



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

March 10, 2015

Re: NPDES Permit No.: 3PD00014*RD
Pretreatment Program modification - Local
Industrial Discharge Limitations

Mayor and Council
City of Geneva
141 North Avenue
Geneva, OH 44041

Ladies and Gentlemen:

Pursuant to the requirements of Chapter 6111 of the Ohio Revised Code and Ohio Administrative Code 3745-3-03, the application submitted by the City of Geneva for approval of modification addition to its Publicly Owned Treatment Works (POTW) Pretreatment Program is hereby approved.

The application is a modification to the City of Geneva's Sewer Use Ordinance and Enforcement Response Plan. The City of Geneva has proposed to modify their Sewer Use Ordinance (SUO) and Enforcement Response Plan (ERP) per the Ohio EPA's 2007 Streamlining Rule.

This approval is conditioned on the City of Geneva's compliance with terms of and the commitments made in this modification and the final application for the approval; and with all applicable provisions of the state and federal law governing POTW pretreatment programs. City of Geneva's NPDES permit will be modified to incorporate terms of and commitments made in the final application.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal

First Reading – December 8, 2014
Second Reading – December 19, 2014

ORDINANCE NO. 3153

**AN ORDINANCE REPLACING CHAPTER 1043
INDUSTRIAL PRETREATMENT**

WHEREAS, the Wastewater Superintendent for the City of Geneva found that changes were necessary to meet current Federal and State Regulations for pretreatment of industrial waste; and

WHEREAS, using a model provided by the United States Environmental Protection Agency (USEPA), the Wastewater Superintendent worked with CT Consultants to draft a current ordinance, which has been approved by the Ohio Environmental Protection Agency;

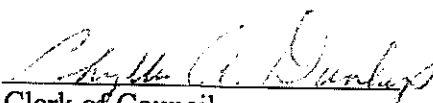
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Geneva that the entirety of Chapter No. 1043 is hereby amended and replaced with comprehensive Industrial Pretreatment Chapter attached hereto as Exhibit A.

This Ordinance shall be in force and take effect from and after the earliest period allowed by law.

Passed this 12 day of January 2015.



President of Council

Attest: 
Clerk of Council

CERTIFICATE

I hereby certify that the foregoing is a true copy of Ordinance No. 3153 duly enacted by Council of the City of Geneva, Ohio, on


1/12/15
1/12/15 
Date Clerk of Council

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ORDINANCE NO. 1043

SECTION 1043.01 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Geneva and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and exceptional quality sludge from the Publicly Owned Treatment Works;
- E. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized City

employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - Gallons per day
IU - Industrial User
mg/l - Milligrams per liter)
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
SNC - Significant Noncompliance
TSS - Total Suspended Solids
U.S.C. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. **Approval Authority.** The State of Ohio.
- C. **Authorized or Duly Authorized Representative of the User.**

(1) If the User is a corporation:

- (a) The president, secretary, treasurer, or a vice-president 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
- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make

management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and 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 individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

D. **Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B and OAC 3745-3-04. 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.

F. **Bypass** means the intentional diversion of waste streams from any portion of a User's treatment facility.

G. **Carbonaceous Biochemical Oxygen Demand or CBOD.** A modification of the BOD test which removes the interference from nitrogenous demand by the

addition of an inhibitory chemical.

- H. **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- I. **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- J. **City.** The City of Geneva.
- K. **Chemical Oxygen Demand or COD.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- L. **Composite Sample.** A sample that contains discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.
- M. **Control Authority.** The City
- N. **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- O. **Daily Maximum Limit.** The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- P. **Discharger** means any user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, and all constructed devices and appliances appurtenant thereto.
- Q. **Domestic Wastewater.**
 - 1. Wastewater from normal residential activities including, but not limited to, wastewater from kitchen, bath, and laundry facilities, or
 - 2. Wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, non-commercial sinks, and similar structures) of commercial, industrial, or institutional buildings, provided that the wastewater exhibits characteristics which are similar to those of wastewater from normal residential activities. Specifically excluded from this definition

is wastewater from commercial, industrial, or institutional laundries or food preparation facilities.

- R. **Environmental Protection Agency or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- S. **Existing Source.** Any source of discharge that is not a "New Source."
- T. **Grab Sample.** A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes
- U. **Hazardous Waste.** Any substance which is considered to be hazardous waste under 40CFR261.
- V. **Industrial User.** Any non-domestic source that introduces pollutants into a POTW.
- W. **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- X. **Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- Y. **Industrial Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- Z. **Local Limit.** Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a) (1) and (b).

AA. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

BB. **mg/L** means milligrams per liter which is the equivalent of parts per million (ppm).

CC. **Monthly Average.** The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

DD. **Monthly Average Limit.** The highest allowable average of "daily discharges" 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 that month.

EE. **New Source.**

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) 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.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or

adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous onsite construction program
- (b) any placement, assembly, or installation of facilities or equipment; or
- (c) 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

(d) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

FF. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

GG. Pass Through. 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 City's NPDES permit, including an increase in the magnitude or duration of a violation.

HH. Person. Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

II. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

- JJ. **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter Backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- KK. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- LL. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- MM. **Pretreatment Standards or Standards.** Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- NN. **Publicly Owned Treatment Works or POTW.** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- OO. **Replacement Cost.** Any expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed
- PP. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- QQ. **Sanitary Sewer.** A sewer that conveys water-carried waste from residences, commercial buildings and institutions and to which storm, surface and ground water are not intentionally admitted.
- RR. **Shall.** "Shall" is mandatory; "may" is permissive.

SS. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
 - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a Reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City may determine that an Industrial User subject to categorical Pretreatment Standards 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 blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 6.12 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
 - (d) If the POTW has determined that an IU meets the criteria for Non-Significant Categorical Industrial User and is classified as such, the POTW must evaluate and document, at least once per year, whether the industrial user continues to meet the requirements for the classification.
4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the

POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

- TT. **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- UU. **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- VV. **Superintendent.** The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent
- WW. **Total Suspended Solids or Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- XX. **Toxic Pollutant** means substances including, but not limited to, those pollutants identified in the Toxic Pollutant List as provided by the USEPA.
- YY. **Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- ZZ. **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- AAA. **Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and

industrial waste.

SECTION 1043.02 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 6.5 or more than 9.0, or otherwise capable of causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference.
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, CBOD5, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through; but in no case a concentration in greater than 50 mg/L;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 3.4 of this ordinance;

- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent and any person, firm, or corporation owning property on which sewer connections exist, which connections conduct any such roof or drainage waters into a sanitary sewer shall, after service of notice as provided herein, cause said connection to be eliminated and all further discharge of said roof or drainage waters into a sanitary sewer to be discontinued;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit;
- (15) Hazardous Waste. Any substance which is considered to be hazardous waste under 40CFR261
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (17) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (18) Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;

- (19) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 2.2D and 2.2E.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below:

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

- (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- (b) 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;
- (c) 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 the long-term average production rate must be representative of current operating conditions;
- (d) 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
- (e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- E. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.

Note: When converting such limits to concentration limits, the Superintendent will 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 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the Superintendent will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

- F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

2.3 State Pretreatment Standards

State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards.

2.4 Local Limits

- A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

Local Limits. No discharger shall discharge wastewater containing pollutant quantities in excess of the limits enumerated in his, her or its industrial discharge permit as issued in accordance with Section 1043.04.

- (1) For industrial users, the local limits shall be derived from the Industrial Pretreatment Program Technical Limits Report prepared for the City of Geneva in November, 2008 and approved by the OEPA on February 17, 2009.
- (2) The total available mass limitations for incoming industrial waste at the Geneva Wastewater Treatment Plant shall be as follows:

CHART #1

Parameter	Available Industrial Mass Limit Daily Maximum lbs/day
Cadmium	0.006
Chromium	1.569
Copper	0.118
Lead	0.095

Mercury	-1.0017
Nickel	0.648
Zinc	0.253

The Wastewater Superintendent shall have the authority to allocate the loadings for each industrial user in applying the total available mass limitations (as shown above).

- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

CHART #2

Parameter	Uniform Concentration Limit Daily Maximum mg/L
Cadmium	0.037
Chromium	9.404
Copper	0.707
Lead	0.57
Mercury	BMP
Nickel	3.885
Zinc	1.515

The uniform concentration limits shown above were derived from Chart #1 using a total industrial flow of 0.020 million gallons per day.

BMP: Best Management Practices as defined in Section 1.4E.

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

- C. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

2.5 City's Right of Revision

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 1043.03-PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed.

The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain

wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, shall comply with the City's Oil and Grease Management ordinance (Chapter 1050), and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's Oil and Grease Management ordinance Chapter1050) by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Superintendent shall evaluate, at least once per control mechanism cycle, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. Additional significant industrial users shall be evaluated within one year of being identified significant industrial user. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;

- C. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, 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 toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- B. The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall

identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 1043.04-INDIVIDUAL WASTEWATER DISCHARGE PERMITS and GENERAL PERMITS

4.1 Wastewater Analysis

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within thirty (30)] days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit and General Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.4 of this ordinance may continue to discharge for the time period specified therein.
- B. The Superintendent may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements Of Federal, State, and local law.

4.3 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 4.4 of this ordinance, must be filed at least [ninety,(90) days prior to the date upon which any discharge will begin or recommence.

4.4 Individual Wastewater Discharge and General Permit Application Contents

- A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 4.5. The Superintendent may require Users to submit all or some of the following information as part of a permit application:
- (1) Identifying Information.
 - (a) The name and address of the facility, including the name of the operator and owner.
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations.
 - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (4) Time and duration of discharges;
 - (5) The location for monitoring all wastes covered by the permit;
 - (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

- (7) Measurement of Pollutants.
- (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
 - (c) Instantaneous, Daily Maximum, and monthly average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.8 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.
 - (e) Sampling must be performed in accordance with procedures set out in Section 6.9 of this ordinance.
- (8) Any request to be covered by a general permit based on Section 4.5.
- (9) All users that become subject to new or revised categorical Pretreatment Standards are also required to submit a baseline monitoring report. (See Section 6) At a minimum, this report shall contain”
- (a) Should any additional maintenance or pretreatment be required to meet the new standards, this report shall include a compliance schedule, based on Section 6.1(B)(4).
 - (b) This schedule shall include specific milestones in the implementation as specified in Section 6.2(A).
 - (c) The User shall submit progress reports on this schedule as set forth in Section 6.2(C).
 - (d) All baseline reports should include a statement, reviewed and signed by an authorized representative of the industrial user (as defined in Section 6.12(A), certifying whether categorical pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment or both, is required by the industrial user to meet the categorical pretreatment standards and requirements.
- (10) Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.5 Wastewater Discharge Permitting: General Permits

- A. At the discretion of the Superintendent, the Superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Require the same effluent limitations;
 - (4) Require the same or similar monitoring; and
 - (5) In the opinion of the Superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.
- C. The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.5A(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- D. The Superintendent may not control an SIU through a general permit where the facility is
 - (1) subject to production-based categorical Pretreatment Standards;

- (2) categorical Pretreatment Standards expressed as mass of pollutant discharged per day; or
- (3) for IUs whose limits are based on the Combined Waste Stream Formula (Section 2.2B) or Net/Gross calculations (Section 2.2 C).

E. In order to implement a general permit, the POTW must submit a modification request to Ohio EPA along with the affected Program elements that correctly implement the changes. Each general control mechanism developed by the POTW for a similar group of IUs will need to be submitted to Ohio EPA as a program modification. These modifications can be separate actions but each is considered to be substantial.

4.6 Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.12 A.
- B. If the designation of an Authorized Representative 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 written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

4.7 Individual Wastewater Discharge and General Permit Decisions

The Superintendent will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit or a general permit {optional}. The Superintendent may deny any application for an individual wastewater discharge permit or a general permit.

SECTION 1043.05-INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE

5.1 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which

it will expire.

5.2 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits and general permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
 - (6) A statement of applicable civil penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (7) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

(8) Any grant of the monitoring waiver by the Superintendent (Section 6.4 B) must be included as a condition in the User's permit or other control mechanism.

B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
- (8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Modification

A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, exceptional quality sludge status, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4.

B. The Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (3) To correct typographical or other errors in the individual wastewater discharge permit; or

- (4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4.

5.4 Limitations of Permit Transfer

Industrial discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the City, and are not transferrable to any other location.

5.5 Individual Wastewater Discharge Permit and General Permit Revocation

The Superintendent may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;]
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;

- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this ordinance.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

5.6 Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 4.4 of this ordinance, a minimum of one hundred twenty(120) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

5.7 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, intends to contribute wastewater to the POTW, the municipality or User shall apply to the City to enter into an intermunicipal agreement with the City. No Wastewater from another municipal location shall be permitted until the intermunicipal agreement has been executed.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Superintendent may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
- (4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 1043.06-REPORTING REQUIREMENTS FOR INDUSTRIAL USERS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) All information required in Section 4.4A (1) (a), Section 4.4A (2), Section 4.4A (3) (a), and Section 4.4A (6).
 - (2) Measurement of pollutants.
 - (a.) The User shall provide the information required in Section 4.4 A (7) (a)through (e).
 - (b.) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c.) 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 User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d.) Sampling and analysis shall be performed in accordance with Sections 6.8 and 6.9;
 - (e.) The Superintendent 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;

- (f.) 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.

- (3) Compliance Certification. A statement, reviewed and signed by an authorized representative of the industrial user as defined in Section 6.12(A), certifying whether categorical pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance or additional pretreatment or both, is required by the industrial user to meet the categorical pretreatment standards and requirements.

- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;

- C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of

compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

6.3 Initial Compliance Reports

Within ninety (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 User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 4.4A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other 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. All compliance reports must be signed and certified in accordance with Section 6.12 A of this ordinance. All sampling will be done in conformance with Section 6.9.

6.4 Periodic Compliance Reports

- A. Except as specified in Section 6.4.B, all Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. Monitoring Waivers. The City may authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for Centralized Waste Treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard.

- (1) Monitoring waivers do not apply to pollutants where there are certification processes and requirements established by the City or by

categorical pretreatment standards (e.g. TOMP/certification alternative to total toxic organics monitoring) unless allowed for by the applicable categorical pretreatment standard.

- (2) If a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the user shall be required to immediately notify the control authority in writing and start monitoring that pollutant at the frequency specified in the POTW's pretreatment program.
- (3) The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter. However, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.
- (4) In making its request for a pollutant monitoring exemption, the industrial user must demonstrate 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.
- (5) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative wastewater from all processes.
- (6) Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method from 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.
- (7) Waivers are valid only for the duration of the effective period of the IU's control mechanism but in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
- (8) The request for a monitoring waiver shall be signed by an authorized representative of the IU in accordance with paragraph (F) of rule 3745-3-06 of the Administrative Code, and it must include the certification statement in 40 C.F.R. 403.6(a)(2)(ii). This is the standard "I certify under penalty of law" statement.

- (9) The control authority shall include any monitoring waiver as a condition in the IU's control mechanism. This simply means that the control mechanism needs to acknowledge that a waiver has been granted for a pollutant or pollutants and provide a general justification for the waiver.
- (10) The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request for the waiver shall be maintained in the IU's file by the control authority for three years after expiration of the waiver.
- (11.) In order to implement a monitoring waiver, the POTW must submit a modification request to Ohio EPA along with the affected Program elements that correctly implement the changes. This is considered a substantial program modification.
- (12.) Upon approval of the monitoring waiver and revision of the IU's control mechanism by the control authority, the IU shall certify on each self-monitoring report with the following statement:

“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 of pollutant or pollutants] in the wastewaters due to the activities at the facility since submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code.”

- C. All periodic compliance reports must be signed and certified in accordance with Section 6.12 A of this ordinance.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 6.8 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, including the ability to discharge a slug load, at least thirty (30) days before the change.

- A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.4 of this ordinance.
- B. The Superintendent may issue an individual wastewater discharge permit or a general permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit or a general permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug

Discharge.

6.7 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).

6.8 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

6.9 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols

(including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.10 Date of Receipt of Report

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.11 Record keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation

concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent}].

6.12 Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver- The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.6; Users submitting baseline monitoring reports under Section 6.1 B (5) Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A-D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the superintendent pursuant to 1.4 QQ(3) and 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Superintendent:

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

(1) The facility described as _____

[facility name] met the definition of a Non-Significant Categorical

Industrial User as described in 1.4 QQ(3);

- (2) 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.

- C. Regardless of a users' status as either a Significant or a Non-Significant Categorical Industrial User, the submission of a certification statement does not relieve that User from performing a sampling of the analytes required by their categorical classification at least once during every permit cycle.

D. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [Note: See 40 CFR 403.12(e) (2) (v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph (E) of rule 3745-3-06 of the Administrative Code.”

SECTION 1043.07-COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of

inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the Ashtabula County Western Area Court of Ashtabula County.

SECTION 1043.08-CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and

monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 1043.09-PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in 1043.01 Section 1.4;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter at any permitted monitoring point during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 1043.01 Section 1.4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 1043.01 Section 1.4 (Daily Maximum, monthly average, Instantaneous Limit or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 1043.10-ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Show Cause Hearing

The Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.6 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.3 Administrative Orders

When the City Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.4 Cease and Desist Orders

When the City Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist

order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Administrative Fines

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the User may be fined based upon the Enforcement Response Plan.

Level of Action	Range of Fines
Fine with Notice of Violation	\$100-\$250
Fine with Administrative Order	\$250 - \$500
Civil Action	Up to \$2,500

- A. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the City Manager to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, The City Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The City Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Emergency Suspensions

The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial

endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.7 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.2 or 10.7 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.7 Termination of Discharge

In addition to the provisions in Section 5.5 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit or general permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered

an opportunity to show cause under Section 10.2 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 1043.11-JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Ashtabula County Western Area Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- A. User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' fees, court costs, damages and costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

Section 1043.12 SURCHARGE

12.1 Wastes Subject to Surcharge

Any User whose premises are served by a sanitary sewer connection and discharges to the POTW wastes other than "domestic sewage", but which are acceptable by the City for treatment, shall be subject to an additional surcharge which shall be over and above the operating and maintenance charge defined in 1042.325.

12.2 Establishing Sewer Surcharge

The City shall claim surcharges on discharges, whether continuous, batch, or accidental spill, based on a grab sample or twenty-four hour composite sample. The surcharge shall be assessed for that particular twenty-four hour period. Where a User is continually discharging waste to the POTW, surcharges shall be based on an average of all tests collected during the surcharge period. The results of routine sampling and analysis by the User may be used in addition to City data in determining surcharge computations after being confirmed by tests performed by the City.

12.3 Multiple outlets

If a User has multiple outlets, and an analysis is presented for each, based upon individual sampling and flows, the results can be combined into one analysis and the average strength of the wastes and flows shall be used in establishing the sewage surcharge. Where flow measurements are determined by the Superintendent to be impractical, outlet concentrations

shall be arithmetically averaged.

12.4 Determination of flow rate

For the purpose of calculating the surcharge, flow shall be based on the total effluent flow from an industrial user. Total effluent flow will be estimated using water meter readings unless the flow rate of a particular effluent has been measured. No allowance will be given for cooling water or multiple outlets. The additional cost to collect flow monitoring data is the responsibility of the industrial user.

12.5 Charges applied when analyses are absent

In the event that a User fails to make available a sampling location to City personnel, as required in Section 7, then such User shall be charged according to comparable charges, based on chemical analyses of a similar process, or on figures on that type of industry that are available from statistics of the United States Department of Interior, Ohio Environmental Protection Agency, or other recognized sources acceptable to the City. This method of applying the surcharge shall continue in effect until such time as an analysis of the wastes is submitted by the User and confirmed by the City.

12.6 Disagreement with Analysis

If a User disagrees with the analysis on which the surcharge is based, the User may request, in writing, an additional sampling and analysis which shall be conducted in a manner acceptable to the Superintendent. The cost of such additional sampling and analysis shall be borne in full by the User.

12.7 Surcharge Formula

- A. The list of "treatable" constituents includes, but is not limited to, Total Suspended Solids, BOD, CBOD5, COD, and Phosphorous.
- B. Whenever wastes are ruled acceptable to wastewater treatment and the wastewater contains constituents in excess of "domestic sewage", the excess shall be subjected to surcharge derived in accordance with the following formula:

$$SC = (ARU-ARD) \times F \times 8.34 \times Cc$$

where

SC = Total surcharge for the constituent based on average daily flow.

ARU = Analytical Results of the Users discharge.

ARD = Analytical Results of Domestic sewage.

F = Flow in millions of gallons per day of wastes as discharged to the POTW.

CC = Costs to treat one pound of the constituent in dollars per pound.

12.8 Use of COD and CBOD analyses

Whenever a waste cannot be analyzed by a CBOD test, the COD result shall prevail in calculating the surcharge. Whenever both testing methods are possible, the Superintendent shall determine which analysis shall apply in computing the surcharge based on which will provide the higher surcharge.

12.9 Establishment of Domestic Concentrations and Cost to Treat

When necessary to establish domestic concentrations or costs to treat, the City or its authorized representative shall have the right to determine the method to be used.

SECTION 1043.13-MISCELLANEOUS PROVISIONS

13.1 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;

- E. Fees to recover administrative and legal costs (not included in Section 131 B) associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

13.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 1043.14-EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.