

## 1145.02 Definitions.

Whenever used in this Chapter 1145, the meaning of the following words and terms shall be as defined in this section:

1145.02.001 **Amalgam or mercury amalgam:** Any of various alloys of mercury with other metals, especially an alloy of mercury and silver used in dental fillings.

1145.02.002 **Approved laboratory procedures:** The measurements, tests, and analyses of characteristics of water and wastes in accordance with analytical Federal guidelines as established in Title 40, Code of Federal Regulations (CFR) Part 136; or when none exists, as required by, or approved by, the regional Administrator of the United States Environmental Protection Agency; or when none exists, by the State of Ohio, or the Director.

1145.02.003 **Authorized or duly authorized representative of the user:**

- (A) If the user is a corporation:
  - (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (2) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (B) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (C) If the user is a federal, state, or local governmental facility: a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (D) The individuals described in paragraphs A through C, above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Columbus.

1145.02.004 **Best management practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 3745-3-04 of the Ohio Administrative Code. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

1145.02.005 **Biodegradable:** Any material capable of being decomposed by biological agents especially bacteria and is easily broken down by biologic processes to nontoxic substances that exert an acceptable oxygen demand or nondeleterious effect on the receiving environment.

1145.02.006 **BOD or Biochemical oxygen demand:** The quantity of oxygen utilized in the biochemical oxidation of organic and inorganic matter in five (5) days at twenty (20) degrees C in accordance with an approved test procedure. At the Director's discretion, CBOD may be used as a substitute for BOD for the purpose of determining the organic strength of wastewater.

- (A) Carbonaceous Biochemical Oxygen Demand (CBOD): The biochemical oxygen demand of carbonaceous sources. This differs from BOD in that BOD measures both nitrogenous and carbonaceous sources, whereas CBOD excludes nitrogenous sources (e.g., nitrifying bacteria) from determination through the addition of a nitrification inhibitor.

1145.02.007 **Bypass:** The intentional diversion of wastestreams from any portion of a user's treatment facility.

1145.02.008 **Categorical industrial user:** An industrial user subject to a categorical pretreatment standard or categorical standard.

1145.02.009 **Categorical pretreatment standard:** Any regulation containing pollutant discharge limits enacted by USEPA in accordance with section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317(b) and (c)) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403. ~~Centralized waste treatment facility: means a facility that treats or recovers hazardous or non-hazardous industrial metal-bearing waste, oily waste, and organic-bearing waste from off-site.~~

1145.02.010 **CFR:** Code of Federal Regulations.

1145.02.011 **City:** The City of Columbus, Ohio.

1145.02.012 **City of Columbus Construction and Material Specifications:** A manual compiled by the department of public service, which outlines specifications for construction of public works for the City of Columbus.

1145.02.013 **Clean Water Act** or **CWA:** Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. Sec. 1251 et seq., 86 Statutes 816, Public Law 92-500.

1145.02.014 **COD** or **Chemical oxygen demand:** A quantitative measure of the oxygen equivalent of the organic matter present in a sample that is susceptible to oxidation by a strong chemical oxidant in accordance with an approved test procedure.

1145.02.015 **Combined sewer:** A sewer, which was designed to carry sanitary wastewater and stormwater to the POTW or waters of the state.

1145.02.016 **Combined wastewater:** Wastewater including any combination of sanitary wastewater and stormwater carried to the POTW water reclamation plants by a sewer.

1145.02.017 **Commercial Activity Areas** — Outdoor areas where the following activities are conducted and are exposed to stormwater:

- (A) Processing, manufacturing, fabrication, cleaning, or other permanent outdoor equipment or work areas,
- (B) Areas where vehicles and equipment are repaired, maintained, stored, disassembled, or disposed, and
- (C) Areas where high-risk materials, as defined by the Director, are handled and stored, including but not limited to loading docks, fuel and other liquid storage/dispensing facilities; material bins, containers, stockpiles, and other storage containers; and waste dumpsters, bins, cans, tanks, stockpiles, and other waste containers.

1145.02.018 **Composite sample:** A combination of individual samples representative of water or wastewater taken at preselected intervals to minimize the effect of the variability of the individual sample. Composite samples may be collected as either:

- (A) Flow proportional composite samples-collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each sample as the flow increases while maintaining a constant time interval between the samples.

- (B) Time proportional composite samples-composed of discrete samples collected in one (1) container at constant time intervals providing representative samples irrespective of flow.

1145.02.019 **Cooling water:** Water used for contact and noncontact cooling, including, but not limited to, water used for equipment cooling, evaporative cooling tower makeup, or reduction of effluent heat content.

1145.02.020 **Daily maximum:** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

1145.02.021 **Daily maximum limit:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

1145.02.022 **Day:** Calendar day.

1145.02.023 **Decontamination wastewater:** Wastewater generated during the process of neutralizing contaminants that have accumulated on personnel or equipment due to a nuclear, biological or chemical emergency.

1145.02.024 **Deleterious substance:** Any material which may be harmful to the POTW, the POTW water reclamation plant processes, the health and safety of POTW workers, and the POTW effluents or residual products.

1145.02.025 **Department:** The Department of Public Utilities, City of Columbus, Ohio.

1145.02.026 **Director:** The Director of the Department of Public Utilities, City of Columbus, or designee.

1145.02.027 **Discharge:** The introduction of liquids or wastes into the sewer system.

1145.02.028 **DWR:** Division of Water Reclamation.

1145.02.029 **Domestic origin waste:** Waste materials that originate solely from domestic wastewater which are removed from sewage disposal systems such as septic tanks, aeration systems, portable toilets, and sewage holding tanks.

1145.02.030 **Domestic wastewater:** Wastewater derived solely from household sources, business buildings, and institutions, exclusive of any industrial wastewater.

1145.02.031 **Downspout:** A vertical structure used to drain rain collected in gutters from a roof to the ground.

1145.02.032 **Existing source:** Any source of discharge that is not a "new source".

1145.02.033 **Extra-strength:** Any discharge to the POTW that has strength characteristics, which exceed two hundred fifty (250) mg/l of BOD<sup>5</sup>, four hundred fifty (450) mg/l of COD, one hundred forty-five (145) mg/L of TOC, three hundred (300) mg/l of Total Suspended Solids (TSS), or forty (40) mg/l of Total Kjeldahl Nitrogen (TKN).

1145.02.034 **Foundation drain:** A drainage system for the lowest portion of a structure, typically a basement.

1145.02.035 **Fats, oils and grease** or **FOG:** a semi-solid, viscous liquid organic polar compound derived from petroleum, animal or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 Code of Federal Regulations (CFR) Part 136, as may be amended.

1145.02.036 **Flammable:** Any substance that has a flashpoint of less than or equal to one hundred forty (140) degrees Fahrenheit.

1145.02.037 **FSO or food service operation:** A commercial facility engaged in preparing or serving food for consumption by the public, such as but not limited to: restaurant, commercial kitchen, cafeterias, nightclubs,

delicatessen, meat cutting-preparation, bakeries, bagel shops, grocery stores, caterer, hotel, school, hospital, correctional facility or care institution.

1145.02.038 **Grab sample:** A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

1145.02.039 **Grease-laden waste:** Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

1145.02.040 **Grease Interceptor:** Fats, oils and greases (FOG) disposal system. A plumbing appurtenance that reduces nonpetroleum fats, oils and greases in effluent by separation or mass and volume reduction.

- (A) **Gravity:** Plumbing appurtenances of not less than 500 gallons (1893 L) capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
- (B) **Hydromechanical:** Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

1145.02.041 **Grease Removal Device, Automatic (GRD):** A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

1145.02.042 **Hazardous waste:** A waste, as defined by Ohio Administrative Code Rule 3745-51-03.

1145.02.043 **Household sources:** Any source of wastewater limited to sanitary wastes from single and multiple family residences, hotels, motels, crew quarters, camp grounds, picnic grounds, or day use recreation areas. Household sources shall not include any industrial or commercial process wastewater.

1145.02.044 **Illicit discharge:** Discharge of any pollutant to the stormwater drainage system that occurs or may occur unless the discharge is authorized under a discharge permit issued by the Ohio EPA.

1145.02.045 **Incompatible:** Any wastewater or other substance that is deleterious or which degrades the quality of the POTW effluent or its sludges and residual products.

1145.02.046 **Indirect discharge or discharge:** The introduction of pollutants into the POTW from any nondomestic source.

1145.02.047 **Industrial cost recovery:** The system for recovery of the industrial portion of the United States Environmental Protection Agency Project Grant Funds, as required by CFR Title 40 or subsequent revisions.

1145.02.048 **Industrial user or IU:** Any user who discharges, or permits the discharge of industrial wastewater to the city's POTW.

1145.02.049 **Industrial wastewater:** Any combination of liquid and water-carried wastes, discharged from any industrial or commercial establishment, and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water. Any wastewater from nondomestic sources.

1145.02.050 **Infiltration:** Stormwater and groundwater that enters a sanitary sewer system through such means as, but not limited to, defective pipes, pipe joints, connections, or maintenance hole walls. Infiltration does not include, and is distinguished from, inflow.

1145.02.051 **Inflow:** Stormwater and groundwater that enters a sanitary sewer system, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; cooling water discharges; drains from springs and swampy areas; maintenance hole covers; cross connections from storm sewers; combined

sewers; catch basins; storm waters; surface runoff; street wash-waters; or drainage. Inflow does not include, and is distinguished from, infiltration.

1145.02.052 **Inflow and Infiltration** or **I/I**: The total quantity of water from both infiltration and inflow entering a sanitary sewer system without distinguishing the source.

1145.02.053 **Instantaneous limit**: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

1145.02.054 **Interference**: A discharge which, alone or in conjunction with the discharge or discharges from other sources, either:

- (A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal.
- (B) 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 state and federal statutory provisions and regulations or permits issued thereunder.

1145.02.055 **Local limit**: Specific discharge limits developed and enforced by the City of Columbus upon industrial or commercial facilities or users to implement the general and specific discharge prohibitions pursuant to Section 1145.23 of this chapter.

1145.02.056 **Medical waste**: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, hypodermic needles, disposable scalpels, and other sharp implements used in medical care, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

1145.02.057 **Monthly average**: The sum of all "daily discharges" measured during a calendar month by dividing by the number of "daily discharges" measured during that month.

1145.02.058 **Monthly average limit**: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

1145.02.059 **mg/l**: Milligrams per liter.

1145.02.060 **Monitoring facility**: A site accessible to the city for the collection of samples, flow data, or other parameters representative of the user's discharge to the POTW.

1145.02.061 **MS4**: an acronym for "municipal separate storm sewer system" and is used to refer to the storm sewer owned or operated by the city.

1145.02.062 **Natural outlet**: Any outlet for discharge of stormwater into a watercourse, pond, ditch, lake, or other body of surface water.

1145.02.063 **New source**:

- (A) Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Clean Water Act (33 U.S.C. Section 1317(c)) which will be applicable to such source, if such standards are thereafter enacted in accordance with that section, provided that:
  - (1) The building, structure, facility or installation is constructed at a site which no other source is located; or

- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the above criteria are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.
- (B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility, or installation meeting the criteria of Section (A)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous onsite construction program
    - (a) Any placement, assembly, or installation of facilities or equipment; or
    - (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

1145.02.064 **Noncompliance:** Any violation of this chapter.

1145.02.065 **Nondomestic user:** Any user, which discharges wastewater other than from household sources.

1145.02.066 **NPDES:** National Pollutant Discharge Elimination System.

1145.02.067 **NPDES permit:** A permit issued to the city pursuant to Section 402 of the Clean Water Act.

1145.02.068 **Oil:** Any vegetable, mineral, animal, or synthetic substance which are generally slippery, combustible, viscous, liquid or liquefiable, soluble in various organic solvents or water.

1145.02.069 **Operator:** The person responsible for the overall operation of a facility.

1145.02.070 **ORC:** Ohio Revised Code.

1145.02.071 **Organic:** Any compound containing carbon in any form other than carbonate.

1145.02.072 **Owner:** The person who owns a facility, or any part of a facility.

1145.02.073 **Pass-through:** A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTWs NPDES permit (including an increase in the magnitude or duration of a violation).

1145.02.074 **Person:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

1145.02.075 **pH**: The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.

1145.02.076 **Pollution**: The artificial alteration of the chemical, physical, biological, or radiological integrity of water.

1145.02.077 **POTW or publicly owned treatment works**: A treatment works owned by the City of Columbus as defined by Section 212 of the Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature, including sewers, pipes and other conveyances that convey wastewater to a POTW water reclamation plant.

1145.02.078 **Post-construction Stormwater Control Practice** — Is a permanent, structural practice intended to capture or treat stormwater runoff; reduce stormwater runoff rate or volume; or minimize contact between pollutant sources and precipitation or runoff.

1145.02.079 **POTW water reclamation plant**: That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

1145.02.080 **Pretreatment**: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

1145.02.081 **Pretreatment requirements**: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

1145.02.082 **Pretreatment standards or standards**: Shall include prohibited discharge standards, categorical pretreatment standards, and local limits as defined herein.

1145.02.083 **Private Sanitary Lateral**: The pipe carrying wastewater from a building to the sanitary sewer.

1145.02.084 **Prohibited discharge standards or prohibited discharges**: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1145.20 through 1145.29 of this chapter, as well as, regulations adopted by the Director.

1145.02.085 **Public sewer**: Any sewer owned by the city, suburb, or entity contracting with the city, including storm, sanitary, or combined sewers.

1145.02.086 **Radioactive**: The property of a material providing spontaneous decay or disintegration of an unstable, atomic nucleus, accompanied by the emission of radiation.

1145.02.087 **RCRA or Resource Conservation and Recovery Act**: The Solid Waste Disposal Act (SWDA), as amended by the Resource Conservation and Recovery Act of 1976 and amendments to the Act, 42 U.S.C. Sec. 6901 et seq.

1145.02.088 **Rehabilitate**: To repair an existing sewer line.

1145.02.089 **Replace**: To put something new in the place of.

1145.02.090 **Surface runoff**: The flow of water, from rain, snowmelt, or other sources, over land.

1145.02.091 **SDWA**: Safe Drinking Water Act, as amended, 42 U.S.C. Sec. 300f et seq.

1145.02.092 **Sanitary sewer**: A sewer which by design is intended to carry sanitary wastewater or industrial wastes into which storm, surface and ground waters are not intentionally admitted.

1145.02.093 **Sanitary Sewer Overflow or SSO**: An overflow, spill or release of wastewater from the separate sanitary sewer system into the environment.

1145.02.094 **Sanitary wastewater:** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities of dwellings, office buildings, industrial plants or institutions.

1145.02.095 **Septic tank waste:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

1145.02.096 **Sewage:** Human excrement and gray water (household showers, dishwashing operations, etc.).

1145.02.097 **Sewer collection system, sewer system or collection system:** All of the facilities required to transport stormwater, sanitary wastewater or combined wastewater from the source to the POTW water reclamation plant or waters of the state.

1145.02.098 **Sewer service charge:** The total monetary amount billable to a user for the provision of wastewater treatment and related activities.

1145.02.099 **Significant industrial user or SIU:** Except as provided in paragraphs (C) and (D) of this section, a significant industrial user is:

- (A) An industrial user subject to categorical pretreatment standards; or
- (B) An industrial user that:
  - (1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (2) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW water reclamation plant; or
  - (3) Is designated as such by the City of Columbus on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**Non-significant categorical industrial user**

- (C) The City of Columbus may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and the following conditions are met:
  - (1) The industrial user, prior to the City of Columbus' finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (2) The industrial user annually submits the certification statement required in Section 1145.59(B), together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
  - (4) The industrial user is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the following conditions are met:
    - (a) The industrial user does not discharge wastewater regulated by categorical pretreatment standards at any time; or
    - (b) The industrial user has not been in significant noncompliance, as defined in OAC 3745-3-03(C)(2)(h) for any time in the past two (2) years.
- (D) Upon a finding that a user meeting the criteria in Subsection (B) under the definition of significant industrial user has no reasonable potential for adversely affecting the POTW's operation or for



violating any pretreatment standard or requirement, the City of Columbus may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**1145.02.100 Slug load or slug discharge:** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 1145.20 through ~~1145.29~~ of this chapter, as well as, regulations adopted by the Director. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has the reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

**1145.02.101 Standard:** Any limit or prohibition on discharges as provided for by this chapter.

**1145.02.102 SIC or Standard industrial classification:** A classification pursuant to the most current edition of the Federal Standard Industrial Classification Manual and North American Industrial Classification System, as published by the Executive Office of the President, Office of Management and Budget.

**1145.02.103 Standard methods:** Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. References are to the current edition unless otherwise indicated.

**1145.02.104 Standard strength:** Wastewater of strength equivalent to domestic wastewater, i.e. having BOD of two hundred fifty (250) mg/l or less; COD of four hundred fifty (450) mg/l or less; TOC of one hundred forty-five (145) mg/L or less, TSS of three hundred (300) mg/l or less; and TKN of forty (40) mg/l or less.

**1145.02.105 S.U.:** Standard units.

**1145.02.106 State:** State of Ohio.

**1145.02.107 Storm water:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**1145.02.108 Storm Water Pollution Prevention Plan (SWP3) or (SWPPP):** The plan required by the Ohio EPA for compliance with its general or individual NPDES permit.

**1145.02.109 Storm sewer:** A conveyance or system of conveyances designed or used for collecting and conveying storm water which is not a combined sewer. A storm sewer includes but is not limited to catch basins, curbs, gutters, ditches, man-made channels, or storm drains and the roads or streets that include or are drained by these features.

**1145.02.110 Stream:** A surface watercourse having a channel with a well defined bed and bank, either natural or artificial, which confines and conducts continuous or periodic flowing water.

**1145.02.111 Total dissolved solids (TDS):** The sum of all dissolved solids (volatile and non-volatile) in water or wastewater.

**1145.02.112 Total Kjeldahl Nitrogen (TKN):** Is the sum of nitrate ( $\text{NO}_3$ ), nitrite ( $\text{NO}_2$ ), organic nitrogen and ammonia (all expressed as N). Note: for laboratory analysis purposes, Total Kjeldahl Nitrogen (TKN) is a test performed that is made up of both organic nitrogen and ammonia.

**1145.02.113 Total non-filterable residue (TNFR):** Same as Total Suspended Solids (TSS).

**1145.02.114 Total Organic Carbon (TOC):** The measure of the concentration of covalently bonded carbon, which is combustible to carbon dioxide. It is not to be confused with elemental carbon, dissolved carbon dioxide, inorganic carbonates or bicarbonates.

1145.02.115 **Total silver process wastewater:** The sum of all aqueous solutions used in silver imaging processes, including photography film developers, fixers, bleach-fix, stabilizers, low flow washes, rinse waters, other washes and all similar solutions.

1145.02.116 **Total suspended solids (TSS):** The total suspended matter that either floats on the surface of, or is in suspension within, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed by Standard Methods (same as TNFR).

1145.02.117 **Toxic:** Any pollutant, or combination of pollutants, listed as toxic in regulations enacted by the Administrator of the USEPA, or under the provision of the Clean Water Act, Section 307(a) (33 U.S.C. Section 1317(a)) or other Acts.

1145.02.118 **Trucked waste disposal site or TWDS:** The location(s) designated by the Director for receiving trucked wastes into the POTW.

1145.02.119 **Trucked wastes:** Any materials, usually liquid, such as, but not limited to, wastes from septic tanks, aeration systems, portable toilets, sewerage holding tanks, and industrial processes which are collected at the source by tank truck for disposal elsewhere.

1145.02.120 **ug/l:** Micrograms per liter.

1145.02.121 **USC:** United States Code.

1145.02.122 **USEPA:** United States Environmental Protection Agency.

1145.02.123 **Used oil:** Any oil that has been used, and, as a result of such use, contaminated with chemical or physical impurities.

1145.02.124 **User:** Any person who contributes, causes, or permits the contribution of wastewater or stormwater into the city's sewer system or POTW.

1145.02.125 **Wastewater:** The combination of the liquid and water-carried wastes and sewage from residences, commercial buildings, industrial plants and institutions including polluted cooling water, whether treated or untreated.

1145.02.126 **Water in Basement (WIB) Event:** Wastewater backups into buildings that are caused by flow conditions in a sewer main due to a rain event. Wet Weather Water in Basement (WIB) events do not include basement backups that occur in dry weather.

1145.02.127 **Waters of the state:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

## 1145.12 Permits/licenses.

The Director may issue permits or licenses to users as provided by this chapter and regulations adopted pursuant to this chapter. No person shall violate any condition, term or provision of a permit or license issued by the Director. Upon due notification, and for just cause, the Director has the right to revoke any permit or license issued under this chapter. Any person holding a permit or license, which is revoked or suspended by the Director, may request a hearing to appeal the revocation.

(A) Such permits and licenses shall include but not be limited to:

- (1) Industrial wastewater discharge permits.
- (2) Trucked waste discharge permits.

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- (3) Underground storage tank area groundwater clean-up discharge permits.
  - (4) Trucked waste operator's license.
  - (5) General groundwater remediation permits.
  - (6) Stormwater permits.
  - (B) The Director may adopt regulations establishing permit and license fees as determined necessary for the purposes of this chapter.
  - (C) Performance bond. The Director may decline to issue a permit to any user who has failed to comply with the provisions of this chapter, until such user first files with the Director a satisfactory bond, payable to the division of water reclamation, in a sum not less than a value to be determined by the Director to be necessary to achieve consistent compliance.
  - (D) Liability insurance. The Director may decline to issue a permit to any user who has failed to comply with the provisions of this chapter, until the user first submits proof of financial assurances sufficient to restore or repair damage to the sewerage system caused by the user's discharge.
  - (E) No non-domestic user shall discharge any wastewater or other material to the city POTW without an applicable discharge permit. Discharge of wastewater or other material to the city POTW that is generated from any source other than the permitted location is prohibited unless specifically approved by an active industrial wastewater discharge permit. No person shall discharge any liquid or other material to any storm sewer without express permission and a permit from the Director, and any applicable federal or state permit.
  - (F) The Director may exempt certain users or classes of users from the requirement for a discharge permit.

#### **1145.20 Prohibited discharges.**

- (A) General prohibitions. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which causes an interference or pass-through of the POTW, or which disrupts or inhibits the POTW, its treatment processes, operations, or its sludge processes, use, or disposal. These prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- (B) Specific prohibitions. No person shall discharge, or cause to be discharged, directly or indirectly, any substance which constitutes a slug discharge. No user shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the sewer system:
  - (1) Any solid or viscous substance capable of causing obstruction of the flow in the sewer system, POTW, or other interference with the proper operation of the POTW, for example, but not limited to: construction materials, ashes, cinders, sand, mud, yard waste, straw, shavings, metal, glass, rags, feathers, tar, wood, plastic, fur, wax or fats, oils and grease.
  - (a) Food service operations (FSOs) ~~establishments (FSEs)~~ and other users as determined by the Director shall prepare a written Fats, Oils and Grease Best Management Plan (FOG BMP). The FOG BMP shall be designed to minimize the amount of FOG waste discharged to the sanitary sewers. The FOG BMP shall list grease sources, and identify handling/cleaning practices that will minimize fats, oils and grease discharges. The FOG BMP shall also list standard operating procedures to minimize fats, oils and grease discharges or buildups in sewer lines.
    - (i) The FOG BMP shall specify the necessary inspection, cleaning frequency, and record keeping for maintaining any grease traps or interceptors located on site. The FOG BMP

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shall include the manufacturer's recommendations or instructions for operation and maintenance of the grease traps or interceptors or both. If recommendations or instructions from the manufacturer are not available, the user shall develop operation and maintenance procedures based on best professional judgment.

- (b) The FOG BMP shall be signed and dated by a responsible company official.
  - (c) The user shall follow its FOG BMP.
  - (d) If requested, the user shall make its FOG BMP and all relevant supporting documents available to an inspector from the City of Columbus, Division of Water Reclamation (DWR) or the appropriate health department with jurisdiction over the user. If requested, the user shall provide a copy of its BMP to DWR. If DWR requests changes or modifications to the FOG BMP, the changes shall be made by the user within the time period specified by DWR and shall submit the revised FOG BMP for approval.
  - (e) The user shall maintain all inspection records and interceptor cleaning logs for a period of three (3) years.
- (2) Any flammable or explosive substances, such as gasoline, kerosene, benzene, naphtha, or other substances having a flash point equal to or less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees C) using test methods specified in 40 CFR 261. 21.
  - (3) Any discharge that will cause the sewage temperature in the public sewer to be above one hundred twenty (120) degrees Fahrenheit (forty-nine (49) degrees C) after mixing with other flow in the public sewer at the nearest accessible point downstream from the user, or above one hundred four (104) degrees Fahrenheit (forty (40) degrees C) at the influent to the POTW water reclamation plant, or above one hundred sixty (160) degrees Fahrenheit (seventy-one (71) degrees C) in the user's sewer at the nearest accessible point upstream from confluence with the public sewer system.
  - (4) Any discharge having corrosive properties capable of: causing damage or a hazard to the sewer system or POTW, endangering the health and safety of department employees, impeding the use or disposal of residual sludges or causing damage to the receiving water or the environment.
  - (5) Any discharge having a pH below 5.0 S.U. or above 12.5 S.U. at any time.
  - (6) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
  - (7) Any discharge containing toxic or poisonous substances in sufficient quantities to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.
  - (8) Any discharge which, by itself or in conjunction with others, results in toxic or noxious gases, vapors or fumes as defined in 40 CFR 403 or the USEPA document "Guidance to Protect POTW Workers from Toxic and Reactive Gases and Vapors" within the POTW in a quantity that may cause acute worker health and safety problems.
  - (9) Any discharge which contains an objectionable color not removed by the POTW such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (10) Any discharge containing radioactive waste except:
    - (a) When the user is authorized to use radioactive materials by the state department of health or other governmental agency empowered to regulate the use of radioactive materials; and

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- (b) When the waste is discharged in strict conformity with current regulations of the Ohio Environmental Protection Agency and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and
  - (c) When the user is in compliance with all rules and regulations of this chapter and all other applicable regulatory agencies; and
  - (d) When there is no harmful effect on city personnel, sewer system, sludges, or any receiving waters.
- (11) Any used oil, including but not limited to, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
  - (12) Any discharge which exceeds ten (10) percent of the lower explosive limit in the air at any point within the POTW or sewer system.
  - (13) Any discharge of hazardous wastes as defined by RCRA, to a sanitary sewer, combined sewer or at a designated trucked waste disposal site.
  - (14) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 1145.70 of this chapter
  - (15) Any decontamination wastewater, as defined in Section 1145.02.022 of this chapter, without prior approval of the Director.
  - (16) Any discharge of hydrocarbon FOG in excess of 200mg/L.

#### **1145.25 Influent pollutant credit.**

Categorical pretreatment standards may be adjusted by the Director to reflect the presence of pollutants in the industrial user's intake water.

- (A) Application for Credit. Any industrial user wishing to obtain credit for intake pollutants must make application to the Director. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the criteria of part (B) of this section are met.
- (B) Criteria for Approval.
  - (1) The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
  - (2) No credit for conventional pollutants such as BOD<sub>5</sub>, TSS, FOG, TKN, pH, COD, TOC shall be granted.
  - (3) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section. The industrial user shall bear all costs for additional monitoring required under this section.

#### **1145.26 Permit-to-install (PTI) requirements.**

Users of the sewer system shall design, construct, operate, and maintain controls including but not limited to wastewater pretreatment, equalization, monitoring, sampling and/or flow measuring facilities whenever necessary for the user to achieve compliance with the limitations set forth in this chapter.

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Where wastewater pretreatment, equalization, monitoring, sampling and/or flow measuring facilities are required, plans, specifications, operating procedures, and other pertinent data and information shall be submitted by the discharger to the Director for review and approval, prior to installation of any necessary equipment. PTI submittals must be made using forms supplied by the industrial pretreatment ~~section~~ program. The review of such plans and operating procedures does not relieve the discharger from the responsibility to produce acceptable wastewater characteristics before discharging to the POTW.

### **1145.31 Control of slug discharges.**

Each industrial user shall provide protection from slug discharges of restricted materials or other substances regulated by this chapter. The Director reserves the right to disallow permitted industries to discharge pollutants to the POTW until the need for slug discharge control plans or procedures has been evaluated by the city.

- (A) Certain industrial users will be required to prepare a slug control plan. The slug control plan shall be submitted to the industrial pretreatment program ~~section~~ for review and approval. The plan shall contain, at a minimum, the following elements:
  - (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the city of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403, with procedures for follow-up written notification within five (5) days;
  - (4) 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 plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.
- (B) Any user shall notify the ~~pretreatment section~~ industrial pretreatment program immediately of any slug discharge that enters the sewer system at (614) 645-5876. If no one is available to accept the telephone notification, call the Sewer Maintenance Section at (614) 645-7102, which is answered twenty-four (24) hours a day.
- (C) The city further requires a written follow-up report to be filed with the industrial pretreatment program ~~section~~ within five (5) calendar days of the incident. The written report shall contain the following:
  - (1) A description of the discharge, the cause of the upset and the upset's impact upon the industrial user's compliance status.
  - (2) The period of noncompliance, including the exact dates and times of noncompliance, and if the noncompliance continues, the time by which the noncompliance is expected to be corrected.
  - (3) Any and all steps taken, or to be taken, to reduce, eliminate and prevent recurrence of the noncompliance.
- (D) The written report shall be submitted as described in Section 1145.50.

Slug control plans shall be submitted every five (5) years concurrent with applications for wastewater discharge permit renewals as described in Section 1145.44(F), or whenever it is deemed necessary by the Director.

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### 1145.32 Spill notification.

Any person shall immediately notify the Director, through an emergency spill number as designated by the Director or by other means to be established by the Director, upon discovery of a spill or slug discharge of any toxic pollutant or other pollutant capable of causing:

- (A) Interference of the POTW treatment processes;
- (B) Pass-through the POTW;
- (C) Endangerment to the health and safety of city employees;
- (D) Degradation of the sludge disposal processes;
- (E) Damage to the environment or receiving waters;
- (F) Violation of any federal or state discharge permit issued to the City; or
- (G) Violation of limits or prohibitions contained in any Columbus City Code section or Director's regulation.

Such notification will not relieve users of liability for any consequential expense, loss or damage to the POTW, receiving waters or environment, or for any fines or penalties imposed on the city which result from the violative discharge.

Any user shall notify the industrial pretreatment program section immediately of any slug discharge that enters the sewer system at (614) 645-5876. If no one is available to accept the telephone notification, call the Sewer Maintenance Section at (614) 645-7102, which is answered 24-hours a day.

### 1145.51 Baseline monitoring report.

Users that become subject to new or revised categorical pretreatment standards are required to comply with the following reporting requirements even if they have been designated as non-significant categorical industrial users:

- (A) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403. 6(a) (4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (B) Users described above shall submit the information set forth below:
  - (1) All information required in Section 1145.41(A) through (I).
  - (2) Measurement of pollutants.
    - (a) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section.
    - (b) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the

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user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403. 6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the industrial pretreatment ~~program~~section;

- (c) Sampling and analysis shall be performed in accordance with Section 1145.62;
  - (d) The Director 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;
  - (e) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance certification. A statement, reviewed by the user's authorized representative as defined in Section 1145.02.003 and certified by a qualified professional, indicating whether pretreatment standards and/or required BMPs are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements and/or required BMPs.
- (4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 1145.52 of this chapter.
- (5) Signature and report certification. All baseline monitoring reports must be certified in accordance with Section 1145.59(A) of this ordinance and signed by an authorized representative as defined in Section 1145.02.003

### **1145.56 Reports of potential problems.**

- (A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Director of this incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (B) Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employees shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (D) Significant industrial users are required to notify the Director immediately of any changes to its facility ~~affected~~ affecting the potential for a slug discharge.



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### 1145.63 Sample splitting policy for the industrial pretreatment program.

The city will offer split samples for compliance with Columbus City Code Chapter 1145 with any industrial user that requests a sample split and follows the following protocol:

- (A) The city's sample split request form must be used by the industrial user.
- (B) The city will split the wastewater sample with the industrial user at the industrial user's facility in accordance with chain-of-custody protocol.
- (C) The industrial user's sample split must be analyzed and analytical results submitted to the city's industrial pretreatment ~~section~~ program no later than the last business day, close of business, of the month following the month of sample collection. Failure to do so will result in loss of sample split privileges with the city for a period of one (1) year.
- (D) Analytical results from the city's lab and the industrial user's lab will be compared, only in instances where the same approved laboratory analytical methods found in 40 CFR Part 136 and applicable QA/QC was used. If both data are found valid, results may be averaged. When widely divergent results occur, the data can be investigated in a timely manner by the respective laboratories. If one (1) of the results is found invalid, resampling may occur, and the sample splitting procedure again followed. When data reconciliation is not possible, results from the city's split will determine compliance with pollutant discharge limits.
- (E) The sample split policy does not apply to demand samples that are used for purposes of determining extra-strength charges. Demand samples can be split. The results of the split from the user will not be averaged in the city's determination of a user's extra-strength charge.
- (F) If the split sample indicates a violation, the user must notify the city's industrial pretreatment program ~~section~~ within twenty-four (24) 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 city's industrial pretreatment program ~~section~~ within thirty (30) days after becoming aware of the violation.

### 1145.91 Orders.

The Director may issue orders to any person as deemed necessary to administer and enforce the provisions of this chapter and regulations adopted pursuant to this chapter. No person shall violate any order issued under this chapter. Any person issued an order by the Director may request a hearing to appeal the order pursuant to Section 1145.94 of this chapter.

- (A) The Director may issue, but is not limited to the following orders.
  - (1) Order by Consent. The Director may enter into a consent order establishing an agreement with any person responsible for noncompliance. Such order shall include specific actions to be taken by the person to correct the noncompliance within a specific time period.
  - (2) Compliance Order. When the Director finds that a person has violated, or continues to violate this chapter, the Director may issue an order to the person responsible for the discharge directing that the person come into compliance within a specified time. If the person does not come into compliance within the time provided, sewer service may be discontinued by plugging the ~~stormwater sewer~~ discharge at connection with the city's ~~MS4 sewer system~~ MS4 sewer system unless adequate BMP, treatment facilities, devices, or other related appurtenances are installed and properly operated. The orders may also contain such other requirements as might be reasonably

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necessary and appropriate to address the noncompliance, including the installation of new technology, monitoring or additional monitoring and revised BMP or management practices. A compliance order may not extend the deadline for compliance established for a standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against such person.

- (3) Cease and Desist Orders. When the Director finds that a person has violated, or continues to violate this chapter, the Director may issue an order to cease and desist all such violations and direct such persons in noncompliance to:
- (a) Comply forthwith;
  - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

### **1145.94 Appeals to the Director.**

Any person adversely affected by an action of the Director pursuant to this chapter, where this chapter has specifically provided for appeal by way of a hearing, shall file a notice of appeal with the Director within ten (10) days of said action. A notice of appeal shall include at a minimum: the name, address and telephone number of appellant; the date; a statement of intent to appeal; a description of the nature of the appeal, and any pertinent documentation. All filings required herein shall be made at the office of the Director. The Director shall convene a hearing on the matter within thirty (30) days of receipt of the notice of appeal, except as otherwise provided by this chapter. The Director may grant continuances as deemed necessary.

The Director shall issue a written decision of the appeal within ten (10) days of the hearing. The Director may affirm, modify, or rescind any action or proposed action of the Director which was the subject matter of the hearing. Any person who fails to timely file a notice of appeal or to otherwise prosecute an appeal of an action of the Director pursuant to this section shall be deemed to have agreed to the action taken by the Director.

- (A) The Director or appointed designee shall serve as the hearing officer. Where the hearing officer is not the Director, the hearing officer shall not be an employee of the industrial pretreatment program ~~section~~ of the division of water reclamation or a city employee with previous direct involvement with the matter being heard.
- (B) The Director shall maintain a record of the hearing for not less than sixty (60) calendar days from the date of any final decision. The record may be made by stenographic means or by the use of audio electronic recording devices.
- (C) Rules regarding the admissibility of evidence shall not be strictly applied in the hearing but all testimony shall be under oath. The hearing officer shall administer oaths. The hearing officer shall pass upon the admissibility of evidence, but a party may at the time make objections to the ruling of the hearing officer and if the hearing officer refuses to admit evidence, the party offering the same shall make a proffer thereof, and such proffer shall be made a part of the record of such hearing.
- (D) All parties shall have the right to:
  - (1) Offer and examine witnesses and present evidence in support of their case;
  - (2) Cross-examine adverse witnesses;
  - (3) Proffer evidence into the record if its admission has been denied.

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- (E) All hearings shall proceed as in a trial of a civil action with the division of water reclamation having the burden of going forward. Upon agreement of the parties, and approval by the Director, hearings may be conducted based on stipulated facts and briefs of the parties. Each party shall provide the hearing officer and any other parties a proposed list of witnesses and exhibits to be used by that party at the hearing at least five (5) days prior to the scheduled hearing, if required by the hearing officer.
  - (F) All parties shall have the right to appear and be heard in person, or have legal counsel, to present their case.

### **1145.100 Administrative fines.**

The Director may assess, on a strict liability basis, except where this chapter expressly provides for an affirmative defense, administrative fines, not to exceed five ten thousand (~~\$5,000.00~~) (\$10,000) dollars per violation, against any person who violates any provision of this chapter, regulation, permit, license, or other requirements enacted pursuant to this chapter. Each day, or portion thereof, when a violation occurs, shall be considered a separate violation.

- (A) In determining the amount of an administrative fine, the Director shall consider the magnitude and severity of the violation, history of past violations or compliance, economic advantage accrued by the violator due to the violation or noncompliance, and affirmative actions taken by the violator to comply with the provisions of this chapter and regulations, permit, license, or other promulgations pursuant to this chapter. The Director may enact regulations establishing minimum administrative fines for violation of specific sections of this chapter, or regulations enacted pursuant to this chapter.
- (B) Any administrative fines assessed by the Director against a person may be added to the person's sewer service charge, and the Director shall have such collection remedies as provided to collect other service charges.
- (C) Any person assessed an administrative fine pursuant to this section may appeal the action of the Director as provided for in Section 1145.94 of this chapter.