



Proposed Rules – Pretreatment and Indirect Discharge Permit Rules (OAC Chapters 3745-3 and 3745-36)

What do OAC Chapters 3745-3 and 3745-36 cover?

These chapters of the Ohio Administrative Code (OAC) provide the administrative requirements for the development and implementation of pretreatment programs, regulating industrial wastewater discharges into publicly owned treatment works (POTWs). These rules are also known as the Pretreatment and Indirect Discharge Permit (IDP) rules.

The Pretreatment rules in OAC Chapter 3745-3 identify facilities subject to the pretreatment regulations and set forth the requirements for local POTWs to follow in establishing and maintaining an approved pretreatment program. The IDP rules in OAC 3745-36 set forth the requirements for Ohio EPA's IDP program for industrial users that discharge to POTWs that do not have an approved pretreatment program.

Which rules are under review at this time?

The following existing rules are being reviewed at this time:

Rule Number	Title
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OAC Chapter 3745-3: Industrial Discharges to Publicly Owned Treatment Works (Pretreatment Rules)

3745-3-01	Definitions.
3745-3-02	Purpose and applicability.
3745-3-03	POTW pretreatment programs.
3745-3-04	Prohibited discharges.
3745-3-05	Notification of potential problems, including slug loading.
3745-3-06	Reporting requirement for industrial users.
3745-3-07	Trade secrets; request for confidentiality.
3745-3-09	General requirements governing applications of pretreatment standards.
<u>OAC Chapter 3745-36: Permit Program Regulating Discharge of Nondomestic Wastewater into a POTW (IDP Rules)</u>	
3745-36-01	Purpose.
3745-36-02	Definitions.
3745-36-03	Individual indirect discharge permits.
3745-36-06	Indirect discharge permit-by-rule.

What changes are being proposed?

The rules under OAC Chapters 3745-3 and 3745-36 have been reviewed and amended pursuant to section 106.03 of the ORC. Ohio EPA is required to review its rules every five years to determine if the rules need to be revised. The Agency has reviewed all of the rules in these chapters of the Administrative Code, and has identified needed changes. The most significant change that the Agency is proposing is a reorganization and clarification of the complete split of the Pretreatment and IDP rules. Currently, the Pretreatment and IDP rules overlap with one another, with IDP rules frequently cross-referencing Pretreatment rules. The Agency's revisions would expand the IDP rules so that the applicable requirements for industrial users not under the jurisdiction of a POTW with an approved pretreatment program are explicitly stated within OAC 3745-36. This effort is intended to make it easier for the regulated community to find the requirements that specifically apply to them.

With this reorganization, the Agency has drafted several new rules in Chapter 3745-36. These new and reorganized rules do not contain any new requirements for the regulated community as they mirror the rules from OAC Chapter 3745-3, but contain clarification of the regulated community's reporting requirements, prohibited discharges, sampling requirements, etc.

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The Agency is not proposing significant changes to the Pretreatment and IDP rules other than reorganization, however any industrial user wishing to apply for reduced monitoring and reporting requirements via status as a non-significant categorical industrial user, will now need to apply for and obtain an indirect discharge permit. The Agency currently does not have any industrial users that have applied for, or are holding this status, however it is necessary to put these administrative procedures into rule in the event that an industrial user would apply for this status. Revisions to the Pretreatment rules do not include significant new requirements for the regulated community, but do contain general clarifications.

The newly reorganized rules will look like this:

Rule Number	Title
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OAC Chapter 3745-3: Industrial Discharges to Publicly Owned Treatment Works (Pretreatment Rules)

3745-3-01	Definitions.
3745-3-02	Purpose and applicability.
3745-3-03	POTW pretreatment programs.
3745-3-04	Prohibited discharges.
3745-3-05	Notification of potential problems, including slug loading.
3745-3-06	Reporting requirement for industrial users.
3745-3-07	Trade secrets; request for confidentiality.
3745-3-09	General requirements governing applications of pretreatment standards.

OAC Chapter 3745-36: Permit Program Regulating Discharge of Nondomestic Wastewater into a POTW (IDP Rules)

3745-36-01	Purpose and applicability.
3745-36-02	Definitions.
3745-36-03	Individual indirect discharge permits.
3745-36-04	Prohibited discharges.
3745-36-05	Notification of potential problems.
3745-36-06	Indirect discharge permit-by-rule.
3745-36-07	Trade secrets; request for confidentiality.
3745-36-08	Requirements applicable to all facilities covered under an individual indirect discharge permit.
3745-36-09	Conditions specific to categorical industrial users.
3745-36-10	Alternative conditions specific to categorical industrial users.

Are there changes from the June 2018 draft rule revisions?

One change was made in response to comments. The periodic compliance reporting requirements for non-categorical significant industrial users in paragraph (E)(5) were merged with the periodic compliance reporting requirements for categorical significant industrial users in paragraph (E)(1).

Who will be regulated by these rules?

POTWs administering an approved pretreatment program, and industrial users discharging to a POTW with or without an approved pretreatment program are regulated by these rules.

What additional information is the Agency seeking?

The Agency wants to hear from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions and additions. General comments and specific factual information are welcome.

How are the amendments formatted in the proposed rules?

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Text proposed for deletion is struck through; new text is underlined. Some of these rules are being rescinded and filed as new due to changes to more than 50% of the rule.

What is the rulemaking schedule?

A public hearing on the proposed rules will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. This hearing will be held at the **Ohio EPA Conference Center, Room A, 50 West Town Street, Suite 700, in Columbus, Ohio at 10:30 a.m. on December 3, 2018**. The purpose of the public hearing is to give interested persons the opportunity to present oral or written comments on the proposed rules.

At the close of the public comment period, the Agency will review the comments, make any necessary changes to the rules, and then adopt the rules. This is roughly a two-month process from the close of the comment period. A responsiveness summary will be prepared and sent to everyone who comments on the proposed rules. The final rules could be adopted in early 2019.

How can I comment on the proposed rules?

Please submit your comments in one of the following ways:

- By email: dsw_rulecomments@epa.ohio.gov
- By fax: (614) 644-2745
- By postal mail:

Rule Coordinator
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Comments on the proposed rules must be received no later than 5:00 p.m. on December 3, 2018.

How can I get more information?

- Copies of this fact sheet and proposed rules are on the Division of Surface Water website at: www.epa.ohio.gov/dsw/dswrules.aspx.

For more information about the proposed rules, please contact Phoebe Low at (614) 644-2134 or Phoebe.Low@epa.ohio.gov.