

*** DRAFT - NOT YET FILED ***

3745-3-06

Reporting requirements for industrial users.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-3-01 of the Administrative Code.]

(A) Reserved.

(B) Baseline report.

- (1) Within one hundred eighty days after the effective date of a national categorical pretreatment standard, or one hundred eighty days after the final administrative decision made upon a category determination submission under paragraph (H) of rule 3745-3-09 of the Administrative Code, whichever is later, existing industrial users subject to such categorical standard or standards and currently discharging to or intending to discharge to a POTW shall submit to the control authority a baseline report which contains the information listed in paragraphs (C)(1) to (C)(6) of this rule, at least ninety days prior to commencement of discharge. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in paragraphs (C)(1) to (C)(5) of this rule. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (C)(4) and (C)(5) of this rule.
- (2) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance or the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code, at the time the user submits its baseline report the information required by paragraphs (C)(5) and (C)(6) of this rule shall pertain to the modified limits.
- (3) If the applicable categorical pretreatment standard is modified by a removal allowance, fundamentally different factor variance or the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code after the user submits its baseline report, any necessary amendments to the information requested by paragraphs (C)(5) and (C)(6) of this rule shall be submitted by the user to the control authority within sixty days after the modified limit is approved.
- (4) Where baseline reports containing the information required by this rule already

have been submitted to the control authority pursuant to the requirements of 40 C.F.R. 403.12, the industrial user shall not be required to submit this information again.

- (5) The control authority 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.
 - (6) The baseline report shall certify that the information reported is representative of normal work cycles and expected pollutant discharges to the POTW.
- (C) The baseline report required by paragraph (B) of this rule shall contain the following information:
- (1) The name and address of the facility including the name of the operator and owners;
 - (2) A list of any environmental control permits held by or for the facility;
 - (3) A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial users. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
 - (4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated process streams; and
 - (b) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. 403.6.

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

- (5) The results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a BMP or a pollution prevention alternative, the industrial user shall submit documentation as required by the control

authority or the applicable standards to determine compliance with the standard;

- (6) A statement, reviewed and signed by an authorized representative of the industrial user (as defined in paragraph (F) of this rule), 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; and
- (7) If additional pretreatment operation and maintenance, or both, will be required to meet the categorical pretreatment standards, the shortest schedule by which the industrial user will provide such additional measures.
- (8) The schedule required by paragraph (C)(7) of this rule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executive contract for major components, commencing construction, completing construction, etc). No increment shall exceed nine months.
- (9) Not later than fourteen days following each date in the schedule required by paragraph (C)(7) of this rule and the date for final compliance with the applicable categorical pretreatment standard or standards, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

(D) Initial compliance report.

Within ninety days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit to the control authority a report containing the information described in paragraphs (C)(4) to (C)(6) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in paragraph (I) of rule 3745-3-09 of the Administrative Code, this report shall contain

a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(E) Periodic compliance monitoring reports.

- (1) Industrial users subject to categorical pretreatment standards, except a non-significant categorical user as defined in paragraph ~~(P)~~(Q) of rule 3745-3-01 of the Administrative Code, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit a periodic compliance monitoring report to the control authority during the months of June and December, unless required more frequently or during different months by the categorical pretreatment standard or the control authority.
- (2) For a mid-tier categorical industrial user as defined in paragraph (L) of rule 3745-3-01 of the Administrative Code, the control authority may reduce the frequency for reporting specified in paragraph (E)(1) of this rule to no less than once a year, unless required more frequently in the pretreatment standard or by the director, when the following conditions are met:
 - (a) The industrial user shall notify the control authority immediately of any changes at its facility causing it to no longer meet conditions in paragraph (L) of rule 3745-3-01 of the Administrative Code. Upon notification, the industrial user shall immediately begin complying with the minimum reporting requirement specified in the POTW's pretreatment program; and
 - (b) The control authority shall retain documentation to support its determination that an industrial user meets the definition of a mid-tier categorical industrial user in paragraph (L) of rule 3745-3-01 of the Administrative Code for a period of three years after the expiration of the control mechanism.
- (3) The periodic compliance monitoring report shall include the following:
 - (a) A report indicating the nature and concentration of pollutants in the discharge that are limited by such categorical pretreatment standards;
 - (b) A record of measured or estimated average and maximum daily flows for

the reporting period for the discharge to the POTW, reporting the same information as called for under paragraph (C)(4) of this rule unless the control authority should require more detailed reporting of flows;

- (c) Where the control authority has imposed mass limitations on industrial users, the mass of pollutants in the discharge from the industrial user relevant to such mass limitations;
 - (d) For industrial users subject to equivalent mass or concentration limits established by the control authority, a reasonable measure of the user's long-term production rate;
 - (e) For industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the user's actual average production rate for the reporting period; and
 - (f) In cases where the pretreatment standard requires compliance with a BMP or a pollution prevention alternative, documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.
- (4) The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users shall submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a BMP or a pollution prevention alternative, the user shall submit documentation required by the control authority to determine the compliance status of the user.
- (F) The reports and certifications required by this rule shall include the certification statement in 40 C.F.R. 403.6(a)(2)(ii) and shall be signed by an authorized representative of the industrial user. An authorized representative may be:
- (1) A responsible corporate officer, if the industrial user submitting the reports required by this rule is a corporation. For the purpose of this paragraph, a "responsible corporate officer" means:
 - (a) A president, secretary, treasurer, or 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 operation facilities, provided the manager:
 - (i) 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 of initiating and directing other comprehensive measures, to assure long-term environmental compliance with environmental laws and regulations;
 - (ii) Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements; and
 - (iii) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.
- (3) A member or manager if the industrial user submitting the report is a limited liability company;
- (4) A duly authorized representative of the individual designated in paragraph (F)(1), (F)(2) or (F)(3) of this rule if:
 - (a) The authorization is made in writing by the individual described in paragraph (F)(1), (F)(2) or (F)(3) of this rule;
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the control authority.
- (5) If an authorization under paragraph (F)(4) of this rule is no longer accurate

because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (F)(4) of this rule shall be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(G) Any industrial user subject to the reporting requirements established in this rule shall:

(1) Maintain records of all information resulting from any monitoring activities required by this rule. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(b) The dates analyses were performed;

(c) Who performed the analyses;

(d) The analytical techniques or methods used; and

(e) The results of such analyses; and

(2) Retain, for a minimum of three years, any records of monitoring activities and results (whether or not such monitoring activities are required by this rule) and shall make such records available for inspection and copying by Ohio EPA, USEPA, or the POTW to which the industrial user discharges. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director.

(H) Sampling and analysis performed in preparation of any report required by this rule shall be conducted in accordance with the following requirements:

(1) For the reports required in paragraphs (B) and (D) of this rule, a minimum of four grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organics for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless flow-proportional sampling is waived by the control authority. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user

demonstrates that this will provide a representative sample of the effluent being discharged;

- (2) For those reports required in paragraphs (B) and (D) of this rule, unless an alternate sampling procedure is specified by the control authority, where the flow of the stream being sampled is less than or equal to nine hundred fifty thousand liters per day (approximately two hundred fifty thousand gallons per day), the user shall take three samples within a two-week period; where the flow of the stream being sampled is greater than nine hundred fifty thousand liters per day, the user shall take six samples within a two-week period;
- (3) 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 wastestreams are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code in order to evaluate compliance with the categorical pretreatment standards;
- (4) Except as otherwise provided in this rule, sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. 136. Where 40 C.F.R. 136 does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that the 40 C.F.R. 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling and analytical procedures approved by the director;
- (5) Except in the case of non-significant categorical industrial users, the sampling and analysis required in paragraphs (B), (D), and (E) of this rule may be performed by the control authority in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required in paragraph (C)(6) of this rule. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report;
- (6) If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within twenty-four 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 control authority within thirty days after becoming aware of the violation. Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority shall perform the repeat sampling and analysis unless it notifies the

user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

- (a) The control authority performs sampling at the industrial user at a frequency of at least once per month, or
 - (b) The control authority performs sampling at the user between the time when initial sampling was conducted and the time when the results of the initial sampling are received;
- (7) The reports required in paragraph (E) of this rule shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate USEPA guidance, multiple grab samples collected during a twenty-four-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 USEPA methodologies may be authorized by the control authority, as appropriate;
- (8) For the reports required by paragraph (E) of this rule, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements;
- (9) If an industrial user subject to the reporting requirement in paragraph (E) of this rule monitors any regulated pollutant at the permitted sampling location more frequently than required by the control authority, using the procedures described in paragraph (H)(4) of this rule, the results of this monitoring shall

be included in the report; and

- (10) The control authority may require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.
- (I) All industrial users shall promptly notify the control authority and the POTW in the cases where the POTW does not have an approved pretreatment program in advance of any substantial change in the volume or character of pollutants in their discharge including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p). Significant industrial users shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.
- (J) Annual certification by non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user pursuant to paragraph ~~(P)~~(Q) of rule 3745-3-01 of the Administrative Code shall annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (F) of this rule. This certification shall accompany any alternative report required by the POTW:

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

- (1) "The facility described as [insert facility name] met the definition of a non-significant categorical industrial user as described in paragraph ~~(P)~~(Q) of rule 3745-3-01 of the Administrative Code;
- (2) "The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (3) "The facility never discharged more than one hundred gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [specify information]."

~~{Comment: "C.F.R." refers to the federal "Code of Federal Regulations," which can generally be found in public libraries, and can be viewed electronically online at <http://www.gpoaccess.gov/cfr/index.html> and purchased by writing to: "Superintendent of Documents. Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."}~~

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Certification

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