



Ohio Administrative Code

Rule 3745-36-08 Requirements applicable to all facilities covered under an individual indirect discharge permit.

Effective: February 1, 2019

(A) Periodic compliance monitoring reports. These reports shall contain all results of sampling required by the individual indirect discharge permit.

(1) 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 discharge into the POTW, shall submit a periodic compliance monitoring report to Ohio EPA and the POTW during the months of June and December, unless any of the following apply:

(a) The report is required more frequently.

(b) The report is required during different months by the categorical pretreatment standard or Ohio EPA.

(c) Reduced reporting requirements have been approved in accordance with rule 3745-36-10 of the Administrative Code.

(2) The periodic compliance monitoring report shall include all of the following information:

(a) A report indicating the nature and concentration of pollutants in the discharge that are limited by 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 measured average daily and maximum daily flow, in gallons per day, to the POTW. Ohio EPA may allow for verifiable estimates of these flows where justified by cost or feasibility considerations. The reported flow information shall include all of the following information:

(i) Regulated process streams.



- (ii) Other streams as necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6.
- (iii) Any other more specific or detailed flow rate information requested by Ohio EPA.
- (c) Where Ohio EPA 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 Ohio EPA, 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.
- (3) In cases where the pretreatment standard requires compliance with a BMP or a pollution prevention alternative, the report shall include documentation required by Ohio EPA or the pretreatment standard necessary to determine the compliance status of the user.
- (4) For mid-tier categorical industrial users as authorized in accordance with rule 3745-36-09 of the Administrative Code, Ohio EPA may reduce the frequency of the reporting specified in paragraph (A)(2)(a) of this rule to no less than once per year, unless required more frequently in the pretreatment standard.
- (5) 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), Ohio EPA may allow for implementation of a certified total toxic organics management plan (TOMP), as described in rule 3745-36-10 of the Administrative Code.
- (B) Sampling and analysis performed in preparation of any report required by this chapter shall be conducted in accordance with all of the following:



- (1) The individual indirect discharge permit application, initial compliance report, and periodic compliance report required in this chapter, shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, in which data is representative of conditions occurring during the reporting period.
- (2) The Ohio EPA shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- (3) Grab samples shall be used for pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
- (4) 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 Ohio EPA.
- (5) Where time-proportional composite sampling or grab sampling is authorized by the director, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented by the industrial user.
- (6) 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:
 - (a) For hexavalent chromium, cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.
 - (b) For volatile organics and oil and grease the samples may be composited in the laboratory.
 - (c) Composite samples for other parameters unaffected by the compositing procedures as documented in approved U.S. EPA methodologies may be authorized by the director, as appropriate.
- (7) For the individual indirect discharge permit application and the initial compliance report required



in rules 3745-36-03 and 3745-36-09 of the Administrative Code:

- (a) 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.
- (b) For facilities for which historical sampling data are available, the director may authorize a requirement of fewer grab samples.
- (c) 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 director.
- (d) 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.
- (8) For the periodic compliance report required by paragraph (A) of this rule, the Ohio EPA shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. The required number of grab samples shall only apply for pollutants listed in paragraph (B)(3) of this rule, or where grab sampling is authorized by the director in accordance with paragraph (B)(5) of this rule.
- (9) Samples shall 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 shall measure the flows and concentrations necessary to allow use of the combined wastestream formula under paragraph (H) of rule 3745-36-10 of the Administrative Code in order to evaluate compliance with the categorical pretreatment standards.
- (10) 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.

(11) Except in the case of non-significant categorical industrial users, the Ohio EPA may perform the sampling and analysis required in this chapter in lieu of the industrial user. Where Ohio EPA performs the required sampling and analysis in lieu of the industrial user, both of the following apply:

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

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

(12) Resampling of a violation. Unless paragraph (B)(12)(c) of this rule applies, repeat sampling and analysis shall be performed within thirty days after the industrial user or Ohio EPA 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 Ohio EPA 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 Ohio EPA within thirty days after becoming aware of the violation.

(b) If sampling and analysis performed by Ohio EPA under paragraph (B)(11) of this rule indicates a violation, Ohio EPA shall perform the repeat sampling and analysis unless Ohio EPA 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) Ohio EPA performs sampling at the industrial user at a frequency of at least once per month.

(ii) Ohio EPA 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.

(13) If an industrial user subject to the reporting requirement in paragraph (A) of this rule monitors any regulated pollutant at the permitted sampling location more frequently than required by Ohio EPA, using the procedures described in paragraph (B)(10) of this rule, the results of this monitoring shall be included in the report.

(14) Ohio EPA 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.

(C) 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:

(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 (C)(2)(a), (C)(2)(b), or (C)(2)(c) of this rule if all of the following apply:
- (i) The authorization is made in writing by the individual described in paragraph (C)(2)(a), (C)(2)(b), or (C)(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 (C)(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 (C)(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.

(D) Ohio EPA may require the industrial user to develop and submit a slug control plan. If Ohio EPA decides that a slug control plan is necessary, the industrial user shall develop and submit a slug control plan which contains, at a minimum, all of the following elements:

(1) Description of discharge practices, including non-routine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under rule 3745-36-04 of the Administrative Code, with procedures for follow-up written notification within five days.

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.

(E) All industrial users shall promptly notify Ohio EPA and the POTW in advance of any substantial change in the volume or character of pollutants in the 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.

(F) 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 individual indirect discharge permit, 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 analysis.

(4) The analytical techniques or methods used.

(5) The results of such analyses.

(G) In addition to the requirements in paragraph (F) 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, including applications for coverage under an individual indirect discharge permit, submitted to Ohio EPA pursuant to Chapter 3745-36 of the Administrative Code.

(2) Any documentation of industrial user inspections.

(3) Any record of communication pertaining to compliance with the pretreatment standards or individual indirect discharge permit.

(H) Industrial users subject to this rule shall retain all copies of the individual indirect discharge permits and pollution prevention alternatives (i.e. 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 the documents became ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the industrial user.

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

(J) As a permit condition or otherwise, the director may require electronic submittal of the reports and monitoring data required in this chapter using information systems compatible with those of



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