

\*\*\* DRAFT - NOT YET FILED \*\*\*

3745-3-01

**Definitions.**

As used in this chapter:

- (A) "Act" means the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) 33 U.S.C. sections 1251 et seq. to 1387 as amended through July 1, ~~2006~~2011.
- (B) "Administrator" means the administrator of the United States environmental protection agency.
- (C) "Approved POTW pretreatment program" means a program administered by a POTW that meets the criteria established in 40 C.F.R. 403 and section 6111.032 of the Revised Code and that has been approved by the director in accordance with 40 C.F.R. 403 and section 6111.03 of the Revised Code.
- (D) "Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in rule 3745-3-04 of the Administrative Code. 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.
- (E) "Categorical pretreatment standard" means any standard, including national categorical pretreatment standards, specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by new or existing industrial users in specific industrial categories.
- (F) "Control authority" means:
  - (1) The POTW if it is under an approved pretreatment program; or
  - (2) Ohio EPA if the POTW is not under an approved pretreatment program.
- (G) "Control mechanism" means an individual or general permit, order, or similar means used to control an industrial user's contribution to a POTW to ensure compliance with applicable pretreatment standards and requirements.
- (H) "Director" means the director of the Ohio environmental protection agency or the director's duly authorized representative.

- (I) "Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the act.
- (J) "Industrial user" or "user" means a source of indirect discharge.
- (K) "Interference" means a discharge, that alone or in conjunction with a discharge or discharges from other sources, both:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations):
    - (a) Section 405 of the act;
    - (b) The Solid Waste Disposal Act (SWDA) 42 U.S.C. sections 6901 et seq. to 6992 as amended through July 1, ~~2006~~2011 (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA);
    - (c) The standards for the use and disposal of sewage sludge (40 C.F.R. 503);
    - (d) The Clean Air Act (CAA) 42 U.S.C. sections 7401 et seq. to 7671 as amended through July 1, ~~2006~~2011; and
    - (e) The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 et seq. to 2692 as amended through July 1, ~~2006~~2011.
- (L) "Mid-tier categorical industrial user" is a significant industrial user subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N that the control authority may determine is subject to a reduction in the user's reporting requirement and the control authority's monitoring and inspection requirements, upon satisfaction of the conditions in paragraphs (L)(1) to (L)(4) of this rule:

- (1) The industrial user's total categorical wastewater flow does not exceed any of the following:
    - (a) Zero point zero one per cent of the design dry weather hydraulic capacity of the POTW, or five thousand gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
    - (b) Zero point zero one per cent of the design dry weather organic treatment capacity of the POTW; and
    - (c) Zero point zero one per cent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which approved local limits were developed by a POTW in accordance with paragraph (C)(4) of rule 3745-3-03 of the Administrative Code;
  - (2) The industrial user has not been in significant noncompliance, as defined in paragraph (C)(2)(h) of rule 3745-3-03 of the Administrative Code, for any time in the past two years;
  - (3) The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraphs (H)(1) and (H)(7) of rule 3745-3-06 of the Administrative Code;
  - (4) The industrial user is not located upstream of a combined sewer overflow or sanitary sewer overflow, unless the procedures for the categorization of such a user as a mid-tier categorical industrial user and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in:
    - (a) The control authority's approved long term control plan;
    - (b) The control authority's approved combined sewer system operation plan implementing the nine minimum controls; or
    - (c) The control authority's program modification request submitted to the director.
- (M) "National categorical pretreatment standard" means a categorical pretreatment

standard promulgated by the administrator in accordance with section 307 of the act and established under 40 C.F.R. chapter I, subchapter N.

(N) "National pretreatment standard" means any regulation of the USEPA, containing pollutant discharge limits promulgated by the administrator in accordance with sections 307(b) and (c) of the act, that applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. 403.5.

(O)

(1) "New source" means 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 paragraph (O)(1)(b) or (O)(1)(c) of this rule, 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:

(i) Any placement, assembly, or installation of facilities or equipment;  
or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

(P) "Noncontact cooling water" means the water used to reduce temperature that does not come into contact with any raw material, intermediate product, waste product (other than heat), or finished product. Noncontact cooling water does not include any process waters or other type of wastewaters, nor is it exposed to anything but the inside of the pipe. Noncontact cooling water should be reasonably free from contaminants like metals, ammonia, organics, and total dissolved solids so that Ohio's water quality standards in Chapter 3745-1 of the Administrative Code are not violated.

~~(P)~~(Q) "Non-significant categorical industrial user" is an industrial user subject to 40 C.F.R. chapter I, subchapter N that the control authority may determine is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user does not discharge more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and the following conditions ~~in paragraphs (P)(1) to (P)(4) of this rule~~ are met:

(1) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(2) The industrial user annually submits the certification statement required in paragraph (J) of rule 3745-3-06 of the Administrative Code together with any additional information necessary to support the certification statement;

- (3) The industrial user never discharges any untreated concentrated wastewater; and
- (4) The industrial user is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the following conditions are met:
  - (a) The industrial user does not discharge wastewater regulated by categorical pretreatment standards at any time; or
  - (b) The industrial user has not been in significant noncompliance, as defined in paragraph (C)(2)(h) of rule 3745-3-03 of the Administrative Code, for any time in the past two years; and
  - (c) The procedures for the categorization of such a user as a non-significant categorical industrial user and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in:
    - (i) The control authority's approved long term control plan;
    - (ii) The control authority's approved combined sewer system operation plan implementing the nine minimum controls; or
    - (iii) The control authority's program modification request submitted to the director.

~~(Q)~~(R) "NPDES permit" means national pollutant discharge elimination system permit issued by the director under the requirements of section 402 of the act, Chapter 6111. of the Revised Code, and Chapter 3745-33 of the Administrative Code.

~~(R)~~(S) "Ohio EPA" means the Ohio environmental protection agency.

~~(S)~~(T) "Pass through" means a discharge that exits the POTW into waters of the state in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

~~(T)~~(U) "pH" means the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

~~(U)~~(V) "POTW treatment plant" means that portion of the POTW that is designed to

provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

~~(V)~~(W) "Pollutant" means sewage, industrial waste or other waste as defined by divisions (B), (C) and (D) of section 6111.01 of the Revised Code.

~~(W)~~(X) "Publicly owned treatment works" or "POTW" means a treatment works that is owned or operated by a public authority. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the public authority that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

~~(X)~~(Y) "Pretreatment" means 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological treatment processes, by BMPs, by pollution prevention alternatives including process changes, material substitutions, improved operating practices and recycling, or by other means, except as prohibited by paragraph (E) of rule 3745-3-09 of the Administrative Code.

~~(Y)~~(Z) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or POTW.

~~(Z)~~(AA) "Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user by this chapter or by local ordinance or control mechanism, including categorical pretreatment standards, prohibitive discharge limits established pursuant to rule 3745-3-04 of the Administrative Code, local limits established pursuant to paragraph (C)(4) of rule 3745-3-03 and paragraph (D) of rule 3745-3-04 of the Administrative Code, and any enforceable schedule designed to achieve compliance with such limit.

~~(AA)~~(BB) "Process wastewater" means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, except noncontact cooling water and sanitary wastewater.

~~(BB)~~(CC) "Process wastewater pollutants" means pollutants present in process wastewater.

~~(CC)~~(DD) "PSES" means categorical pretreatment standards for existing sources.

~~(DD)~~(EE) "PSNS" means categorical pretreatment standards for new sources.

~~(EE)~~(FF) "Public authority" means a municipal corporation, the governing board of a county, a sanitary district established pursuant to Chapter 6115. of the Revised Code, a sewer district established pursuant to Chapter 6117. of the Revised Code, a conservancy district under Chapter 6101. of the Revised Code, or any other special district owning or operating a POTW in accordance with section 6111.032 of the Revised Code.

~~(FF)~~(GG) "Significant industrial user" means, except as provided in paragraph ~~(FF)~~(3)~~(GG)~~(3) of this rule:

- (1) Industrial users subject to categorical pretreatment standards under 40 ~~CFRC.F.R.~~ 403.6 and 40 ~~CFRC.F.R.~~ chapter I, subchapter N, except the industrial users considered non-significant categorical industrial users, as defined in paragraph ~~(P)~~(Q) of this rule; and
- (2) Any other industrial user that:
  - (a) Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW (process wastewater excludes sanitary, non-contact cooling and boiler blowdown wastewaters);
  - (b) Contributes a process wastestream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that an industrial user meeting the criteria in paragraph ~~(FF)~~(2)~~(GG)~~(2) of this rule has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with paragraph (C)(6) of rule 3745-3-03 of the Administrative Code, determine that such industrial user is not a significant industrial user.

~~(GG)~~(HH) "USEPA" means the United States environmental protection agency.

~~(HH)~~(II) "Water quality standards" means the regulations in Chapter 3745-1 of the Administrative Code.

~~(II)~~(JJ) "Waters of the state" means the same as defined in section 6111.01 of the Revised Code.

~~(JJ)~~(KK) "40 C.F.R." means Title 40 of the Code of Federal Regulations effective July 1, ~~2006~~2011.

[Comment: The Code of Federal Regulations and federal statutes listed in this rule can generally be found in public libraries, and can be viewed electronically online at ~~<http://www.gpoaccess.gov/cfr/index.html>~~<http://www.gpo.gov/fdsys/> and purchased by writing to: "Superintendent of Documents. Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."]

Effective:

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Certification

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