

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

3745-3-09

**General requirements governing application of pretreatment standards.**

[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) The provisions of this rule provide general requirements concerning the application of pretreatment standards to industrial users.
- (B) Industrial users subject to categorical pretreatment standards shall also comply with the limits under rule 3745-3-04 of the Administrative Code - "Prohibited discharges," and with any more stringent pretreatment standards applicable under an approved POTW pretreatment program.
- (C) Existing sources that become industrial users subsequent to promulgation of an applicable national categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in rule 3745-3-01 of the Administrative Code.
- (D) New sources shall comply with the pretreatment standard for new sources (PSNS) that is specified in the applicable subcategory of the national categorical pretreatment standard.
- (E) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director or a POTW under an approved POTW pretreatment program may impose mass limitations on industrial users that are using, or attempt to use, dilution to meet applicable pretreatment standards or requirement, or in such other cases where the imposition of mass limitations is appropriate.
- (F) Pollutant discharge limits in categorical pretreatment standards are expressed either as concentration or mass limits or both. Wherever possible, equivalent mass limits are provided, and the director or a POTW may use either concentration or mass limits for enforcement purposes. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard, or as otherwise specified by the standard.
- (G) Unless otherwise provided in an applicable categorical pretreatment standard,

compliance with such standards shall be measured in accordance with the methods of analyses and sampling procedures specified under rule 3745-3-06 of the Administrative Code.

(H) In all cases in which a determination is sought by an industrial user concerning the applicability of a particular subcategory under the national categorical pretreatment standards, the final determination issued under 40 C.F.R. 403.6 shall control the application of the appropriate subcategory. There shall be no right or procedure implied under this chapter for industrial users or POTWs to seek such categorical determinations from the director other than through the procedures and within the requirements of 40 C.F.R. 403.6.

(I)

(1) National categorical pretreatment standards shall apply to an industrial user unless an enforceable alternative limit to the standard is applicable to the industrial user under:

- (a) 40 C.F.R. 403.7 (removal credits) to reflect the removal at a POTW of pollutants discharged by the industrial user of pollutants;
- (b) 40 C.F.R. 403.6(e) (combined wastestream formulas) to reflect the mixing prior to treatment of process effluent with wastewater other than that generated by the regulated process;
- (c) 40 C.F.R. 403.13 (fundamentally different factor variance) to reflect the existence of data and information that was not considered or available when the national categorical pretreatment standard was promulgated;
- (d) 40 C.F.R. 403.15 (net/gross calculation) to reflect the presence of pollutants in the intake water of an industrial user;
- (e) 40 C.F.R. 403.6(c)(1) to reflect the conversion of mass-based limits only into equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration;
- (f) 40 C.F.R. 403.6(c)(5) to reflect the conversion of concentration-based limits only into equivalent mass-based limits; or
- (g) 40 C.F.R. 403.6(c)(6) to reflect the conversion of mass-based limits of the categorical pretreatment standards in 40 C.F.R. 414, 40 C.F.R. 419, and 40 C.F.R. 455 to concentration-based limits.

- (2) In order for the alternative limit referenced in paragraph (I)(1) of this rule to be considered enforceable against an industrial user, compliance with the alternative limit shall be required by local ordinance or contract administered under an approved pretreatment program, or by orders issued to the industrial user by the director under section 6111.03 of the Revised Code.
- (3) There shall be no right or procedure implied under this chapter for an industrial user, POTW, or any other person to seek an alternative limit to a national categorical pretreatment standard other than through the procedures and within the requirements set forth in paragraphs (I)(1) and (I)(2) of this rule.

~~{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."}~~

Effective:

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Certification

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