

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

3745-36-02

**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~~2010.
- (B) "Applicant" means any person who files for an Ohio indirect discharge permit.
- (C) "Application" means the Ohio environmental protection agency form used to apply for an Ohio individual indirect discharge permit.
- (D) "Approved 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.
- (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 rule 3745-3-04 of the Administrative Code. BMPs also include, but are not limited to, treatment requirements, operating procedures, and practices to control wastewater discharges, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (F) "Categorical pretreatment standard" means any standard, including national categorical pretreatment standards as defined in rule 3745-3-01 of the Administrative Code, 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.
- (G) "Director" means the director of the Ohio environmental protection agency.
- (H) "Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source including, but not limited to, those regulated under section 307(b), (c), or (d) of the act.
- (I) "Individual indirect discharge permit" means an authorization to discharge issued by the director to a significant industrial user specifying the terms and conditions of discharge. These terms and conditions may include, but are not limited to, effluent limits, monitoring requirements, pretreatment requirements, BMPs, pollution

prevention plans and any other elements as deemed necessary by the director.

(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 a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:

(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~~2010 (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~~2010; and

(e) The Toxic Substances Control Act (TSCA) 15 U.S.C. sections 2601 et seq. to 2692 as amended through July 1, ~~2006~~2010.

(L) "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.

~~(L)~~(M) "Ohio EPA" means the Ohio environmental protection agency.

~~(M)~~(N) "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, cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

~~(N)~~(O) "Person" means the same as defined in section 6111.01 of the Revised Code.

~~(O)~~(P) "Pollutant" means sewage, industrial waste, or other waste as defined by divisions (B) to (D) of section 6111.01 of the Revised Code.

~~(P)~~(Q) "Pollution prevention" means the use of source reduction techniques in order to reduce risk to public health, safety, and welfare and the environment and, as a second preference, the use of environmentally sound recycling to achieve these same goals. Pollution prevention avoids cross-media transfers of waste or pollutants and is multi-media in scope; it addresses all types of waste and environmental releases to the air, water, and land.

~~(Q)~~(R) "POTW" or "publicly owned treatment works" means a treatment works that is owned or operated by a public authority. This definition includes any devices or 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.

~~(R)~~(S) "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.

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

~~(T)~~(U) "Pretreatment standard" means a discharge limit related to pretreatment that is imposed on an industrial user by Chapter 3745-3 of the Administrative Code or by local ordinance or contract, including categorical pretreatment standards, prohibited discharge limits established pursuant to rule 3745-3-04 of the Administrative Code,

and any enforceable schedule designed to achieve compliance with such limit.

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

- (1) All industrial users subject to categorical pretreatment standards; and
- (2) Any other 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 treatment plant; or
  - (c) Is designated as such by the director 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 finding that an industrial user meeting the criteria in paragraph ~~(U)~~(2)~~(V)~~(3) of this rule has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on ~~his~~the director's own initiative or in response to a petition received from an industrial user or POTW, determine that such industrial user is not a significant industrial user.

(W) "40 C.F.R." means Title 40 of the Code of Federal Regulations effective July 1, ~~2006~~2010.

[Comment: The Code of Federal Regulations 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."]

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Certification

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Date

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