
ITEM 1004 - USE OF SEWER

Section 1004.01 Clean Water Discharge Prohibited

No person, firm or corporation shall discharge or cause to be discharged, either directly or indirectly, any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any "sanitary" sewer.

Any such connections made either before or after the effective date of these Rules And Regulations shall be considered illegal and shall be subject to immediate removal by the owner of the premise so connected and at such owner's expense.

Should the owner of such an illegally connected premise fail to remove the connection within 90 days of official notice to do so, the Sanitary Engineer shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premise.

Section 1004.02 Municipal Ordinance Requirement

No sewer or system of sewer, shall be constructed within any municipality, which connects either directly or indirectly to sanitary sewage facilities controlled by the Board, until such municipality has adopted an ordinance prohibiting any unpolluted waters therefrom and meeting the standards of these Rules And Regulations.

It shall be the responsibility of each municipality to enforce the provision of said ordinance. The Sanitary Engineer may refuse to permit a connection, either directly or indirectly, to sanitary sewerage facilities by or within any municipality until that municipality adopts such an ordinance.

Section 1004.03 Sewage Discharge To Storm Sewers Prohibited

No person, firm or corporation shall discharge or cause to be discharged to any natural outlet or storm sewer, any sanitary sewage or other polluted waters. Effluent from privately owned individual household disposal devices shall not be discharged to storm sewers.

Section 1004.04 Storm Water Discharges

Storm water and all unpolluted drainage shall be discharged into such sewers as are specifically designed and designated as storm sewers or a natural outlet approved by the Sanitary Engineer.

Section 1004.05 Protection Of Facilities During Construction

No person, firm or corporation or municipality constructing a sanitary sewer, building or house connection shall leave same open, unsealed or incomplete in such a fashion as to permit storm, surface or subsurface water to enter such sewers.

Section 1004.06 Right To Reject Wastes

If any waters or wastes are discharged or proposed to be discharged to the POTW which do not comply with the provisions of this Chapter, or in the judgment of the Sanitary Engineer will not comply with this Chapter, the Sanitary Engineer may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the POTW; and/or,
- C. Require payment to cover the added cost of handling and treating the wastes under the provisions of Section 16.

Section 1004.07 General Discharge Prohibitions

- A. Dilution - No user shall increase the use of process water or dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. This shall not prohibit the use of equalization tanks utilized to regulate flows.
- B. Pass Through And Interference - No User shall discharge or cause to be discharged, directly or indirectly, any pollutants which by their nature or concentration will Pass Through or cause Interference with the operation of performance of the POTW.
- C. Specific Prohibitions - In addition, the following pollutants shall not be introduced into the POTW:

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1. Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40CFR261.21.
2. Pollutants which will cause corrosive or structural damage to the POTW, but in no case discharges with a pH lower than 5.5 or higher than 10.5 Standard Units.
3. Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW or otherwise interfere with proper operation. Prohibited substances include, but are not limited to, grease, uncomminuted garbage, manure, hair, feathers, sand, spent lime, grass clippings and similar substances.
4. Any slugload.
5. Heat in amounts which will inhibit biological activity in the wastewater treatment processes but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F).
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through the POTW.
7. Any liquids, solids, or gases which either singly or by interaction result in toxic or malodorous gases, vapors or fumes which causes a public nuisance, health and safety problems, or danger to POTW workers.
8. Any substance with objectionable color not removed in the treatment processes such as, but not limited to, dyes and tanning solutions.

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9. Any unpolluted waters which will increase the hydraulic loading on the plant including, but not limited to, any storm water, surface water, groundwater, roof run-off water, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process waters. This applies strictly to all new connections. All existing connections may be approved or rejected after review of hardship and/or considerations by the Sanitary Engineer.
 10. Any trucked or hauled pollutants, including septage and industrial waste, except at locations and times designated by the POTW.

Section 1004.08 Limitations On Wastewater Strength

- A. Federal Requirements - National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (US EPA) pursuant to the Act shall be met by all Industrial Users which are subject to such standards. As new federal requirements are promulgated, discharge permits will be updated immediately or on renewal as necessary.
- B. State Requirements - State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to those standards in any instance in which they are more stringent than federal requirements and limitations or those in these Rules and Regulations or any other applicable resolution. As new state requirements are promulgated, discharge permits will be updated immediately or on renewal as necessary.
- C. Local Requirements - No discharger shall discharge or cause or allow to be discharged into the sewerage system any pollutant in concentrations above those specifically permitted in a Wastewater Discharge Permit issued by the County. Discharge permits shall impose maximum discharge concentration limits or mass bases limits where appropriate. In the absence of such specific wastewater discharge permit conditions, no person shall discharge any of the following pollutants, except as such pollutants may occur, and only in the concentrations such pollutants may occur, in the potable water supplied to the premises. Discharge of any pollutants allowed by Permit shall not exceed the following limitations:

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<u>Pollutant</u>	<u>Concentration (ug/l)</u>
Arsenic	160
Cadmium	90
Chromium, Total	6510
Chromium, Hexavalent	460
Copper	2000
Cyanide	970
Lead	60
Mercury	0.6
Molybdenum	540
Nickel	1140
Selenium	400
Silver	460
Zinc	2760

- D. Most Stringent Limits – The most stringent federal, state and local limits will apply to users subject to such standards.
- E. Notice to Respond – Industrial users and the general public will be provided an opportunity to respond to the development of local limits.

Section 1004.09

Right Of The County To Revise Regulations, Establish Removal Credits

- A. Right of Revision - The County reserves the right to amend these Rules and Regulations to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth herein.
- B. Limit Conversion - Local Limits and Categorical Pretreatment Standards expressed in terms of concentration may be converted to mass discharge limitations at the discretion of the County. Categorical Pretreatment Standards which specify mass limitations may alternately be converted to concentration limits when deemed appropriate by the County and in accordance with 40 CFR 403.6(c)(5) and (c)(6).
- C. Removal Credits - Where applicable, the County may elect upon approval of Ohio and USEPA to initiate a program of removal credits to reflect the County's ability to remove pollutants in accordance with 40CFR403.7.

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- D. Net/Gross Calculations - The County may elect to adjust categorical pretreatment standards to reflect the presence of pollutants in the discharger's intake water in accordance with 40CFR403.15.

Section 1004.10 Accidental Discharges

- A. Protection - Each user, at his expense, shall provide protection from accidental discharges of prohibited materials or other wastewaters subject to these Rules and Regulations. Signs shall be permanently posted in conspicuous places on 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 with respect to emergency notification procedures.
- B. Accidental Discharge Notification - Users shall notify the Sanitary Engineer immediately upon the occurrence of a slugload or accidental discharge of any such materials or wastewaters in violation of these Rules and Regulations or applicable Wastewater Discharge Permit conditions. This notification shall be followed within five days of the date of occurrence, by a detailed written statement as required under Part (C) of this Section describing the cause of the discharge and the remedial measures taken to reduce the possibility of recurrence. Such notification shall not relieve the User of any liability for any expense, loss or damage to the POTW.
- C. Upset Notification - Any User which experiences a failure of a pretreatment system which results in an unintentional or temporary state of noncompliance with these Rules and Regulations due to factors beyond reasonable control, shall inform the Sanitary Engineer as soon as possible, but not later than 24 hours after the beginning of the upset. Where information is given orally, the User shall file a written report with the Sanitary Engineer within five days. The report shall include:
1. A description of the incident, its cause and its impact on the User's compliance status;
 2. The duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to be attained; and

3. All steps taken or to be taken to reduce, eliminate or prevent recurrence of the conditions of noncompliance.
- D. Bypasses of pretreatment facilities are prohibited and the County may pursue enforcement action unless the user receives prior written approval for bypass from the County.

Section 1004.11 Notification Of Changes In Discharge

All industrial users shall notify the County in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40CFR403.12(p). All significant industrial users shall notify the POTW immediately of any changes to its facility affecting potential for a slug discharge.

ADMINISTRATION

Section 1004.12 Wastewater Discharge Permit Application

- A. Permit Required - It shall be unlawful to discharge Industrial Wastes to the POTW without first making application for and complying with requirements stipulated in a Wastewater Discharge Permit issued by the County.
- B. Application - All Significant Industrial Users and other Users as may be required by the Sanitary Engineer, shall submit an application for a Wastewater Discharge Permit to the Sanitary Engineer at least 90 days prior to connecting to or discharging to the POTW. All existing significant Industrial Users connected to or discharging to the POTW and which have not previously applied for a Wastewater Discharge Permit, shall make application to the Sanitary Engineer for a Discharge Permit within 90 days of the effective date of these Rules and Regulations. New Sources shall give estimates of the information requested in Paragraphs (4) through (7). Each application shall include:
 1. Name and address of applicant;
 2. A list of any environmental control permits held by the facility;

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3. A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicated the point(s) of discharge to the POTW;
 4. Measured average daily and maximum flows of regulated process wastestreams and other nonregulated wastestreams;
 5. Results of sampling and analysis of regulated pollutants from each regulated process. All sampling and monitoring procedures should conform to EPA Standard Methods. For pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide and volatile organics a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one, 24 hour flow proportional composite sample must be obtained. Samples should be taken immediately downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be representative of the daily operations;
 6. Raw materials utilized and their amounts;
 7. Type and amount of product produced. For Industrial Users subject to equivalent mass or concentration limits established by the Sanitary Engineer, this report shall include a reasonable measure of the User's long term production rate. For Industrial Users subject to production based standards, this report shall include the User's actual production during the appropriate sampling period;
 8. Where additional pretreatment and/or operation and maintenance activities will be required to comply with these Rules and Regulations, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment according to the conditions in Section 10; and,
 9. The certification statement signed by an authorized representative as required in Section 1004.14(D).

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10. An evaluation of the need for a plan, device or structure to control a potential slug discharge.
- C. Industrial User Classification – Industrial users will be classified according to the nature of their operations as categorical, significant non-categorical, or non-significant. There are two subcategories of categorical industrial users that the County may choose to implement if users fit the requirements.
- D. Non-Significant Categorical Industrial Users – The County may choose to classify a Categorical Industrial User as Non-Significant if it meets the following requirements:
1. The industrial user does not discharge more than one hundred gallons per day of total categorical wastewater. That does not include sanitary, non-contact cooling and boiling blowdown wastewater unless it is specifically included in the categorical pretreatment standard.
 2. No untreated concentrated wastewater, which is regulated by the categorical pretreatment standards, may be discharged at any time.
 3. The following certification statement must be submitted annually to the County:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 CR [specify applicable national pretreatment standard part or parts], I certify that, to the best of my knowledge and belief, during the period from [specify month, day and year] to [specify month, day and year]:

 - (a) “The facility described as [insert facility name] met the definition of a nonsignificant categorical industrial user as described in paragraph (P) of rule 3745-3-01 of the Administrative Code; and
 - (b) “The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

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- (c) “The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:”

Appropriate justification in support of this statement is required to be submitted with this certification statement and may include water billing records, production records, etc.

4. At least once a year the County will evaluate whether the industrial user still meets the requirements for classification as a Non-Significant Categorical Industrial User.

E. Mid-Tier Categorical Industrial Users – The County may choose to classify a Categorical Industrial User as Mid-Tier if it meets the following requirements:

1. The industrial user must not discharge total categorical wastewater that exceeds:
 - (a) Zero point zero one (0.01) percent of the design dry weather hydraulic capacity of the receiving POTW;
 - (b) Five thousand (5,000) gallons per day of total categorical wastewater;
 - (c) Zero point zero one (0.01) percent of the design dry weather organic treatment capacity of the receiving POTW; and
 - (b) Zero point zero one (0.01) percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which a local limit has been developed.
2. The industrial user’s flow must be monitored by a continuous effluent flow monitoring device unless the user discharges in batches.
3. The industrial user must not have been in significant noncompliance in the past two years.
4. The daily flow rates, production levels, or pollutant levels of the industrial user cannot vary so significantly that decreasing the reporting requirement would result in data that are not representative of the conditions occurring during the reporting period.

5. The industrial user will be inspected and the effluent randomly sampled at least once every two years by the County. If the user no longer meets the criteria for Mid-Tier Categorical Industrial User, then the County will immediately begin inspecting and monitoring the user as a Categorical Industrial User.
6. The County may reduce the industrial user's reporting frequency to no less than once a year unless required more frequently by the categorical pretreatment standard or the Director of Ohio EPA.

Section 1004.13 Wastewater Discharge Permit Conditions

- A Permit Conditions - Wastewater discharge permits shall be expressly subject to all provisions of these Rules and Regulations and any other applicable regulations, user charges and fees established by the County. Permits may contain the following specific conditions:
1. Statement of duration including issuance and expiration dates.
 2. Limits on average and maximum allowable levels of wastewater discharge constituents and characteristics based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law. These could include equivalent mass-based limits in accordance with 40 CFR 403.6(c)(5) or equivalent concentration-based limits in accordance with 40 CFR 403.6(c)(6).
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulation or equalization based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
 4. Best management practices instead of a limit for some pollutants.
 5. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

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6. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting requirements.
 7. Provisions if process effluent is mixed with other wastewater prior to sampling.
 8. Schedules for attaining compliance.
 9. Requirements for submission of technical reports or discharge reports.
 10. Requirements for developing and implementing spill and slug control plans.
 11. Applicable civil and criminal penalties for violation of pretreatment requirements.
 12. Other conditions as deemed necessary by the Sanitary Engineer to ensure compliance with these Rules and Regulations.
- B. Nontransferability - Wastewater discharge permits are issued to a specific industrial discharger for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, industrial discharger or different premises without written consent from the Sanitary Engineer.
- C. Permit Revisions - The County reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the County with applicable pretreatment standards and requirements. Industrial Users with an effective discharger Permit shall be informed of any proposed changes to the Permit at least 30 days prior to the effective date of any such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- D. Duration – A wastewater discharge permit will be effective for no more than five years. At least ninety (90) days before the expiration date of the permit, the industrial discharger will apply for a new permit following the guidelines of 1004.12(B).

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- E. Pollutant Waiver – An industrial user’s permit may authorize forgoing sampling of a categorical pollutant 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:
1. A waiver may be granted where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater;
 2. A waiver is valid only for the duration of the effective period of the permit (which is in no case longer than five years);
 3. 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 1004.14 (D). Non-detectable sample results may only be used as demonstration that a pollutant is not present if the USEPA approved analytical method from 40 CR 136 with the lowest method detection limit for that pollutant was used;
 4. Any monitoring waiver will be included as a condition in the industrial user’s control mechanism;
 5. The County will retain the reasons supporting any monitoring waiver and any information submitted by the user in its request for the waiver for three years after the waiver’s expiration.
 6. When a waiver has been granted the industrial user shall certify on each periodic compliance monitoring report the following statement:

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

7. 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:
 - (a) Notify the County in writing; and
 - (b) Comply with the monitoring requirement specified in the pretreatment program.
8. The provision for a monitoring waiver does not relieve the industrial user of any other certification processes and requirements established by the control authority or in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

F. General Permit – The Sanitary Engineer may choose to issue a general permit to a group of significant industrial users.

1. A general permit may be used for a group of significant industrial users if the Sanitary Engineer determines the users are more appropriately controlled under a general control mechanism than under individual permits. Each user in the group must:
 - (a) Have the same or substantially similar operations;
 - (b) Discharge the same type of wastes;
 - (c) Require the same effluent limitations; and
 - (d) Require the same or similar monitoring.

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2. To be covered by a general permit, the significant industrial user is required to file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, location for monitoring, any requests in accordance with 1004.13 (E) for a monitoring waiver, and other information requested by the Sanitary Engineer. A monitoring waiver is not effective until the Sanitary Engineer has provided written notice.
 3. A general permit will not be granted when a user is subject to production-based categorical pretreatment standards or other such standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations.
- G. Slug Discharge – An industrial user’s potential for a slug discharge will be evaluated for each permit application. A slug discharge is defined as any discharge of a non-routine, episodic nature, including as accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through or any way violate any pretreatment standards or permit conditions. If the Sanitary Engineer determines a slug control plan is needed it will contain, as a minimum, the following elements:
1. Description of discharge practices, including non-routine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the Sanitary Engineer of slug discharges, with written follow-up within five days;
 4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharges, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.

Section 1004.14 Compliance Reports

- A. Final Compliance Reports - Any Industrial User subject to Categorical Pretreatment Standards shall submit a report indicating whether the user has achieved compliance with these standards. This report is to be submitted to the Sanitary Engineer within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source discharger, within 90 days following commencement of the introduction of the wastewater into the POTW. The following information shall be included:
1. Measured average daily and maximum flows of regulated process streams and other nonregulated streams;
 2. Results of sampling and analysis of regulated pollutants from each regulated process. All sampling and monitoring procedures should conform to EPA Standard Methods. For pH, hexavalent chromium, cyanide total phenols, oil and grease, sulfide and volatile organics a minimum of four grab samples must be analyzed. For all other pollutants a minimum of one, 24 hour flow proportional composite sample must be obtained. Samples should be taken immediately downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. The samples shall be taken, at intervals determined by the Sanitary Engineer, to be representative of the daily operations;
 3. For Industrial Users subject to equivalent mass or concentration limits established by the Sanitary Engineer, this report shall include a reasonable measure of the user's long term production rate. For Industrial Users subject to production based standards, this report shall include the User's actual production during the appropriate sampling period;
 4. For Industrial Users subject to BMPs, this report shall include documentation indicating compliance with the BMPs;

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5. A statement indicating whether pretreatment standards are being met on a consistent basis, and if not, a statement indicating whether additional pretreatment or operation and maintenance will be required to meet the pretreatment standards. Where additional pretreatment and/or operation and maintenance activities will be required to comply with these Rules and Regulations, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment according to the conditions in Section 1004.15; and,
6. The certification statement signed by an authorized representative of the discharger as defined in Section 1004.14 (D).

- B. Periodic Compliance Reports - All Industrial Users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of monitoring and reporting shall be as prescribed in the Industrial User's Wastewater Discharge Permit.

If sampling performed by any Industrial User indicates a violation, the User shall notify the County within 24 hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results within 30 days after becoming aware of the violation. Results of sampling above the minimum required shall also be reported if analysis were conducted according to methodology in Section 1004.14 (C), below.

These reports shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in Section 1004.14 (D), below.

- C. Sampling And Analytical Methodology - All measurements, tests, and analysis shall be performed in accordance with procedures contained in 40CFR136 and amendments thereto. Where 40CFR136 does not include sampling or analytical techniques for regulated pollutant(s), alternative procedures shall be approved by the Sanitary Engineer. All measurements, tests and analyses of the characteristics of wastewater performed by an Industrial User shall be at the User's expense.

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- D. Signatory Requirements - All reports required under this section shall include the certification statement as set forth in 40CFR403.6(a)(2)(ii), certifying that the facts contained in the report(s) are true on the basis of the applicant's personal knowledge or to the best of his information and belief. The reports shall be signed by someone authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations. They must also be responsible for ensuring that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements. Additionally they must be assigned or delegated the authority to sign documents in accordance with corporate procedures.

Section 1004.15 Compliance Schedules

When in the opinion of the Sanitary Engineer, it becomes necessary for Industrial Users to install technology or provide additional operation and maintenance (O&M) to meet any condition of these Rules and Regulations or applicable administrative order, the Sanitary Engineer shall require the development of the shortest schedule by which the Industrial User will provide this additional technology or O&M.

- A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events. Under no circumstances shall any increment exceed nine months.
- B. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Sanitary Engineer including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken to return to the schedule established.

Section 1004.16 Monitoring Facilities

Each Industrial User, as directed by the Sanitary Engineer shall install and operate, at the User's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the County. Each monitoring facility shall be situated on the discharger's premises. Where such a location would be impractical or cause undue hardship on the discharger, the County may concur with the facility being constructed in the public street or sidewalk area providing the facility is located so that it will be accessible at all times. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis.

The monitoring facility shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches in diameter and an internal diameter of no less than 48 inches and shall contain such flow measuring, recording and sampling equipment as may be required by the County to ensure compliance with these Rules and Regulations. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications and shall be operated in accordance with all applicable local, state and federal safety requirements.

Section 1004.17 Inspecting And Sampling

The discharger shall allow the Sanitary Engineer or his representative to enter upon the premises of the discharger during any hour for the purposes of inspection, sampling and records examination and copying to determine compliance with the requirements of these Rules and Regulations. Where the Industry has security measures in force which require proper identification and clearance before entry, the discharger shall make necessary arrangements so that the Sanitary Engineer or his representative will be permitted entry without delay. The County shall have the right to set up on the discharger's property necessary devices to conduct sampling, inspection, compliance monitoring, metering operations or all of these. The County will sample a permitted industrial user a minimum of once a year.

Section 1004.18 Confidential Information

Information and data furnished to the County with respect to the nature and frequency of discharge shall be available to the public or other government agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the County that the release of such information would divulge trade secrets or proprietary information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the County as confidential shall be made available to governmental agencies upon written request.

Section 1004.19 Records Retention

All Industrial Users shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling, and chemical analysis made by or on behalf of an Industrial User in connection with its discharge. All records which pertain to materials which are subject to administrative adjustment or any other enforcement or litigation activities brought by the County 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. Records kept should include chain of custody documents for sampling for ensuring proper quality control.

CHARGES AND FEES

Section 1004.20 Charges And Fees

The County shall adopt charges and fees, which may include:

- A. Charges and fees for monitoring, inspections and surveillance procedures, including all costs associated with sampling and analysis;
- 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 and analyses;

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- E. Charges and fees for reviewing plans for the construction of new or modified facilities.

Section 1004.21 Surcharges

All persons discharging Sewage or Industrial Wastes exceeding strength of Normal Sewage but acceptable for discharge into the POTW shall be subject to a strength surcharge as established in Section 1011.01.

ENFORCEMENT

Section 1004.22 Notification Of Violation

Whenever the County finds that any discharger has violated any provision of these Rules and Regulations, its Wastewater Discharge Permit or an order the County or court of competent jurisdiction, the Sanitary Engineer shall serve written notice stating the nature of the alleged violation. No later than 10 days after the receipt date of this notice, the discharger shall respond in writing with an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the User of the liability for any violations occurring before or after receipt of the Notice Of Violation.

Section 1004.23 Show Cause Hearing

Where any violation of these Rules and Regulations is not corrected by timely compliance, the Sanitary Engineer may order any discharger to show cause by which the proposed enforcement action should not be taken. 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 County or its designee 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 County or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the County which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. The orders may be in the form of a Compliance Order or Cease and Desist Order.

Section 1004.24 Compliance Orders

When the Sanitary Engineer finds that an Industrial User has violated or continues to violate these Rules and Regulations, its Wastewater Discharge Permit or an order of the County or court of competent jurisdiction, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self monitoring and management practices.

Section 1004.25 Emergency Suspension Of Service And Discharge Permits

The County may for good cause shown suspend the wastewater treatment service and the Wastewater Discharge Permit of a discharger when it appears to the County that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, or interferes with the operation of the POTW. Any discharger notified of the suspension of the County's wastewater treatment service or the discharger's Wastewater Discharge Permit, shall immediately cease all discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the County shall take such steps as deemed necessary, including immediate severance of the sewer connection.

Section 1004.26 Revocation Of Permit

The County may revoke the Wastewater Discharge Permit and treatment services of any discharger which violates any condition of these Rules and Regulations, its permit or an order of the County or court of competent jurisdiction.

Section 1004.27 Right Of Appeal

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the County on any matter covered under these Rules and Regulations and shall be entitled to a prompt written reply.

Section 1004.28

Annual Publications

Annually, the Sanitary Engineer shall publish a list of all dischargers or significant industrial users which at any time during the previous 12 months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant noncompliance if its violations meet one or more of the following criteria (A non-significant industrial user is in significant noncompliance if its violations meet any of the following criteria except (A) and (B).):

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit, the average limit, or the instantaneous limit for the same pollutant parameter. Chronic violations apply to each permitted monitoring point;
- B. Technical Review Criteria (TRC) violation, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit, the average limit, or the instantaneous limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH). TRC violations apply to each permitted monitoring point;
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Sanitary Engineer determines has caused, alone or in combination with other discharges, interference or pass through or endangerment to the health of POTW 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 POTW's exercise of emergency authority to halt or prevent such discharge;
- E. Failure to meet, within 90 days after the schedule data, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

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- F. Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports, 90 day compliance reports, periodic self monitoring reports and reports on compliance with compliance schedules;
 - G. Failure to accurately report noncompliance; or
 - H. Any other violation or group of violations, including a violation of BMPs, which the Sanitary Engineer determines will or has adversely affected the operation or implementation of the County's pretreatment program.

PENALTIES

Section 1004.29 Recovery Of Costs Incurred By The County

Any discharger violating any provision of these Rules and Regulations, their Wastewater Discharge Permit, or any order of the County or court of competent jurisdiction which results in damage or impairment of the County's wastewater treatment system or which results in excessive costs of treatment, shall be liable to the County for any expense, loss or damage caused by such violating discharge. Refusal to pay the assessed costs shall constitute a violation of these Rules and Regulations enforceable under the provisions of Section 1004.30 (C) or other applicable sections of these Rules and Regulations or of applicable Ohio law.

Section 1004.30 Judicial Proceedings

The County may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of these Rules and Regulations.

- A. Injunctive Relief - Whenever an Industrial User has violated or continues to violate these Rules and Regulations, its Wastewater Discharge Permit or any order of the County or court of competent jurisdiction, the County may petition the Court for issuance of a preliminary or permanent injunction or both (as may be appropriate) to restrain or compel activities on the part of the Industrial User.

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- B. Civil Penalties - Any discharger who is found to have violated any provision of these Rules and Regulations, their Wastewater Discharge Permit or any order of the County or court of competent jurisdiction shall be subject to the imposition of a civil penalty of up to \$1000 per violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In addition to the penalties provided herein, the County may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the discharger.
- C. Criminal Penalties - Criminal penalties shall be administered as authorized under the appropriate sections of the Ohio Revised Code.
- D. Falsifying Information - Criminal penalties for falsifying information shall be administered as authorized under the appropriate sections of the Ohio Revised Code.
- E. To the extent that any provision within this section is in conflict with any provision of the Ohio Revised Code, the Ohio Revised Code Provision shall govern.

Section 1004.31 Tampering Or Damage To Facilities

No unauthorized person, firm or corporation shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer facilities. Any person violating this provision shall be subject to the penalties stated in Section 6117.99, Ohio Revised Code.

Section 1004.32 Approval Required For Changing Grade

Every person owning or anyone having the possession, charge or management of any lot or parcel of real estate on which a fill, partial fill, cut or any construction or change in surface use is to be made, shall be responsible for ascertaining whether or not the proposed fill cut or any construction or change in surface would obstruct, damage or interfere with lawfully existing sewerage facilities.

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In the event it becomes necessary to adjust, relocate or otherwise modify the existing sewage facilities as a result of placing the fill or making the cut, such person shall, at his expense, make such adjustments, relocations or modifications as required by and to the satisfaction of the Sanitary Engineer before or during the filling or cutting operation.

Section 1004.33 Changing Grade - Responsibility For Damages

Any person, firm or corporation making a cut or fill, construction or change in surface without the approval of the Sanitary Engineer and in the opinion of the Sanitary Engineer, such fill cut or construction or change in surface has obstructed, damaged or interfered with lawfully existing sewage facilities, such act shall be considered a violation of Section 1004.11 and each day shall be considered a separate offense. In addition, such person, firm or corporation shall be liable for any expense, loss or damage occasioned by such violation.

Section 1004.34 Disconnection

For any violation of any of the section of this Item 1004, the Sanitary Engineer shall have authority to immediately disconnect the service connection.

- END OF ITEM -