



Ohio Administrative Code

Rule 3745-36-09 Conditions specific to categorical 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 3745-36-02 of the Administrative Code.]

(A) In addition to the requirements specified in rule 3745-36-08 of the Administrative Code, categorical industrial users shall comply with the reporting requirements and limits specified in this rule.

(B) 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, within ninety days following commencement of the introduction of wastewater into the POTW, any industrial user subject to categorical pretreatment standards shall submit to Ohio EPA a report containing all of the following information:

(1) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each 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 director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(2) Measurement of pollutants.

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

(b) Sampling and analysis shall be performed in accordance with paragraph (B) of rule 3745-36-08 of



the Administrative Code.

(c) 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. If the standard requires compliance with a BMP or a pollution prevention alternative, the industrial user shall submit documentation as required by Ohio EPA or the applicable standards to determine compliance with the standard.

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

(e) Ohio EPA may allow the submission of a report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

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

(3) For industrial users subject to equivalent mass or concentration limits established by Ohio EPA in accordance with the procedures in rule 3745-36-10 of the Administrative Code, this report shall contain a reasonable measure of the user's long-term production rate.

[Comment: A reasonable measure is a projection or estimation of the facility's production rate for the life of the individual indirect discharge permit. The industrial user shall derive these production rates to the best of the user's knowledge, and considering any available information representative of the facility.]

(4) For all 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.

(5) A statement, reviewed, signed, and certified by an authorized representative of the industrial user, as defined in paragraph (C) of rule 3745-36-08 of the Administrative Code, indicating whether



pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(C) Categorical industrial users shall comply with the limits under rule 3745-36-04 of the Administrative Code, and with any more stringent pretreatment standards, including local limits.

(D) Existing sources that become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in rule 3745-36-02 of the Administrative Code.

(E) New sources shall comply with the pretreatment standard for new sources (PSNS) that is specified in the applicable subcategory of the categorical pretreatment standard.

(F) Except where expressly authorized to do so by an applicable categorical 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 may impose mass limitations on industrial users that are using, or attempt to use, dilution to meet applicable pretreatment standards or requirements, or in such other cases where the imposition of mass limitations is appropriate.

(G) Pollutant discharge limits in categorical pretreatment standards are expressed either as concentration or mass limits or both. When equivalent mass limits are provided, the Ohio EPA 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.

(H) 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 3745-36-08 of the Administrative Code.



(I) In all cases in which a determination is sought by an industrial user concerning the applicability of a particular subcategory under the 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 to seek such categorical determinations from the director other than through the procedures and within the requirements of 40 C.F.R. 403.6.