonferrous Metal Forming and Metal Powders	40 CFR 471*
(ah) Nonferrous Metals Manufacturing	40 CFR 421*
(ai) Oil and Gas Extraction	40 CFR 435
(aj) Ore Mining and Dressing	40 CFR 440
(ak) Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR 414*
(al) Paint Formulating	40 CFR 446*
(am) Paving and Roofing Materials	40 CFR 443*
(an) Pesticide Chemicals	40 CFR 455*
(ao) Petroleum Refining	40 CFR 419*
(ap) Pharmaceuticals Manufacturing	40 CFR 439*
(aq) Phosphate Manufacturing	40 CFR 422
(ar) Photographic Processing	40 CFR 459
(as) Plastic Molding and Forming	40 CFR 463
(at) Porcelain Enameling	40 CFR 466*
(au) Pulp, Paper and Paperboard	40 CFR 430*
(av) Rubber Manufacturing	40 CFR 428*
(aw) Soap and Detergent Manufacturing	40 CFR 417*
(ax) Steam Electric Power Generating	40 CFR 423*
(ay) Sugar Processing	40 CFR 409
(az) Textile Mills	40 CFR 410
(ba) Timber Product Processing	40 CFR 429*
(bb) 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 enable 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 responsible corporate officer, if the industrial user is a corporation; For the purpose of this Section, 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 control mechanism 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;
 - (b) A duly authorized representative of the individual designated in Section 2.0205 (a) or (b) if:
 - i. The authorization is made in writing by the individual described in paragraph Section 2.0205 (a) or (b);

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and,

iii. The written authorization is submitted to the Control Authority.

(d) If an authorization under Section 2.0205(c) 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(c) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

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)" –schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). 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 2.0210 "Bypass" – shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

Section 2.0211 "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 2.0212 "Composite Sample" - A sample of wastewater which should contain a minimum of eight discrete 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 discrete samples will be required where the wastewater is highly variable.
- Section 2.0213 "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 2.0214 "Director" - Shall mean the Executive Director of the Northeast Ohio Regional Sewer District or his designated representative.
- Section 2.0215 "Discharge" - Shall mean any liquid, solid, or gas, or combination thereof, flowing out of any domestic, commercial, or industrial establishment.
- Section 2.0216 "District" or "NEORSD" - Shall mean the Northeast Ohio Regional Sewer District, its officers, employees and facilities.
- Section 2.0217 "Easement" - An acquired legal right to use land owned by others for a specific purpose or purposes.
- Section 2.0218 "Effluent" - Shall mean sewage, water or other liquid after some degree of treatment, flowing out of any treatment device or facility.
- Section 2.0219 "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 2.0220 "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 2.0221 "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 2.0222 "Garbage" - Any solid waste from the preparation, cooking or dispensing of food and from the handling, storage, or sale of produce.
- Section 2.0223 "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 (1/2) inch in dimension.
- Section 2.0224 "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 2.0225 "Industrial User" - Any industrial, commercial, nondomestic, manufacturing, or processing facility that discharges industrial waste to a sewerage facility.
- Section 2.0226 "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. In the District's discretion, groundwater or surface runoff may be considered to be Industrial Waste.
- Section 2.0227 "Indirect Discharge" - The discharge or the introduction of non-domestic pollutants from a source regulated under Section 307 (b) or (c) of the Act. See also the Federal Pretreatment Standards in 40 CFR.
- Section 2.0228 "Influent" - Shall mean water, together with any wastes that may be present, flowing into any sewage treatment device or facility.
- Section 2.0229 "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 2.0230 "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 2.0231 "Maximum Combined Solvent" – shall mean the sum of the concentrations of solvents limited in this Title of the Code of Regulations.

Section 2.0232 "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 2.0233 "May" - Indicates a discretionary condition.

Section 2.0234 "mg/L" - Shall mean milligrams per liter.

Section 2.0235 "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 2.0236 "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 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 2.0237 "Noncontact Cooling Water" – Shall mean the 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 process waters or other types of wastewaters, nor is it exposed to anything but the inside of the pipe. Noncontact cooling water should be reasonably free from contaminants like metals, ammonia, organics, and total dissolved solids so that Ohio's water quality standards in Chapter 3745-1 of the Ohio Administrative Code are not violated.
- Section 2.0238 "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 2.0239 "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, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- Section 2.0240 "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 2.0241 "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 2.0242 "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° Celsius. The laboratory determination shall be made in accordance with procedures set forth in Section 2.0230 of this Title.
 - (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 Section 2.0230 of this Title.

- (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 Section 2.0230 of this Title.
- (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 the negative decimal logarithm of the hydrogen ion activity in 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 Section 2.0230 of this Title.
- (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° Celsius for 15 to 20 minutes.

- Section 2.0243 "POTW" - is an acronym for Publicly Owned Treatment Works and means all the sewerage facilities of the District. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a treatment plant.
- Section 2.0244 "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 2.0245 "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 2.0246 "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 2.0247 "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 2.0248 "Receiving Stream" - The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.
- Section 2.0249 "Regional Administrator" - Shall mean the USEPA Region V Regional Administrator.
- Section 2.0250 "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 2.2051 "Sewer" - Shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- Section 2.0252 "Shall" – Indicates a mandatory condition.
- Section 2.0253 "Significant Industrial User" - Shall mean:
- (a) Except as provided in Part (b) and (c) of this Section, the term Significant Industrial User means:

- (1) All Industrial Users subject to Categorical Pretreatment Standards under Section 2.0102; and,
 - (2) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewaters to the District (excluding sanitary, noncontact cooling and boiler blowdown wastewater); 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, or designated District staff, to adversely affect the District's operations, or for violating any pretreatment standard or requirement.
- (c) The Executive Director, or designated District staff, may determine that an Industrial User subject to categorical Pretreatment Standards under Section 2.0102 is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (1) The Industrial User, prior to the District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (2) The Industrial User annually submits the certification statement required in Section 2.0508 together with any additional information necessary to support the certification statement; and,
 - (3) The Industrial User never discharges any untreated concentrated wastewater.
- (c) The Executive Director, or designated District staff, 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 2.0254 "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 2.0255 "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 2.0256 "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 2.0257 "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 2.0258 "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 2.0259 "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 2.0260 "User" or "Discharger" - Any person that discharges, causes, or permits the discharge of wastewater into the sewerage system.
- Section 2.0261 "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 2.0262 "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) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, materials with a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21.
- (b) Solid or viscous pollutants in amounts which will or may cause obstruction to the flow in sewers or other interference with the operation of the wastewater system and/or POTW.
- (c) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or greater than or equal to 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 (at a flow rate and/or

pollutant concentration) that may cause interference to the District's facilities.

- (j) Any unpolluted 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 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.
- (p) Ethylene glycol
- (q) Virgin, used and/or spent chlorofluorocarbon solvents not regulated by Section 2.0305.

- 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 – Except where expressly authorized to do so by an applicable Pretreatment Standard or 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 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 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 2.0305 Supplementary Limitations - No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values, at any time. Supplementary limitations apply to the total combined wastewater flow at the building's drain or aggregate of building's drains proportionate to flow.

<u>Substance or Material</u>	<u>Concentration</u>	
Metals		
Cadmium	2	mg/L
Chromium (Hexavalent)	10	mg/L
Chromium (Total)	25	mg/L
Copper	1.62	mg/L
Lead	2	mg/L
Nickel	10	mg/L
Selenium	0.63	mg/L
Zinc	12.1	mg/L
Cyanide		
Cyanide (Amenable)	2	mg/L
Cyanide (Total)	10	mg/L
Phenols	50	mg/L
Solvents		
1,1,1-Trichloroethane	2.758	mg/L
Benzene	0.014	mg/L
Carbon Disulfide	0.005	mg/L
Carbon Tetrachloride	0.011	mg/L
Chlorobenzene	2.29	mg/L

<u>Substance or Material</u>	<u>Concentration</u>
Creosols (m-, o-, p-)	25 mg/L
Cresylic acid	25 mg/L
Ethylbenzene	1.659 mg/L
Isobutanol	0.035 mg/L
Methyl Ethyl Ketone	250 mg/L
Methylene Chloride	4.131 mg/L
Nitrobenzene	5.097 mg/L
o-dichlorobenzene	4.894 mg/L
Phenol	50 mg/L
Tetrachloroethylene	0.946 mg/L
Toluene	2.075 mg/L
Trichloroethylene	0.026 mg/L
Xylenes (m-, o-, or p-)	2.091 mg/L
Maximum combined solvents	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 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 discretion of the District. The District may establish equivalent mass limits only if the Industrial User meets all the following conditions:

- (a) To be eligible for equivalent mass limits, the Industrial User must:

- i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
 - ii. 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;
 - iii. 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;
 - iv. 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,
 - v. 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:
- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - iii. 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 2.0306(a)(iii). Upon notification of a revised production rate, the District must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and,
 - iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Section 2.0306(a)(i) of this section so long as it discharges under an equivalent mass limit.

- (c) If the District chooses to establish equivalent mass limits the District:
 - i. 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;
 - ii. 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,
 - iii. May retain the same equivalent mass limit in subsequent control mechanism 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 2.0304. The Industrial User must also be in compliance with Section 2.0311 (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 2.0307 Equivalent Concentration Based Limitations - The District may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions. When converting such limits to concentration limits, the District must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.0304.

Section 2.0308 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. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, 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 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:

(i) *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) should 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:

- (1) The pollutants of concern are not detectable in the effluent from the Industrial User;
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;
- (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator; or,
- (4) 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.

(ii) *Alternative mass limit.*

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

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) should 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:

- (1) The pollutants of concern are not detectable in the effluent from the Industrial User;
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;
- (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator; or,
- (4) 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 User to substitute dilution for adequate treatment to achieve compliance with applicable Standards.

Section 2.0309 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 2.0310 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 2.0311 Bypass of Treatment – Bypass, as defined in Section 2.0210 is prohibited, and the District may take enforcement action against an Industrial User for a bypass, unless;

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,
- (c) The Industrial User submitted notice of the bypass. If an Industrial User knows in advance of the need for a bypass, it shall submit prior

notice to the District, if possible at least ten days before the date of the bypass.

The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in this section.

In the event an unanticipated bypass that exceeds applicable Pretreatment Standards occurs, notice shall be given to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

An Industrial User may allow a bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs the three conditions listed in this section..

Section 2.0312 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 2.0313 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 2.0314 Slug Discharge Control Plan – Upon request, and no less than once per control document 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 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 Discharge Permits - Any Significant Industrial User, as defined in Section 2.0253, who proposes to originate the discharge of any industrial waste for the first time into the sewerage system or who proposes to renew an existing discharge permit or make a significant change in the character or volume of any industrial waste theretofore discharged into the sewerage system shall apply to District for an Administrative Order (Equivalency Permit) to discharge industrial waste on a form furnished by the District a minimum of thirty (30) days prior to the proposed date to originate or renew this discharge into the System. Delay in application for an initial or renewal permit may result in a delay of the issuance of said permit. Any discharge after an existing permit has expired is a violation of this Code.
- Section 2.0503 Baseline Report Requirement - 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 2.0504(a-g). At least 90 days prior to commencement of discharge, New Sources as defined in Section 2.0236, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a baseline report which contains the information requested in Section 2.0504(a-e). 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 pretreatment standards. New sources shall give estimates of the information requested in Section 2.0504(d) and (e).
- Section 2.0504 Baseline Report - The baseline report shall be made in writing and shall include, at a minimum, the following:
- (a) *Identifying Information*. The Industrial User shall submit the name and address of the facility including the name of the operator and owners;;
 - (b) *Permits*. The Industrial User shall submit a list of any environmental control permits held by or for the facility;
 - (c) *Description of operations*. The 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 Industrial

User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(d) *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(e) *Measurement of pollutants.*

- i. The Industrial User shall identify the Pretreatment Standards applicable to each regulated process;
- ii. In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or 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 Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard;
- iii. The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- iv. Samples should 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 Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Section 2.0308 in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 2.0308 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 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical

procedures, including procedures suggested by the District or other parties, approved by the Administrator;

- 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;
 - 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;
- (f) *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in Section 2.0205) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and,
- (g) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The District will evaluate the complete baseline report and data furnished by the discharger and may require additional information.

Section 2.0505

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 necessitate 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 2.0503, 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 2.0504. Any changes or new conditions in regulations contained within this Title shall include a reasonable time schedule for compliance.

Section 2.0506 Compliance Date 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 Industrial User subject to Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 2.0504(d-f) of this Code. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), this report shall contain a reasonable measure of the 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 User's actual production during the appropriate sampling period.

Section 2.0507 Periodic Compliance Reports (Categorical Industrial Users) (a) Any Industrial User subject to a Categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in Section 2.0253(b)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge to the District, or any non-categorical industrial discharger required to self-monitor by the District, shall submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards, or local limits specified by the District. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 2.0503(d) or specified by the District. . The District may require more detailed reporting of flows. 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. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may modify the months during which the above reports are to be submitted. All modifications will be made in writing by the District and shall not be applicable until received by the Industrial User.

(b) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard 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 conditions set forth in Section 2.0518.

(c) The Control Authority may reduce the requirement in Section 2.0507(a) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:

- i. 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, 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; and,
 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;
- ii. The Industrial User has not been in significant noncompliance, as defined in Section 2.0607 for any time in the past two years;
- iii. 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;
- iv. The Industrial User must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of Section 2.0507(c)(i) or (ii). Upon notification, the Industrial User must immediately begin complying with the minimum reporting in Section 2.0507(a); and
- v. The District must retain documentation to support the District's determination that a specific Industrial User qualifies for reduced reporting requirements under Section 2.0507(c) of this section for a

period of 3 years after the expiration of the term of the control mechanism.

(d) For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in Sections 2.0306 and 2.0307, the report required by Section 2.0506(a) 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 only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Section 2.0506(a) shall include the Industrial User's actual average production rate for the reporting period.

Section 2.0508

Annual Certification by Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Industrial User pursuant to Section 2.0253(b) must annually submit the following certification statement, signed in accordance with the signatory requirements in Section 2.0205 of this Code. This certification must accompany any additional report required by the control document:

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

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in Section 2.0253(b) of the NEORSD's Code of Regulations; (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) 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:

Section 2.0509

Periodic Compliance Reports (Significant Non-Categorical Industrial Users) – Any Significant Non-Categorical Industrial User shall submit to the District at least once every six months (on dates specified by the District) a description of of the nature, concentration and flow of pollutants required to be reported by the District. In cases where local limit requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User must submit documentation required by the District to determine the compliance status of the Industrial User. These reports must be based on sampling and analysis performed in the period covered by the report, and in

accordance with the techniques described in 40 CFR Part 136 and amendments thereto.

Section 2.0510 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. Resampling is not required if the District performs sampling at the Industrial User between the time when the initial sampling was conducted and the time when the Industrial User or the District receives the results of this sampling.

Section 2.0511 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 2.0512 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 2.0513 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 2.0514 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 2.0515 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 2.05164 New Source Compliance Deadline - A New Source, as defined in Section 2.0236 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 2.0517 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 Industrial User's 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).
- Section 2.0518 Monitoring Waivers - The Executive Director may authorize, at his/her discretion, an industrial user subject to a categorical pretreatment standard,

except for centralized waste treatment facilities regulated by and defined in 40 CFR 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 standard and otherwise includes no process wastewater;
- (b) A monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, 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 control mechanism;
- (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 in accordance with Section 2.0205 of this Code, and include the certification statement in 40 CFR 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 CFR 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 control mechanism;
- (e) The reasons supporting any monitoring waiver and any information submitted by the 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 control mechanism by the District, the industrial user shall certify on each periodic compliance monitoring report required by the District's control mechanism: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 CFR [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant or pollutants] in the wastewaters due to the activities at the facility since submittal of the last periodic report under Section 2.0507 of the NEORS 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 control mechanism;
- (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.

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 2.0253 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 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 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 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 local control mechanism 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;
- (g) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Executive Director 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 - 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.