



Ohio Administrative Code

Rule 3745-3-06 Reporting requirements for industrial users.

Effective: February 1, 2019

[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) Categorical industrial users are required to submit to the control authority a baseline report, as described in paragraph (C) of this rule. The baseline report shall include the following contents, as applicable, and be submitted to the control authority by the corresponding deadline:

(a) Existing industrial users subject to such categorical 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)(8) of this rule. The industrial user shall submit this information to the control authority within one hundred eighty days after the effective date of a 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.

(b) 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)(6) of this rule at least ninety days prior to commencement of discharge. 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, fundamentally different factor variance, or the combined wastestream formula under paragraph (I)(1) of rule 3745-3-09 of the Administrative Code, at the time the user submits the baseline report the information required by paragraphs (C)(6) and (C)(7) 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 the baseline report, any necessary amendments to the information requested by paragraphs (C)(6) and (C)(7) of this rule shall be submitted by the user to the control authority within sixty days after the modified limit is approved.

(C) The baseline report required by paragraph (B) of this rule shall contain all of 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 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 both of the following:

(a) Regulated process streams.

(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) Measurement of pollutants.

(a) The user shall identify the pretreatment standards applicable to each regulated process.

(b) The user shall submit 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.

(c) The user shall take a minimum of one representative sample from each sampling location, as approved by the control authority, to comply with the requirements of this paragraph.

(d) Sampling and analyses shall be performed in accordance with paragraph (G) of this rule.

(e) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis.

(f) 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) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (F) of this rule, certifying that the information reported is representative of normal work cycles and expected pollutant discharges to the POTW.

(7) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (F) of this rule, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance, or additional pretreatment is required by the industrial user to meet the pretreatment standards and requirements.



(8) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(9) The schedule required by paragraph (C)(8) 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.

(10) Not later than fourteen days following each date in the schedule required by paragraph (C)(8) 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 compliance with the increment of progress has been met on such date and, if not, the date on which compliance with this increment of progress is expected, 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)(7) 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) Significant industrial users subject to pretreatment standards 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. The periodic compliance monitoring report shall include all of the following information:

(a) A report indicating the nature and concentration of the pollutants in the discharge that are limited by applicable categorical pretreatment standards and pollutants required by the control authority.

(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 categorical 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.

(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.

(g) For industrial users granted a monitoring waiver by the control authority, the periodic compliance report shall include the signed certification requirements specified in paragraph (C)(1)(d) of rule



3745-3-03 of the Administrative Code, as well as the certification requirements specified in paragraph (F) of this rule.

(2) For a mid-tier categorical industrial user as defined in paragraph (M) 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 per year, unless required more frequently in the pretreatment standard, by the control authority, or by the director. If the control authority includes this condition within an industrial user's control mechanism, both of the following conditions shall be met:

(a) The industrial user shall notify the control authority immediately of any changes at the facility causing the user to no longer meet conditions in paragraph (M) 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.

(b) The control authority shall retain documentation to support the determination that an industrial user meets the definition of a mid-tier categorical industrial user in paragraph (M) of rule 3745-3-01 of the Administrative Code for a period of three years after the expiration of the control mechanism.

(3) For categorical industrial users subject to categorical standards for electroplating (40 C.F.R. Part 413), metal finishing (40 C.F.R. Part 433), and electrical and electronic component manufacturing (40 C.F.R. Part 469), in lieu of requiring monitoring for total toxic organics (TTOs), the control authority may allow for implementation of a certified total toxic organics management plan (TOMP) as follows:

(a) To implement this option, a TOMP shall be submitted to the control authority for review and approval and shall include the following information. If requested information is not applicable, an explanation shall be included in the plan.

(i) A complete inventory of all toxic organic chemicals used, generated, stored or identified through sampling and analysis of the wastewater from regulated process operations. A listing of regulated TTOs can be found in 40 C.F.R. 413, 433, and 469. Organic constituents of trade name products shall be obtained from the supplier.



(ii) The identities and determinations or best estimates of approximate maximum quantities of toxic organic pollutants used in and discharged from the regulated processes. Compounds present in the wastestreams that are discharged to sanitary sewers or surface waters may be a result of regulated processes or disposal, spills, leaks, rinse waters carryover, air pollution control, and other sources.

(iii) A pollution prevention assessment for TTOs. This includes an assessment of pollution prevention options that could be implemented to minimize or eliminate the discharge of toxic organics introduced into the wastestream under current and future conditions.

(a) Pollution prevention options include, but are not limited to, the following:

(i) Material substitution.

(ii) Improved operating practices.

(iii) Technology changes.

(iv) Recycling.

(b) Once pollution prevention options are identified, a technical and economic evaluation of viable options shall be conducted to select options, or projects that are technically and economically viable. A schedule of implementation shall be developed and a measurement system to track the implementation progress of the pollution prevention options shall be developed and revised as necessary.

(iv) A description of the methods of disposal other than discharge to wastewaters, such as reclamation, contract hauling, or incineration. A detailed description for each waste shall be included with information on how the waste is stored prior to disposal.

(v) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, noncontact cooling water, groundwater, surface waters, sanitary sewers or any other location which allows the discharge of the compounds. These



procedures shall include, but are not limited to, the following:

(a) A description of the practices to be followed, including housekeeping procedures, during the use, collection, and storage of organics. These practices shall include, but are not limited to, the following:

(i) Proper labeling and handling of containers of toxic organics.

(ii) Storing a minimal amount of organics at the site.

(iii) A centralized storage area designed and maintained to not allow leakage.

(iv) Sealing floor drains when they are in the area where toxic organics are used or stored.

(v) Overfill control equipment.

(vi) Secondary containment system capable of holding one hundred and ten per cent of the total volume stored, or the volume of the largest container, whichever is greater. The containment system shall be designed and maintained to not allow leakage.

(b) A description of the procedure that will provide routine and detailed visual inspections to ensure the absence of leaking storage containers. Visual inspections shall be conducted at least once per week.

(c) A description of how all employees are trained in the proper use, collection, and storage of all chemicals they work with.

(d) A simple, but complete floor plan showing the storage location of toxic organics prior to use, in use and toxic organic waste awaiting disposal. This plan shall include all floor drains, dikes, and containment areas in the storage facility.

(vi) A spill or leak notification plan and containment procedures. If a spill or leak containing a TTO enters the process wastewaters and discharges to a POTW or surface waters, the POTW and control



authority, as applicable, shall be promptly notified by the industrial user within twenty-four hours of discovery. Information regarding the facility, chemicals spilled and remedial actions shall be provided in the notification. The spill or leak notification plan shall also include, at a minimum, the following:

- (a) The name of the individual responsible for implementing the TOMP.
- (b) The name of the facility's emergency response coordinator.
- (c) A list of agencies to be contacted during an emergency and their telephone numbers shall also be posted where organics are used and stored.
- (d) A description of practices to be followed in the event of a spill or leak.
- (e) A description of equipment and supplies on site to contain and clean up spills and leaks.
- (b) Initial sampling. The facility's effluent shall be sampled and analyzed for all toxic organic compounds, as indicated on the list included in the appropriate categorical standard, as follows:
 - (i) Samples shall be collected and analyzed in accordance with 40 C.F.R. 136, with appropriate detection levels.
 - (ii) The reporting form from the laboratory analyzing the samples shall be included in the TOMP.
 - (iii) The steps in the regulated process in which toxic organics are used shall be described.
 - (iv) The source where toxic organics could be introduced into the wastestream besides those referenced in paragraph (E)(3)(b)(iii) of this rule shall be described.
 - (v) A flow schematic showing all of the sources and pathways where toxic organics could enter the wastestream shall be provided.
 - (vi) The approximate quantities of each toxic organic chemical used at each step in the regulated



process shall be listed.

(vii) Evaluate any regulated TTO found in the effluent, other than those in the TTO inventory list required in paragraph (E)(3)(a)(i) of this rule and determine if the TTOs are formed as reaction products or by-products or from raw materials, impurities, equipment corrosion or other sources.

(c) Certification eligibility. In order to qualify for the alternative in paragraph (E)(3) of this rule, the following criteria shall be met:

(i) The baseline analysis shall show compliance with the appropriate TTO standards.

(ii) An acceptable TOMP shall be submitted to the control authority.

(iii) The following certification statement shall be signed by an officer of the company or manager responsible for overall plant operations, and submitted with the TOMP and each subsequent periodic compliance report:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no discharge or dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."

(d) The control authority, and the POTW, as applicable, shall be notified if any production process is modified or if conditions change that affect the use or storage of toxic organics. The control authority may require that additional sampling be performed.

(e) Certification re-evaluation. To continue implementation of the alternate TTO monitoring, the industrial user shall submit an updated TOMP to the control authority for review and approval in accordance to the procedures described under the pretreatment program.

(f) Revocation of certification eligibility. The certification eligibility may be revoked if independent sampling reveals violations or results inconsistent with the values reported by the entity.



(g) TTO monitoring shall resume upon the end or revocation of certification.

(F) The reports and certifications required by this rule shall include the following certification statement and shall be signed by an authorized representative of the industrial user, as follows:

(1) "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) An authorized representative may be any of the following:

(a) 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 one of the following:

(i) 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-making or decision-making functions for the corporation.

(ii) The manager of one or more manufacturing, production, or operation facilities, provided the manager meets all of the following:

(a) 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.

(b) 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.

(c) Is assigned or delegated the authority to sign documents in accordance with corporate procedures.

(b) A general partner or proprietor if the industrial user submitting the report is a partnership or sole proprietorship, respectively.

(c) A member or manager if the industrial user submitting the report is a limited liability company.

(d) A duly authorized representative of the individual designated in paragraph (F)(2)(a), (F)(2)(b), or (F)(2)(c) of this rule if all of the following apply:

(i) The authorization is made in writing by the individual described in paragraph (F)(2)(a), (F)(2)(b), or (F)(2)(c) of this rule.

(ii) 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.

(iii) The written authorization is submitted to the control authority.

(e) If an authorization under paragraph (F)(2)(d) 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)(2)(d) 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) Sampling and analysis performed in preparation of any report required by this rule shall be conducted in accordance with all of the following:

(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 requirement of fewer grab samples. 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) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the wastewaters regulated by categorical standards mix with other wastestreams 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.

(3) 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.

(4) 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 all of the following apply:

(a) The user will not be required to submit the compliance certification statement required in paragraph (C)(6) of this rule.

(b) The industrial user will not be required to submit the report if the POTW solely collects all of the information required for the report.



(c) These sampling and analysis results do not include the annual monitoring required in paragraph (C)(2)(e) of rule 3745-3-03 of the Administrative Code.

(5) Resampling of a violation. Unless paragraph (G)(5)(c) of this rule applies, repeat sampling and analysis shall be performed within thirty days after the industrial user or control authority becomes aware of the violation. The responsible party for resampling is determined by the following:

(a) 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.

(b) If sampling and analysis performed by the control authority under paragraph (G)(4) of this rule or paragraph (C)(2)(e) of rule 3745-3-03 of the Administrative Code indicates a violation, the control authority shall perform the repeat sampling and analysis unless the control authority notifies the user of the violation and requires the user to perform the repeat analysis.

(c) Resampling is not required if either of the following apply:

(i) The control authority performs sampling at the industrial user at a frequency of at least once per month.

(ii) 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.

(6) The reports required in paragraphs (B), (D), and (E) of this rule shall be conducted in accordance with all of the following:

(a) The reports 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.

(b) The control authority shall require that frequency of monitoring necessary to assess and assure



compliance by industrial users with applicable pretreatment standards and requirements.

(c) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.

(d) 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.

(e) 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.

(f) Using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows:

(i) For hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.

(ii) For volatile organics and oil and grease the samples may be composited in the laboratory.

(iii) Composite samples for other parameters unaffected by the compositing procedures as documented in approved U.S. EPA methodologies may be authorized by the control authority, as appropriate.

(7) 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.

(8) 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 (G)(3) of this rule, the results of this



monitoring shall be included in the report.

(9) 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.

(H) 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). Industrial users shall notify the POTW immediately of any changes at the facilities affecting potential for a slug discharge.

(I) Annual certification by non-significant categorical industrial users. In addition to the certification statement in paragraph (F)(1) of this rule, a facility determined to be a non-significant categorical industrial user pursuant to paragraph (N) 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. The following certification shall accompany any 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 (N) of rule 3745-3-01 of the Administrative Code.

(2) The facility complied with all applicable pretreatment standards and requirements during this reporting period.

(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]."

(J) All industrial users subject to this rule shall retain records of all information resulting from any monitoring activities, regardless of whether such monitoring activities were required by the control mechanism, including documentation associated with BMPs. Such records shall be retained for a minimum of three years and shall include the following for all samples:

- (1) The date, exact place, method and time of sampling and the names of the person or persons taking the samples.
- (2) The dates that the analyses were performed.
- (3) The name and address of the laboratory that performed the analyses.
- (4) The analytical techniques or methods used.
- (5) The results of such analyses.

(K) In addition to the requirement of paragraph (J) of this rule, any industrial user subject to this rule shall retain all of the following for a minimum of three years:

- (1) Any reports submitted to the POTW pursuant to this chapter.
- (2) Any documentation of industrial user inspections.
- (3) Any record of communications pertaining to compliance with the pretreatment program.

(L) Industrial users subject to this rule shall retain all control mechanisms and pollution prevention alternatives (e.g. slug control plan, toxic organic management plan) for as long as these documents are effective and for at least three years after the date on which these documents become ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.



(M) Industrial users shall make the records described in paragraphs (J) to (L) of this rule available for inspection and copying by the POTW and the Ohio EPA. The period of retention described in paragraphs (J) to (L) of this rule shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or the operation of the POTW pretreatment program or when requested by the director.