

# Chapter 1145 SEWER USE REGULATIONS

## INDEX FOR COLUMBUS CITY CODE CHAPTER 1145

### **1145.00 – 1145.09 GENERAL PROVISIONS**

- 1145.01 Purpose And Objectives
- 1145.02 Definitions
- 1145.03 Sewer Service Agreements
- 1145.04 Sewer Design And Construction Specifications
- 1145.05 Connection To Sewer
- 1145.06 Department Property
- 1145.07 Amendments
- 1145.08 Severability

### **1145.10 – 1145.19 ADMINISTRATION**

- 1145.10 Powers Of The Director
- 1145.11 Regulations
- 1145.12 Permits/Licenses
- 1145.13 Permit Transfer
- 1145.14 Limitation Of Connections
- 1145.15 Informant Rewards

### **1145.20 – 1145.29 STANDARDS OF DISCHARGE**

- 1145.20 Prohibited Discharges
- 1145.21 National Categorical Pretreatment Standards
- 1145.22 Dilution Prohibited As A Substitute For Treatment
- 1145.23 Specific Pollutant Limits (Local Limits)
- 1145.24 Production Based Standards
- 1145.25 Influent Pollutant Credit
- 1145.26 Permit-To-Install (PTI) Requirements

### **1145.30 – 1145.39 ACCIDENTAL DISCHARGES, BYPASSES AND SPILLS**

- 1145.30 Prevention Of Accidental Discharge
- 1145.31 Control Of Slug Discharges
- 1145.32 Spill Notification
- 1145.33 Treatment Bypasses
- 1145.34 Notice To Employees

### **1145.40 – 1145.49 PERMITS FOR NONDOMESTIC USERS**

- 1145.40 Applicability
- 1145.41 Permit Application
- 1145.42 Permit Requirements
- 1145.43 Application Signatories And Certifications
- 1145.44 Permit Issuance Process
- 1145.45 Special Agreements
- 1145.46 Enforceability
- 1145.47 Permit Suspension/Revocation
- 1145.48 Violation
- 1145.49 Annual Publication Of Significant Noncompliance For Industrial Users

### **1145.50 – 1145.59 REPORTS**

- 1145.50 Required Reports
- 1145.51 Baseline Monitoring Report
- 1145.52 Compliance Schedule Progress Report
- 1145.53 Reports On Compliance With Categorical Pretreatment Standard Deadline
- 1145.54 Periodic Compliance Reports
- 1145.55 Reports Of Changed Conditions
- 1145.56 Reports Of Potential Problems
- 1145.57 Reports From Unpermitted Users
- 1145.58 Notice Of Violation/Repeat Sampling And Reporting
- 1145.59 Certification Statement

### **1145.60 – 1145.69 INSPECTION, MONITORING AND RECORDS**

- 1145.60 Right Of Entry
- 1145.61 Monitoring, Sampling And Flow Measuring Facilities
- 1145.62 Sample Collection And Analytical Requirements
- 1145.63 Sample Splitting Policy For The Industrial Pretreatment Program
- 1145.64 Reporting Requirements (New And Existing) Industrial Users
- 1145.65 Self-Monitoring Discharge Reports
- 1145.66 Records
- 1145.67 Confidentiality

### **1145.70 – 1145.79 WASTEHAULER REGULATIONS**

- 1145.70 Applicability
- 1145.71 Permits
- 1145.72 Trucked Waste Operator's License
- 1145.73 Revocation Of TWDS Privilege
- 1145.74 Suspension
- 1145.75 Regulations
- 1145.76 Restrictions And Prohibitions
- 1145.77 Prohibited Activities

### **1145.80 – 1145.89 STORMWATER**

- 1145.80 Applicability
- 1145.81 Stormwater Regulations
- 1145.82 Stormwater Permits
- 1145.83 NPDES Permits
- 1145.84 Stormwater and Surface Drainage
- 1145.85 Wastewater Discharge to Storm Sewers
- 1145.86 Non-Stormwater Discharge to Storm Sewers

# Chapter 1145 SEWER USE REGULATIONS

## INDEX FOR COLUMBUS CITY CODE CHAPTER 1145

### **1145.90 – 1145.99 ADMINISTRATIVE ENFORCEMENT**

- 1145.90 Notification Of Violation
- 1145.91 Orders
- 1145.92 Spill Abatement And Mitigation
- 1145.93 Show Cause Hearing
- 1145.94 Appeals To The Director
- 1145.95 Revocation Of Treatment Services
- 1145.96 Emergency Revocation Of Services
- 1145.97 Public Nuisance
- 1145.98 Contractor Listings
- 1145.99 Federal Or State Enforcement

### **1145.100 – 1145.109 FINES AND COST RECOVERY**

- 1145.100 Administrative Fines
- 1145.101 Assessment Of Damages
- 1145.102 Cost Recovery For Sewer Blockages
- 1145.103 Fines Levied Against The City

### **1145.110 – 1145.119 JUDICIAL REMEDIES**

- 1145.110 Legal Action
- 1145.111 Civil Penalty
- 1145.112 Criminal Penalty
- 1145.113 Remedies Nonexclusive

# Chapter 1145 SEWER USE REGULATIONS

**Section 1.** That Chapter 1145 of the Columbus City Codes, 1959, is hereby amended to read as follows:

Chapter 1145 Regulation of Sewer Use

## 1145.00 – 1145.09 GENERAL PROVISIONS

### 1145.01 Purpose and Objectives

The purpose of Chapter 1145 of the Columbus City Code is to set forth requirements for discharges into the sanitary and storm sewer system, to protect the public health and to enable the Director to administer and enforce Chapter 1145, including the adoption of regulations in conformity with all applicable Local, State and Federal Laws. The provisions of Chapter 1145 shall be applicable to all premises within the City of Columbus. The provisions of Chapter 1145 shall also be applicable to premises outside the City of Columbus which are tributary to the City sanitary and storm sewer system, where the political subdivision in which the premises are located has by contract with the City of Columbus specifically agreed that the provisions of Columbus City Code 1145 will be applicable within that political subdivision and where the political subdivision has adopted the provisions of Columbus City Code Chapter 1145 as a regulation of that political subdivision.

The objectives of this Chapter are:

- (A) To prevent the introduction of pollutants into the sewer system which will pass through the Publicly Owned Treatment Works (POTW) treatment plants, or otherwise be incompatible with treatment processes.
- (B) To improve opportunities to recycle and reclaim Columbus treated wastewaters and sludges.
- (C) To prevent adverse affects to the water quality of receiving waters, prevent damage to the environment, and prevent violation of any Federal or State Discharge Permit issued to the City.
- (D) To protect both POTW personnel and the general public.

### 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.

## Chapter 1145 SEWER USE REGULATIONS

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 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.

## Chapter 1145 SEWER USE REGULATIONS

- 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 20 degrees C in accordance with an approved test procedure.
- 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 treatment plants by a sewer.
- 1145.02.017 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.

## Chapter 1145 SEWER USE REGULATIONS

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

- 1145.02.018 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.
- 1145.02.019 Daily maximum: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- 1145.02.020 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.
- 1145.02.021 Day: calendar day.
- 1145.02.022 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.
- 1145.02.023 Deleterious substance: any material which may be harmful to the POTW, the POTW treatment plant processes, the health and safety of POTW Workers, and the POTW effluents or residual products.
- 1145.02.024 Department: the Department of Public Utilities, City of Columbus, Ohio.
- 1145.02.025 Director: the Director of the Department of Public Utilities, City of Columbus, or designee.
- 1145.02.026 Discharge: the introduction of liquids or wastes into the sewer system.
- 1145.02.027 DOSD: Division of Sewerage and Drainage.
- 1145.02.028 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.
- 1145.02.029 Domestic Wastewater: wastewater derived solely from household sources, business buildings, and institutions, exclusive of any industrial wastewater.
- 1145.02.030 Existing source: Any source of discharge that is not a "new source".
- 1145.02.031 Extra-strength: any discharge to the POTW that has strength characteristics, which exceed 250 mg/l of BOD<sup>5</sup>, 450 mg/l of COD, 300 mg/l of Total Suspended Solids (TSS), and 40 mg/l of Total Kjeldahl Nitrogen (TKN).

## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.032 Foundation Drain: An exterior drainage system that allows water to flow away from the lowest portion of a structure, typically a basement, without using pumps or electricity.
- 1145.02.033 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.
- 1145.02.034 Flammable: any substance that has a flashpoint of less than or equal to one hundred forty (140) degrees Fahrenheit.
- 1145.02.035 FSE or Food service establishment: 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.
- 1145.02.036 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.
- 1145.02.037 Grease interceptor: a tank that serves one or more fixtures and is remotely located. Such grease interceptors include, but are not limited to, tanks that capture wastewater from dishwashers, garbage grinders, floor drains, pot and pan sinks and trenches. A grease interceptor is an outside, underground, tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.
- 1145.02.038 Grease trap: a small indoor device designed to retain grease.
- 1145.02.039 Hazardous waste: a waste, as defined by Ohio Administrative Code Rule 3745-51-03
- 1145.02.040 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.
- 1145.02.041 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.
- 1145.02.042 Incompatible: any wastewater or other substance that is deleterious or which degrades the quality of the POTW effluent or its sludges and residual products.
- 1145.02.043 Indirect discharge or Discharge: The introduction of pollutants into the POTW from any nondomestic source.

## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.044 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.
- 1145.02.045 Industrial user or IU: any User who discharges, or permits the discharge of Industrial Wastewater to the City's POTW.
- 1145.02.046 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.
- 1145.02.047 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.
- 1145.02.048 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.
- 1145.02.049 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.
- 1145.02.050 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.
- 1145.02.051 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.
- 1145.02.052 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.
- 1145.02.053 mg/l: milligrams per liter.



## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.054 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.
- 1145.02.055 MS4: an acronym for "Municipal Separate Storm Sewer System " and is used to refer to either a Large or Medium municipally-owned separate storm conveyance system.
- 1145.02.056 Natural outlet: any outlet for discharge of stormwater into a watercourse, pond, ditch, lake, or other body of surface water.
- 1145.02.057 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

## Chapter 1145 SEWER USE REGULATIONS

(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.

- 1145.02.058 Noncompliance: any violation of this Chapter.
- 1145.02.059 Nondomestic user: any User, which discharges wastewater other than from household sources.
- 1145.02.060 NPDES: National Pollutant Discharge Elimination System.
- 1145.02.061 NPDES permit: a permit issued to the City pursuant to Section 402 of the Clean Water Act.
- 1145.02.062 Oil: any vegetable, mineral, animal, or synthetic substance which are generally slippery, combustible, viscous, liquid or liquefiable, soluble in various organic solvents or water.
- 1145.02.063 Operator: the person responsible for the overall operation of a facility.
- 1145.02.064 ORC: Ohio Revised Code.
- 1145.02.065 Organic: any compound containing carbon in any form other than carbonate.
- 1145.02.066 Owner: the person who owns a facility, or any part of a facility.
- 1145.02.067 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 POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).
- 1145.02.068 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.
- 1145.02.069 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.
- 1145.02.070 Pollution: the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.071 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 Treatment Plant.
- 1145.02.072 POTW treatment plant: that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- 1145.02.073 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.
- 1145.02.074 Pretreatment requirements: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- 1145.02.075 Pretreatment standards or Standards: shall include prohibited discharge standards, categorical Pretreatment Standards, and Local Limits as defined herein.
- 1145.02.076 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.
- 1145.02.077 Public sewer: any sewer owned by the City, suburb, or entity contracting with the City, including storm, sanitary, or combined sewers.
- 1145.02.078 Radioactive: the property of a material providing spontaneous decay or disintegration of an unstable, atomic nucleus, accompanied by the emission of radiation.
- 1145.02.079 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.
- 1145.02.080 Surface Runoff: the flow of water, from rain, snowmelt, or other sources, over land.
- 1145.02.081 SDWA: Safe Drinking Water Act, as amended, 42 U.S.C. Sec. 300f et seq.
- 1145.02.082 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.

## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.083 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.
- 1145.02.084 Septic tank waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 1145.02.085 Sewage: Human excrement and gray water (household showers, dishwashing operations, etc.).
- 1145.02.086 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 treatment plant or waters of the state.
- 1145.02.087 Sewer service charge: the total monetary amount billable to a User for the provision of wastewater treatment and related activities.
- 1145.02.088 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 treatment 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 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;

## Chapter 1145 SEWER USE REGULATIONS

- (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 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.

- 1145.02.089 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.
- 1145.02.090 Standard: any limit or prohibition on discharges as provided for by this Chapter.
- 1145.02.091 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.
- 1145.02.092 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.
- 1145.02.093 Standard strength: wastewater of strength equivalent to domestic wastewater, i.e. having BOD<sup>5</sup> of 250 mg/l or less; COD of 450 mg/l or less; TSS of 300 mg/l or less; and TKN of 40 mg/l or less.
- 1145.02.094 S.U.: standard units.

## Chapter 1145 SEWER USE REGULATIONS

- 1145.02.095 State: state of Ohio.
- 1145.02.096 Storm water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 1145.02.097 Storm Water Pollution Prevention Plan (SWP3) or (SWPPP): the plan required by the Ohio EPA for compliance with its General or Individual NPDES permit.
- 1145.02.098 Storm sewer: unless otherwise indicated, refers to a municipal separate storm sewer.
- 1145.02.099 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.
- 1145.02.0100 Total dissolved solids (TDS): the sum of all dissolved solids (volatile and non-volatile) in water or wastewater.
- 1145.02.0101 Total Kjeldahl Nitrogen (TKN): is the sum of nitrate (NO<sub>3</sub>), nitrite (NO<sub>2</sub>), 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.
- 1145.02.0102 Total non-filterable residue (TNFR): same as Total Suspended Solids (TSS).
- 1145.02.0103 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.
- 1145.02.0104 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.
- 1145.02.0105 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).
- 1145.02.0106 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.
- 1145.02.0107 Trucked waste disposal site or TWDS: the location(s) designated by the Director for receiving trucked wastes into the POTW.
- 1145.02.0108 Trucked wastes: any materials, usually liquid, such as, but not limited to, wastes from septic tanks, aeration systems, portable toilets, sewerage holding

## Chapter 1145 SEWER USE REGULATIONS

tanks, and industrial processes which are collected at the source by tank truck for disposal elsewhere.

- 1145.02.0109 ug/l: micrograms per liter.
- 1145.02.0110 USC: United States Code.
- 1145.02.0111 USEPA: United States Environmental Protection Agency.
- 1145.02.0112 Used oil: any oil that has been used, and, as a result of such use, contaminated with chemical or physical impurities.
- 1145.02.0113 User: any person who contributes, causes, or permits the contribution of wastewater or stormwater into the city's sewer system or POTW.
- 1145.02.0114 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.
- 1145.02.0115 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.

## **Chapter 1145 SEWER USE REGULATIONS**

### **1145.03 Sewer Service Agreements**

All agreements for sewer services between the City and any other political subdivision shall require the contracting political subdivision to adopt this Chapter and amendments to this Chapter as a local rule, regulation or ordinance of that political subdivision.

### **1145.04 Sewer Design and Construction Specifications**

All new sewers, appurtenances and connections to the sanitary or storm conveyance systems or to the treatment works must be properly designed and constructed in accordance with the City of Columbus Construction and Materials Specifications, Director's regulations including the Stormwater Drainage Manual and Columbus City Codes, Chapters 1131 through 1143 inclusive.

- (A) Whenever required by the Division of Sewerage and Drainage, the User of any property serviced by a sewer carrying nonresidential wastewater shall install separators, as necessary, for the proper handling of liquid wastes containing grease, sand, oil or any other materials that may violate the provisions of this chapter. The design of any required separator shall be submitted for review and approval by the Director prior to installation.
- (B) Whenever a plumbing permit and grease separation is required, the applicant shall install grease interceptor(s) immediately outside of the building where there is easy access for cleaning. If the applicant demonstrates that installation of an outside interceptor is impractical to the satisfaction of the City, installation of inside grease trap(s) shall conform to all applicable regulations.

### **1145.05 Connection to Sewer**

The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, right-of-way, or easement in which there is sewer service available, is required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities by means of a building sewer (lateral) directly to the wastewater sewer. The owner is responsible for the maintenance of the building sewer (lateral) to the point of connection with the publicly owned wastewater sewer. This section shall not apply to any User served by a privately constructed, owned, operated and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this Chapter and/or applicable State, Federal or Local Laws, where sewer service is not available. The Director shall promulgate regulations establishing when sewer service is deemed available.



## **Chapter 1145 SEWER USE REGULATIONS**

### 1145.06 Department Property

No person shall break, damage, destroy, deface, cover or tamper with any property of the Department including, but not limited to the POTW treatment works or appurtenant devices and structures such as buildings, sewers, manhole lids, treatment equipment, sampling equipment, flow monitoring equipment, signage, vehicles, or any other equipment, device, or property owned by the Department or which is under the Director's management.

### 1145.07 Amendments

Amendments to this chapter may be made to assure compliance with all applicable local, state or federal laws and regulations and for other reasons as necessary. Any changes or additions to this chapter shall not be in conflict with the general law and shall be made by ordinances enacted by the Columbus City Council.

### 1145.08 Severability

In the event that any Section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter.

# Chapter 1145 SEWER USE REGULATIONS

## 1145.10 – 1145.19 ADMINISTRATION

### 1145.10 Powers of the Director

The Director shall administer, implement and enforce the provisions of this chapter.

### 1145.11 Regulations

The Director may adopt regulations and best management practices (BMPs) as necessary to administer and enforce the provisions of this chapter. Regulations and BMPs enacted, pursuant to this chapter by the Director, shall be published in the City Bulletin with copies of the regulations and BMPs made available for public review at the Director's office and other locations which may be designated by the Director. No person shall violate any regulation adopted by the Director pursuant to this chapter. No person shall violate any BMP made a condition of a permit or license or enforceable by rule of the Director.

### 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.
- (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 Sewerage and Drainage, in a sum not less than a value to be determined by the Director to be necessary to achieve consistent compliance.

## Chapter 1145 SEWER USE REGULATIONS

- (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. 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.

### 1145.13 Permit Transfer

Each industrial user permit is issued to a specific user for a specific operation for a specified time. Any assignment, transfer or sale of an industrial user permit is prohibited and is a violation of this chapter unless prior approval is obtained in writing from the Director.

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director and the Director approves of the individual wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- (A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (B) Identifies the specific date on which the transfer is to occur, and
- (C) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

The new owner or operator must provide documentation showing the transfer of permit ownership and must agree to comply with all terms and conditions of the permit and provide other information as deemed necessary by the Director. Any fines, fees, remedial action plans, or other enforcement actions assigned to the existing water/sewer account or industrial wastewater discharge permit shall be enforceable against the new owner of the permit.

### 1145.14 Limitation of Connections

When it is found that sufficient capacity is not available in all facilities to handle additional connections to the sewer system, the Director may limit or prohibit the addition of new connections.

### 1145.15 Informant Rewards

The Director is authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by any User that leads to an administrative fine or civil or criminal penalty. This reward shall not be available to employees or agents of the City.

## Chapter 1145 SEWER USE REGULATIONS

### 1145.20 – 1145.29 STANDARDS OF DISCHARGE

#### 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 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 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 Sewerage and Drainage (DOSD) or the appropriate Health Department with jurisdiction over the user. If requested, the user shall provide a copy of its BMP to DOSD. If DOSD requests changes or modifications to the FOG BMP, the changes shall be made by the User within the time period specified by DOSD and shall submit the revised FOG BMP for approval.

## Chapter 1145 SEWER USE REGULATIONS

- (e) The user shall maintain all inspection records and interceptor cleaning logs for a period of three 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 (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 (49° 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 (40° C) at the influent to the POTW treatment facility, or above one hundred sixty (160) degrees Fahrenheit (71° 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
  - (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

## Chapter 1145 SEWER USE REGULATIONS

- (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.

### 1145.21 National Categorical Pretreatment Standards

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 – 471. Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective, unless a shorter compliance time is specified in the appropriate subpart of 40 CFR, Chapter I, Subchapter N. New sources shall install, and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable categorical pretreatment standards before beginning to discharge.

### 1145.22 Dilution Prohibited as a Substitute For Treatment

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no 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 categorical pretreatment standard or requirement, or any other discharge limit specified in this chapter.

### 1145.23 Specific Pollutant Limits (Local Limits)

The Director shall adopt, revise, or rescind local limits by regulation pursuant to Section 1145.11. All Persons discharging pollutants to wastewater facilities owned by or under the jurisdiction of the City of Columbus shall meet the applicable local limits as established by rule of the Director.

- (A) Maximum composite sample concentration limits shall apply to any representative composite sample, except as provided for in paragraph (C) of this section.

## Chapter 1145 SEWER USE REGULATIONS

- (B) Maximum composite sample concentrations for phenolic compounds, cyanide, and hydrocarbon FOG shall apply to any grab sample.
- (C) Hydrocarbon FOG analysis shall be performed using the test method for Oil and Grease – Hydrocarbons as described in Standard Methods.
- (D) Except as provided in paragraph (B) of this section, no grab sample collected at any time shall be in excess of one and one-half (1-1/2) times the maximum composite sample concentration established by the Director.
- (E) Mass limitations are available only to a user discharging a combined total of less than ten thousand (10,000) gallons per day directly to a sanitary sewer, combined sewer and/or at a designated trucked waste disposal site by means of trucked waste haulers.
  - (1) Mass limitations are not available to a user who is subject to National Categorical Pretreatment Standards.
- (F) No user shall discharge wastewater containing pollutants specified in this section in excess of concentration or mass limits established by the Director, unless issued a discharge permit by the director specifically allowing higher concentrations or masses. These higher concentrations or masses shall be conditioned with other requirements and shall not interfere with the general intent of this chapter.
- (G) The limitations for silver set forth by the Director shall not be applicable to photographic processing facilities unless the user is identified as a "significant industrial user." Silver limitations for photographic processing are set forth in director's regulation published in the City Bulletin.

The Silver Code of Management Practices is considered a fully enforceable element of the POTW industrial pretreatment program and constitutes a local imitation for silver discharged from photographic processing facilities.

### 1145.24 Production Based Standards

The Director may, at his or her discretion for any categorical pretreatment standard, calculate the equivalent mass per day limit, or concentration limit respectively, when the other is stated. Compliance with these equivalent measures shall be required the same as compliance with categorical standards. In establishing discharge restrictions, discharge standards, discharge limits, or categorical pretreatment standards pursuant to this chapter, if the Director establishes concentration limits to be met by an industrial user, the director may, in lieu of, or in addition to concentration limits, establish mass limits of comparable stringency for an individual user.

### 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

## Chapter 1145 SEWER USE REGULATIONS

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 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.

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. 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.



## Chapter 1145 SEWER USE REGULATIONS

### 1145.30 – 1145.39 ACCIDENTAL DISCHARGES, BYPASSES AND SPILLS

#### 1145.30 Prevention of Accidental Discharge

Each user shall provide protection from accidental discharge to the POTW or sewer system of pollutants prohibited or restricted by this chapter. Such required protection may include, but not be limited to:

- (A) Walls or dikes;
- (B) Separate storage;
- (C) Removal of drain lines from locations where significant quantities of prohibited materials are maintained; or
- (D) Other appropriate procedures to assure the prevention of discharge to the sewer system.

Upon request by DOSD, users shall prepare slug control plans to prevent accidental discharge in accordance with 40 CFR 403. The notification component of slug control plans shall contain the standard notification language specified in Section 1145.31.

Any direct or indirect connection or entry point for prohibited or deleterious waste to the POTW shall be eliminated. Where such action is impossible, the Director may give permission to place appropriate notices at entry points to warn against discharge of such wastes in violation of this Chapter.

#### 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 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 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

## Chapter 1145 SEWER USE REGULATIONS

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 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.
- (C) The City further requires a written follow-up report to be filed with the Industrial Pretreatment 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.

### 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.

## Chapter 1145 SEWER USE REGULATIONS

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 Pretreatment Section immediately of any slug discharge that enters the sewer system at (614) (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.

### 1145.33 Treatment Bypasses

(A) An emergency industrial user bypass of any treatment system is prohibited unless all of the following conditions are met:

- (1) The emergency bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There were no feasible alternative to the emergency bypass such as the use of auxiliary treatment facilities or retention of untreated wastes. This condition is not satisfied, if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment down-time for any reason;
- (3) Immediate notification shall be provided to the Director if the facility has an emergency bypass. In no event shall the notification exceed twenty-four (24) hours from the time the user becomes aware of the bypass.
- (4) The industrial user shall follow-up by submitting a written report within five (5) days to the Director containing a description of the emergency bypass and its cause(s); the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent its reoccurrence.

For the purposes of this Section, "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) An industrial user may allow a planned bypass to occur which does not cause categorical pretreatment standards or any City discharge standards established in this chapter or any permit or order issued pursuant to this chapter to be violated, only upon approval of the Director and:

- (1) the industrial user planning a bypass submits notice to the Director at least ten (10) days in advance or, as soon as, the user is aware of the need for a bypass; and
- (2) the planned bypass is for essential maintenance to ensure efficient operation of the treatment system, and

## Chapter 1145 SEWER USE REGULATIONS

- (3) any adverse environmental impacts of the planned bypass do not outweigh the need for such bypass

### 1145.35 Notice to Employees

A notice written in the commonly used language shall be permanently posted on the industrial user's bulletin board, or other prominent place, notifying employees of the City's informant reward program and advising employees whom to call in the event of a discharge or spill resulting in potential discharge of a prohibited material. Employers shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge or spills are advised of the emergency notification procedures in accord with Section 1145.56 (C).

## Chapter 1145 SEWER USE REGULATIONS

### 1145.40 – 1145.49 PERMITS FOR NONDOMESTIC USERS

#### 1145.40 Applicability

This Section shall apply to all non-domestic Users of the POTW which discharge directly or indirectly into the POTW.

#### 1145.41 Permit Application

To obtain an industrial wastewater discharge permit, all users must submit an application for same on a form approved by the Director that contains the information as required by regulations promulgated by the Director pursuant to this chapter. All plans required by this section must be certified for accuracy by a professional engineer registered by the State of Ohio. All applications must contain the certification statement and be signed in accordance with Section 1145.59(A) of this chapter. The Director will evaluate the data furnished by the user and may require additional information. After his or her evaluation the Director may issue an industrial wastewater discharge permit subject to terms and conditions provided herein. Permit applications must contain the following information:

(A) Identifying Information.

- (1) The name and address of the facility, including the name of the operator and owner.
- (2) Contact information, description of activities, facilities, and plant production processes on the premises;

(B) Environmental Permits. A list of any environmental control permits (individual and/or general) and approved plans held by or for the facility.

(C) Description of Operations.

- (1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes,
- (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Type and amount of raw materials processed (average and maximum per day);
- (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

## Chapter 1145 SEWER USE REGULATIONS

- (D) Time and duration of discharges;
- (E) The location for monitoring all wastes covered by the permit;
- (F) Flow Measurement. Information showing the measured average daily and maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 1145.24.
- (G) Measurement of Pollutants.
  - (1) The categorical pretreatment standards applicable to each regulated process and any new categorical regulated processes for existing sources.
  - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or the Director, of regulated pollutants in the discharge from each regulated process.
  - (3) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 1145.62 of this Chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
  - (5) Sampling must be performed in accordance with procedures set out in Section 1145.62 of this ordinance.
- (H) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 1145.54 (B).
- (I) Any other information as may be deemed necessary by the Director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

### 1145.42 Permit Requirements

All non-domestic users must notify the Director of the nature and characteristics of any intended discharge prior to commencing discharge. The information must be submitted on a form as required by the City following the guidelines in Section 1145.41.

- (A) All significant industrial users or other users as determined by the Director shall obtain a valid industrial wastewater discharge permit from the Director before discharging any wastewater into the City's sanitary or combined sewer system or any tributary sewer

## Chapter 1145 SEWER USE REGULATIONS

system. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this Chapter. Obtaining an industrial wastewater discharge permit does not relieve a user from the obligation to obtain other permits required by federal, state, or local law.

- (B) Industrial Wastewater Discharge Permit Contents. Industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or treatment plant. Permits may contain, but need not be limited to elements as established by regulations enacted by the Director pursuant to this chapter.
- (C) Existing Connections. Any industrial user which discharges non-domestic waste into the POTW prior to the effective date of new provisions of this chapter or regulations adopted by the Director who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for an industrial wastewater discharge permit or permit modification, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days from and after the effective date of this chapter, except in accordance with a permit issued by the Director.
- (D) New Connections. Any industrial user proposing to begin, or recommence discharging non-domestic wastes into the sanitary sewer system must obtain an industrial wastewater discharge permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least one hundred twenty (120) days prior to the anticipated start-up date. If the permit application is not received within the required time frame, commencement of discharge may be delayed until a temporary permit can be issued. Users issued a temporary permit must comply with all discharge limits set out in this chapter and the temporary permit.

### 1145.43 Application Signatories and Certifications

- (A) All wastewater discharge permit applications, User reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in Section 1145.59 (A).
- (B) If the designation of an authorized representative 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 written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.
- (C) A facility determined to be a non-significant categorical industrial user by the Director pursuant to Section 1145.02.088 must annually submit the signed certification statement in Section 1145.59 (B).

## Chapter 1145 SEWER USE REGULATIONS

### 1145.44 Permit Issuance Process

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the Director.

(A) Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Columbus in accordance with Section 1145.13 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including BMPs, based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 1145.54 (B);
- (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local Law;
- (7) Requirements to control slug discharge, if determined by the Director to be necessary;
- (8) Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit.

(B) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;



## Chapter 1145 SEWER USE REGULATIONS

- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and
  - (8) Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.
- (C) Public Notification. The Director will publish in the City Bulletin notice of intent to issue an industrial wastewater discharge permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (D) Permit Appeals. The Director will provide all interested persons with notice of final permit decisions. Upon notice by the Director, any person, including the Industrial User, may petition to appeal the terms of the permit within thirty (30) days of the notice. All such appeals are subject to the following conditions:
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
  - (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.
  - (3) The permit shall be in effect and shall not be stayed pending reconsideration by the Director. If, after considering the petition and any arguments put forth by the Division of Sewerage and Drainage, the Director determines that reconsideration is proper, the Director shall remand the permit back to the Division of Sewerage and Drainage for reissuance. Those permit provisions being reconsidered by the Division of Sewerage and Drainage shall be stayed pending reissuance.
  - (4) The Director's decision not to reconsider a final permit shall be considered a final administrative action for purposes of judicial review.
  - (5) Aggrieved parties seeking judicial review of the final industrial wastewater discharge permit conditions must do so by filing an appeal with the court of competent jurisdiction.
- (E) Permit Modification. The Director may modify any Industrial wastewater discharge permit for good cause as established by regulations enacted by the Director pursuant to this chapter including but not limited to the following reasons:

## Chapter 1145 SEWER USE REGULATIONS

- (1) any new or revised federal, state, or local pretreatment standards or requirements;
  - (2) material or substantial alterations or additions to the user's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
  - (3) a change in any condition in either the industrial user or the POTW that requires a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) information indicating that the permitted discharge poses a threat to the Division of Sewerage and Drainage's collection and treatment systems, POTW personnel, the receiving waters, or beneficial sludge use;
  - (5) violation of any terms or conditions of the industrial wastewater discharge permit;
  - (6) misrepresentation or failure to disclose fully, all relevant facts in the permit application, or in any required reporting;
  - (7) revision of, or variance, from such categorical pretreatment standards pursuant to 40 CFR 403; or,
  - (8) typographical or other errors in the permit;
  - (9) requests of the permitted entity, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- (F) Permit Renewal. The user shall apply for permit renewal by submitting a completed permit application on a form approved by the Director, a minimum of ninety (90) days prior to the expiration of the user's existing permit.
- (G) Temporary Permit. Industrial users discharging without a valid permit may be issued a temporary permit, which serves as a control mechanism for the user until a full permit can be obtained. The temporary permit provides the discharger with notification of the City's effluent limitations and tentative federal categorical determination, if any, and can be revoked at any time, if the discharger fails to comply with the permit requirements.

The filing of a request by the permitted entity for a permit modification, a notification of planned changes, or anticipated noncompliance does not stay any permit condition.

### 1145.45 Special Agreements

Nothing in this Chapter shall be construed as preventing any special agreement or arrangement between the Director and any user whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, and the user is subject to any payments or user charges, as may be applicable. However, no discharge which violates categorical pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Director, the wastewater may have the potential to cause or result in any of the following circumstances, no special agreement shall be made:

- (A) Pass-through or interference at the POTW;

## Chapter 1145 SEWER USE REGULATIONS

- (B) Endanger municipal employees or the public;
- (C) Cause violations of the City's NPDES permits or water quality standards in the receiving waters.

### 1145.46 Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued or terminated if:

- (A) The user has submitted a completed permit application at least ninety (90) days prior to expiration of the user's existing permit; and
- (B) The failure to reissue the permit, prior to the expiration of the previous permit is not due to any act, or failure to act, on the part of the industrial user.

Any and all conditions in any industrial wastewater discharge permit are specifically and independently enforceable regardless of whether they are expressly required by or set out in this chapter.

### 1145.47 Permit Suspension/Revocation

Industrial wastewater discharge permits may be suspended or revoked by the Director immediately for just cause, as established by regulations enacted by the Director pursuant to this chapter including:

- (A) failing to notify the Director of significant changes to the wastewater prior to the changed discharge
- (B) failing to notify the Director of changed conditions
- (C) Misrepresenting or failing to fully disclose all relevant facts in the wastewater discharge permit application
- (D) falsifying self-monitoring discharge reports
- (E) tampering with monitoring equipment
- (F) refusing to allow timely access to the facility premises and records to the Director
- (G) failing to meet effluent limitations
- (H) failing to pay fines
- (I) failing to meet a compliance schedule
- (J) failing to complete a wastewater survey or the wastewater permit application

## Chapter 1145 SEWER USE REGULATIONS

- (K) failing to provide advance notice of the transfer of business ownership of a permitted facility
- (L) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

### 1145.48 Violation

No person shall violate any term or condition stated in any industrial wastewater discharge permit issued to that person.

### 1145.49 Annual Publication of Significant Noncompliance For Industrial Users

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City of Columbus POTW, as list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements or any discharge permit. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six per cent (66%) or more of all the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (B) Technical review criteria (TRC) violations, defined here as those in which thirty-three per cent (33%) or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for fats, oil and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment standard or requirement as defined by paragraph (N) of rule 3745-3-01 of the Ohio Administrative Code (daily maximum or longer-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

## **Chapter 1145 SEWER USE REGULATIONS**

- (F) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety day compliance reports, periodic self monitoring reports, reports on compliance with compliance schedules, or any other reports required by the City;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation or group of violations, including a violation of BMPs, that the City determines adversely affects the operation or implementation of the local pretreatment program.

# Chapter 1145 SEWER USE REGULATIONS

## 1145.50 – 1145.59 REPORTS

### 1145.50 Required Reports

No user shall fail to make reports to the City of Columbus which are required by this chapter, or by state or federal law.

Any report required by this ordinance shall be submitted to:

City of Columbus  
Division of Sewerage and Drainage  
Industrial Pretreatment Section  
1250 Fairwood Avenue, Suite 186  
Columbus, OH 43206-3372  
FAX: 614-645-0227

All reports required by this chapter, state or federal law must be signed. Signatures contained in reports and certifications must meet the requirements of Ohio Administrative Code 3745-3-06 (F).

### 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 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 user should measure the flows and

## Chapter 1145 SEWER USE REGULATIONS

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 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

### 1145.52 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 1145.51(B) (4) of this ordinance:

- (A) The schedule shall contain progress increments 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 user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

## Chapter 1145 SEWER USE REGULATIONS

- (B) No increment referred to above shall exceed nine (9) months;
- (C) The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (D) In no event shall more than nine (9) months elapse between such progress reports to the Director.

### 1145.53 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) 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 user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 1145.41 (F) and (G) and 1145.51(B) (2) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 1145.24, this report shall contain a reasonable measure of the user's long-term production rate. For all other 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. All compliance reports must be signed and certified in accordance with Section 1145.59 of this chapter. All sampling will be done in conformance with Section 1145.62.

### 1145.54 Periodic Compliance Reports

All significant industrial users are required to submit periodic compliance reports even if they have been designated a non-significant categorical user under provisions of Section 1145.54 (C).

- (A) Except as specified in Section 1145.54 (C), all significant industrial users must, at a frequency determined by the Director, submit no less than twice per year on the dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standards requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user.
- (B) The City of Columbus may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:



## Chapter 1145 SEWER USE REGULATIONS

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
  - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
  - (3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all process.
  - (4) The request for a monitoring waiver must be signed by an authorized representative as defined in Section 1145.02.003, and includes the certification statement in Section 1145.59 (A).
  - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - (6) Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
  - (7) Upon approval of the monitoring waiver and the revision of the user's permit by the Director, the industrial user must certify on each report with the statement in Section 1145.59 below, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user.
  - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of Section 1145.54 (A), or other more frequent monitoring requirements imposed by the Director, and notify the Director.
  - (9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (C) The City of Columbus may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by federal or state law, where the industrial user's total categorical wastewater flow does not exceed any of the following:
- (1) 5000 gallons per day as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

## Chapter 1145 SEWER USE REGULATIONS

- (2) 2.5 mg/L of CBOD; and
- (3) The maximum allowable pollutant discharge level shall not exceed .01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed for any pollutant pursuant to Section 1145.23 of this chapter.

Reduced reporting is not available to industrial users that have in the last two (2) years been in significant noncompliance, as defined in OAC 3745-3-03 (C) (2) (h). In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

- (D) All periodic compliance reports must be signed and certified in accordance with Section 1145.59 (A) of this chapter.
- (E) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (F) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 1145.62 of this Chapter, the results of this monitoring shall be included in the report.

### 1145.55 Reports of Changed Conditions

Each user must notify the Director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ten (10) business days before the change. Significant change shall mean a change in either discharge flow or mass of pollutants of more than fifteen percent (15%) above or below a user's current daily average flow or mass.

- (A) The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including submission of a wastewater discharge permit application under Section 1145.41 of this chapter.
- (B) The Director may modify an existing wastewater discharge permit under Section 1145.44 (E) of this chapter in response to changed conditions or anticipated changed conditions.

### 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

## Chapter 1145 SEWER USE REGULATIONS

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 the potential for a slug discharge.

### 1145.57 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

### 1145.58 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director 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 Director within thirty (30) days after becoming aware of the violation. Re-sampling by the industrial user is not required if the City of Columbus performs sampling at the user's facility at least once a month, or if the City of Columbus performs the sampling at the user between the time when the initial sampling was conducted and the time when the user or the City of Columbus receives the results of this sampling, or if the City of Columbus has performed the sampling and analysis in lieu of the industrial user.

### 1145.59 Certification Statement

- (A) Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 1145.41; Users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 1145.53; Users submitting periodic compliance reports required by Section 1145.54, and users submitting an initial request to forego sampling of a pollutant on the basis of Section 1145.54 (C). The following certification statement must be signed by an authorized representative as defined in Section 1145.02.003:

## Chapter 1145 SEWER USE REGULATIONS

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.

- (B) Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a non-significant categorical industrial user by the Director pursuant to Section 1145.54 must annually submit the following certification statement in accordance with the signatory requirements in Section 1145.59 (A). This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR \_\_\_\_\_ [specify applicable national pretreatment standard part (s)], I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical industrial user as described in Section 1145.02.088.
- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: \_\_\_\_\_

- (C) Certification of Pollutants Not Present – Users that have an approved waiver based on Section 1145.54 (B) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR \_\_\_\_\_ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewater due to the activities at the facility since filing of the last periodic report under Section 1145.54 (A).

## Chapter 1145 SEWER USE REGULATIONS

### 1145.60 – 1145.69 INSPECTIONS, MONITORING AND RECORDS

#### 1145.60 Right of Entry

The Director, or authorized representatives shall have the right to enter the premises of any person to ascertain whether the intent of this Chapter is being met, and if all requirements of the Chapter are satisfied. The person's representative (contact person) or occupants of premises where wastewater or stormwater is generated or discharged shall allow the Director, or authorized representative, ready access, upon presentation of credentials at reasonable times, to all parts of said premises where wastewater or stormwater is generated, chemicals are stored, stormwater comes into contact with portions of the facility where chemicals are stored, or handled, monitoring equipment is located, production or treatment processes are located, or where records are stored or created and maintained; for the purpose of inspecting the premises, sampling of wastewater and examination of records required to be kept by this chapter, and for the performance of any other of their duties.

- (A) Where a person has security measures in force which require proper identification and clearance before any entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (B) If the person does not provide voluntary access within a reasonable time as required by this section, the Director may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter the property, and the person shall bear the costs of the court action.
- (D) Failure of any person to provide voluntary access, as required by this section, shall be a violation of this chapter and of the person's industrial wastewater discharge permit and any other permits issued pursuant to this chapter.
- (E) Unreasonable delays in allowing the Director access to the person's premises shall be a violation of this chapter. Unreasonable delays are defined as denying access for a period in excess of fifteen (15) minutes.

Emergency entry shall be granted to the Director or authorized representatives when the City has reason to believe that a suspected violation of any condition of this Chapter, 40 CFR Part 403, Ohio EPA regulations, or a wastewater discharge permit may result in an imminent threat to workers, the public, the wastewater treatment works and ancillary facilities, or the environment.

#### 1145.61 Installation of Monitoring Sites

Installation of monitoring sites shall be required of any user, upon notification by the Director. A permit-to-install (PTI) package, in accordance with Section 1145.26, for any proposed monitoring and flow measurement facilities shall be submitted to the Director for approval within sixty (60) days after notification by the Director.

## Chapter 1145 SEWER USE REGULATIONS

Installation of any required facility under this Section shall be completed within ninety (90) days of approval of the PTI by the Director. An extension beyond this ninety (90) day limit may be granted by the Director for good cause.

Any such required facilities shall be constructed, operated, and maintained at the user's expense. The facility and its equipment shall be maintained at all times in a safe and proper operating condition by the user. Access to the monitoring, sampling or flow measurement facilities shall be available at all times in accordance with Section 1145.60 of this chapter.

The Director or authorized representative shall have the right to set up and operate equipment at the facility. All required facilities shall be located on the discharger's premises, whenever possible, and shall be so located as to be readily accessible at all times. Access to the monitoring facilities shall not be obstructed by any object including, but not limited to vehicles, supplies, equipment or buildings. Any user installed equipment must be compatible with City-owned monitoring equipment.

### 1145.62 Sample Collection and Analytical Requirements

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The frequency of monitoring necessary to assess and assure compliance by the User shall be contained in wastewater discharge permits in accordance with Section 1145.44 (A) (4).

- (A) Except as indicated in Section (B) and (C) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City of Columbus, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (C) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 1145.51 and 1145.53 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 1145.54 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

## Chapter 1145 SEWER USE REGULATIONS

All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by the EPA.

### 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 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 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 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 Section within 30 days after becoming aware of the violation.

## Chapter 1145 SEWER USE REGULATIONS

### 1145.64 Reporting Requirements (New and Existing) Industrial Users

Permitted industrial users shall comply with the reporting requirements contained in 40 CFR Part 403, and this chapter, when required to submit reports to the City. These reports may include, but not be limited to, baseline monitoring reports, pretreatment deadline compliance reports, initial compliance reports, periodic compliance monitoring reports, and self-monitoring discharge reports.

- (A) Certification and Signatory Requirements. Any report required by this chapter shall contain the certification statement and be signed by an authorized representative as defined in Section 1145.02.003 of this chapter.
- (B) On request of the DOSD's Pretreatment Manager, a user who is required to submit reports to the City shall submit, within 30 days of the request, documentation of the quality assurance/quality control (QA/QC) procedures used by each laboratory which conducts sample analysis or collection, on behalf of the user.

### 1145.65 Self-Monitoring Discharge Reports

All industrial users and any other user specified by the Director may be required to submit to the Director, self-monitoring discharge reports at intervals or dates specified by the Director or specified in the user's industrial wastewater discharge permit. All self-monitoring discharge reports shall conform to the certification and signatory requirements contained in Section 1145.02.003 and contain the information as required by regulations in Section 1145.59 or other control documents for self-monitoring discharge reports, and any permit or order issued pursuant to this chapter.

### 1145.66 Records

All non-domestic users shall retain and preserve, for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any summaries thereof, relating to monitoring, sampling and analyses made by, or on behalf of, the user in connection with its discharge and operation of any pretreatment plant. All records which pertain to matters which are the subject of administrative order, or any enforcement action or litigation activities brought by the City, shall be retained and preserved by the User at least until all enforcement activities and litigation(s) have been concluded, and all periods of limitation with respect to any and all appeals have expired, but in no case less than three (3) years. All users required to retain and preserve records under this section shall make all such records available for inspection and, on request, provide accurate copies of such records, to the Director at the user's expense.

### 1145.67 Confidentiality

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, inspections and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law.



## **Chapter 1145 SEWER USE REGULATIONS**

Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## Chapter 1145 SEWER USE REGULATIONS

### 1145.70 – 1145.79 WASTEHAULER REGULATIONS

#### 1145.70 Applicability

All trucked wastes permitted to be disposed of using the City of Columbus POTW are to be discharged only at the trucked waste disposal site (TWDS) as designated by rule of the Director.

#### 1145.71 Permits

A trucked waste discharge permit from the Director shall be required for each vehicle which is to be used for delivery of waste materials to a Columbus trucked waste disposal site. Trucked waste discharge permit application fees shall be established by rule of the Director.

- (A) A trucked waste discharge permit may be issued to an applicant who complies with the terms and conditions of this chapter. The Director may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.
- (B) An application for a trucked waste discharge permit shall be submitted to the Director on an approved form, and shall contain the following information:
  - (1) Vehicle owner's name, address and phone number;
  - (2) Vehicle operator's name, address and phone number (if not same as the owner);
  - (3) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;
  - (4) Motor vehicle serial number and valid, permanent Ohio vehicle license number;
  - (5) Make and year of vehicle and tank capacity;
  - (6) A listing of all other governmental licenses and permits issued to the vehicle or for use of the vehicle;
  - (7) Any other information as shall be required by the Director.
- (C) An application fee and surety bond in amounts determined by rule of the Director shall be submitted with each application for each vehicle for which a permit is requested. The application fee shall be submitted by check or money order made payable to "Columbus City Treasurer, Sewer Fund."
- (D) Any applicant denied a trucked waste discharge permit will be sent written notice of the reason for the denial within thirty (30) days after submission of the application. Any applicant who is denied a trucked waste discharge permit may appeal to the Director in writing within ten (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted ten (10) day period shall be deemed as acceptance of the denial of permit on the part of the applicant and shall not be eligible for further administrative appeal.

## Chapter 1145 SEWER USE REGULATIONS

- (E) A trucked waste discharge permit shall be valid for one (1) year from its date of issuance, unless otherwise suspended or revoked.
- (1) If a trucked waste hauler operates more than one truck that holds different permit expiration dates for each vehicle, pro-rated fees will be allowed for waste haulers that operate more than one truck in order to standardize the expiration date of all their trucks. The pro-rated application fee schedule will allow a waste hauler who obtains a discharge permit for a new truck to secure the same permit expiration date as their other trucks. The pro-rated application fee shall be based on quarterly increments of the annual permit application fee as established by the Director.
- (F) Trucked waste discharge permits are not transferable to other vehicles, operators, or owners.
- (G) Permit Re-issuance. The holder of a trucked waste discharge permit shall apply for permit re-issuance a minimum of thirty (30) days prior to the expiration of the hauler's existing permit by submitting a completed permit application on a form approved by the Director.

### 1145.72 Trucked Waste Operator's License

Any trucked waste hauler wishing to operate any vehicle which is permitted to discharge trucked wastes to the City POTW shall submit proof of certification under Ohio Administrative Code 3701-29-06.

### 1145.73 Revocation of TWDS Privilege

Noncompliance with any part of this section, subsequent regulations or orders as issued by the Director, other sections of this chapter or sections of other applicable City Code Chapters; shall subject the licensee or permit holder to revocation of the license or permit to utilize the services of the City sewer system for the disposal of trucked wastes. The permit or license holder shall be provided written notice of any revocation. The permit or license holder may appeal the revocation to the Director in writing, within ten (10) days of receipt of the notice of revocation. Failure to appeal revocation within ten (10) days of notification of the revocation shall be deemed agreement upon the part of the licensee or permit holder to the revocation of that license or permit. Re-issuance of any license or permit, after revocation, shall be at the discretion of the Director, and may be made subject to such conditions as the Director deems appropriate.

### 1145.74 Suspension

- (A) In lieu of revocation of any license or permit, the Director may suspend any license or permit for noncompliance with any part of this section, regulations, or orders, for a period not to exceed sixty (60) days. The permit or license holder shall be provided with written notification of the suspension. The permit or license holder may appeal the suspension to the Director in writing within ten (10) days of receipt of the notice of the suspension. Failure on the part of the license or permit holder to appeal the suspension within ten

## Chapter 1145 SEWER USE REGULATIONS

(10) days of receipt of the notice of the suspension shall be deemed agreement on the part of the license or permit holder to the conditions of the suspension.

- (B) No person shall use any truck under a permit suspension to discharge waste to the Columbus sewer system during the period of the suspension, even if the truck is sold or leased to another party during the period of the suspension.
- (C) No trucked waste operator shall operate any vehicle discharging waste to the Columbus sewer system while under suspension even if the trucked waste operator changes employer.

### 1145.75 Regulations

The Director may enact regulations as deemed necessary to control the discharge of trucked wastes to the Columbus sewer system. The Director may restrict, or prohibit, the discharge of trucked wastes to the Columbus sewer system which originate from sources outside the municipal jurisdiction of the City of Columbus. These regulations may include, but are not limited to:

- (A) Provisions requiring the display of vehicle permit number and tank capacity in gallons;
- (B) Minimum equipment and maintenance standards for permitted vehicles;
- (C) Standards and procedures for use of City's trucked waste discharge facilities;
- (D) Training requirements for license holders;
- (E) Application fees.

### 1145.77 Restrictions and Prohibitions

The Director may restrict or prohibit discharge of any trucked waste to the Columbus sewer system. No trucked waste may be discharged to the Columbus sewer system without the express, written permission of the Director on a manifest form as approved by the Director. The discharge of trucked wastes shall be permitted only at locations, and during such hours, as shall be established by rule by the Director. Discharge of trucked waste to the sewer system at any other location, or at any other time, is a violation of this Chapter. No trucked waste shall be discharged to the sewer system which has any of the following components:

- (A) Material not readily biodegradable or not known to be compatible with the treatment processes utilized in the POTW;
- (B) Material deleterious to treatment plant operations, or plant operators such as oil and grease of a mineral origin, gasoline, toxic materials, flammables, solvents, paint materials, sand, or other materials capable of causing physical damage to the POTW;
- (C) Materials which would cause unusual expense in handling or treatment, unless prior arrangements have been made at the discretion of the Director for payment of additional costs of services;

## Chapter 1145 SEWER USE REGULATIONS

- (D) Any material regulated under a federal categorical pretreatment standard, or any sludges or wastes resulting from treatment of materials under federal categorical pretreatment standards;
- (E) Any materials which violate, or could violate, any prohibitive or restrictive provisions of Columbus City Code, Chapter 1145, or which violates any federal or state industrial discharge standards, regulations, or laws.
- (F) Non-domestically produced waste will be accepted only from generators which are located geographically within the City's Pretreatment boundaries and meet Program requirements. Non-domestic waste will require prior approval pursuant to DOSD's Special Waste Evaluation Report Form (SWERF) procedure. Fees for SWERF evaluation will be charged in accordance with rates established and in current use for DOSD Surveillance Laboratory's normal billing for equivalent services for the public.
- (G) No load may be discharged without prior approval of a City representative.

### 1145.77 Prohibited Activities

No trucked waste hauler shall access the sewer system or POTW for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system at times or places other than those designated by the Director, or without express permission of the Director shall be considered a violation of the conditions of this Section, and subject the violator to revocation of the trucked waste discharge permit and other enforcement activity as indicated in this Chapter and in other applicable City Code Chapters.

# Chapter 1145 SEWER USE REGULATIONS

## 1145.80--1145.89 STORMWATER

### 1145.80 Applicability of 1145.80 – 1145.89

The provisions of Columbus City Codes Sections 1145.80 – 1145.89 shall be applicable to all premises within the City of Columbus. These sections shall also be applicable to premises outside of the City of Columbus which are tributary to the City sewer system, where the political subdivision in which the premises are located has by contract with the City of Columbus specifically agreed that the stormwater provisions of Columbus City Code 1145 will be applicable within that political subdivision and where the political subdivision has adopted the provisions of Columbus City Code Sections 1145.80 – 1145.89 as a regulation of that political subdivision.

### 1145.81 Stormwater Regulations

Notwithstanding any other provision of the Columbus City Codes, the Director may promulgate regulations governing the quantity and quality of stormwater discharges from premises within the City of Columbus and where applicable, from premises outside of the City of Columbus which are tributary to the City sewer system. Any regulation which is promulgated pursuant to this section shall be as stringent as any applicable Federal or State statute or regulation. In addition to the requirements of Columbus City Codes Sections 121.05 and 1145.11, the Director shall provide notice in the City Bulletin of any proposed nonemergency regulation at least thirty days prior to publication of the final regulation in the City Bulletin. The notice shall indicate the subject matter of the proposed regulation, where copies of the proposed regulation can be reviewed or obtained, where written comments concerning the proposed regulations can be submitted to the Director, and the last day upon which written comments will be received concerning the proposed regulation.

### 1145.82 Stormwater Permits

The Director may issue permits governing the quantity and quality of stormwater being discharged from premises within the City of Columbus and where applicable, from premises outside of the City of Columbus which are tributary to the City sewer system. The Director may issue permits under this section in conjunction with permits issued pursuant to Columbus City Codes Sections 1145.40 to 1145.49. Where a permit is issued in conjunction with permits issued pursuant to Columbus City Codes Sections 1145.40 to 1145.49, the permit will be subject to the provisions of Columbus City Codes Section 1145.44. Except for permits subject to the provisions of Columbus City Codes Section 1145.44, any action of the Director issuing, denying, modifying, or revoking a permit pursuant to this section may be appealed pursuant to the provisions of Columbus City Codes Section 1145.94.

### 1145.83 NPDES Permits

All persons who own or operate premises within the City or where applicable, premises outside of the City of Columbus which are tributary to the City MS4, where the premises have been issued a National Pollutant Discharge Elimination System (NPDES) permit shall provide the Director a copy of the permit. For all NPDES permits issued on or after the effective date of this

## Chapter 1145 SEWER USE REGULATIONS

section, the permit shall be provided to the Director within sixty days of the issuance of the permit.

### 1145.84 Stormwater and Surface Drainage

Except as otherwise provided by this chapter, no person shall connect roof, foundation, area way, parking lot, roadway, or other surface runoff or ground water drains to any sanitary sewer which is connected to the city's POTW treatment facility. Any such connections shall be considered illegal, and shall be subject to immediate removal by the owner of the premises so connected, and at such owner's expense.

- (A) Stormwater shall be discharged into such sewers as are specifically designed and designated as storm or combined sewers. Such discharges shall be to storm sewers or to open drainage courses, rather than combined sewers, if both are reasonably available.
- (B) Foundation Drains legally connected to sanitary sewers before the effective date of this section may be required to be removed, if it is established by the Director that such connection is detrimental to the operation of the POTW, and that such removal is cost effective.
- (C) All sanitary wastewater(s) must be discharged directly into a sanitary or combined sewer, or a private sewer that discharges to the public sanitary sewer system, except as otherwise provided by this chapter.

### 1145.85 Wastewater Discharge to Storm Sewers

No person shall discharge or allow to be discharged wastewater to the City storm sewers without a valid NPDES permit. Existing wastewater discharges to the City's storm sewers which are licensed pursuant to Ohio Administrative Code Section 3701-21 shall be eliminated within a reasonable time after sanitary sewer service is available to the premises, or sooner if required by the federal or state law. No person shall discharge wastewater to the City's storm sewers in violation of an applicable NPDES permit or license issued pursuant to Ohio Administrative Code Section 3701-21.

### 1145.86 Non-Stormwater Discharge to Storm Sewers

Except as authorized by a valid Individual or General NPDES permit or as authorized in writing by the Director, any direct or indirect discharge to the storm sewer that is not composed entirely of stormwater is prohibited.

# Chapter 1145 SEWER USE REGULATIONS

## 1145.90 – 1145.99 ADMINISTRATIVE ENFORCEMENT

### 1145.90 Notification of Violation

Whenever the Director finds that any person has violated, or is violating this Chapter, the Director may serve upon said person, written Notification of Violation (NOV). Within ten (10) days of receipt of this NOV, any person receiving the NOV shall submit to the Director an explanation of the violation and a remedial action plan (RAP) to correct the violation and prevent the future occurrence of noncompliance. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of 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 discharge at connection with the City's MS4 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 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;



## Chapter 1145 SEWER USE REGULATIONS

- (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.

### 1145.92 Spill Abatement and Mitigation

The Director, or his or her designee, may order any clean-up, abatement, or mitigation action determined reasonable, including using a private contractor, when any environmental spill or discharge of any material to the sewer system, POTW or MS4:

- (A) Poses a threat or damage to any structure of the sewer system or POTW
- (B) Poses a threat or damage to any treatment process or sludge disposal practice of the POTW
- (C) Endangers the health or safety of any employees of the Department
- (D) Could pass-through the POTW
- (E) Causes violation of any federal or state discharge permit issued to the City, or
- (F) Damages the environment or receiving waters.

Any and all expenses for any such action, including labor costs incurred by the City shall be charged to the person responsible for the spill or discharge. The Director may add such charges to the person's sewer service charge, and pursue other available collection remedies. Such charges shall be in addition to, and not in lieu of, any other remedies the City may have under this chapter, statutes, regulations, at law or in equity.

### 1145.93 Show Cause Hearing

The Director may order any person who causes or contributes to violations of this chapter to show cause why a proposed enforcement action should not be taken. The person shall be served notice of the hearing, specifying the place and time of the hearing, the proposed enforcement action and the reasons for such action, and a request that the person show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally at least ten (10) days prior to the hearing. Such notice may be served on the principal executive, general partner, or corporate officer, or authorized agent or representative of the entity. The person listed as the company contact in a permit issued pursuant to this chapter may be considered an authorized agent for purposes of this section. Any person ordered by the Director to appear at a show cause hearing who fails to appear shall be deemed to have agreed to whatever action is taken by the Director as the result of the hearing. Actions taken by the Director resulting from a show cause hearing are not subject to the appeal provisions set forth in Section 1145.94 of this chapter.

## Chapter 1145 SEWER USE REGULATIONS

### 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 Section of the Division of Sewerage and Drainage 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
- (E) All hearings shall proceed as in a trial of a civil action with the Division of Sewerage and Drainage 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 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.

## Chapter 1145 SEWER USE REGULATIONS

### 1145.95 Revocation of Treatment Services

The Director may terminate sewer services after thirty (30) days notice, except as provided in emergency revocation of services and, where applicable, revoke the discharge permit of any User who violates any provision or condition of this chapter, including but not limited to the following conditions:

- (A) Violation of permit conditions
- (B) Failure to accurately report the wastewater constituents and characteristics of its discharge
- (C) Failure to report significant changes in operations or wastewater constituents and characteristics
- (D) Refusal of reasonable access to the person's premises for the purposes of inspection, monitoring or sampling

Any user desiring a hearing on the revocation of a discharge permit and termination of services issued under this Section must file an appeal with the Director within ten (10) days of being notified. The Director shall convene a hearing on the matter within ten (10) days of receiving the request. Failure on the part of a user to file a written appeal within the allotted ten (10) day period shall be deemed as admission of the stated violation(s) and agreement with and acceptance of revocation of the discharge permit and termination of service.

The Director may take whatever actions are necessary in order to prevent use of the sewer system by users whose sewer services have been terminated. The Director may terminate City water service to any premises in order to enforce any termination of sewer services to the same premises.

### 1145.96 Emergency Revocation of Services

The Director may immediately revoke sewer services or the permit of any user issued a permit pursuant to this Chapter whenever, in the Director's opinion, such revocation is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the sewer system or the environment.

- (A) Any person notified of such revocation of sewer services or permit, shall immediately stop or eliminate such discharge. In the event of a person's failure to immediately comply voluntarily with the revocation order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system, its receiving stream, the environment, endangerment to any individuals or violation of any Federal or State discharge permit issued to the City. The Director shall allow the person to recommence discharge when the endangerment has passed, unless the termination proceedings set forth in Section 1145.85 are initiated against the person.
- (B) A person who is responsible, in whole or in part, for an imminent endangerment, shall submit a detailed, written statement describing the causes of the harmful contribution,

## Chapter 1145 SEWER USE REGULATIONS

and the measures taken to prevent any future occurrence to the Director, prior to the date of a hearing set pursuant to the provisions of Section 1145.83 of this Chapter.

### 1145.97 Public Nuisance

Any violation of the provisions of this Chapter is hereby declared a public nuisance and may be corrected or abated by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying such nuisances.

### 1145.98 Contractor Listings

The Director may revoke eligibility to receive contractual awards for the sale of goods and services to the City of Columbus, Ohio, for any person who has not achieved consistent compliance with applicable pretreatment standards or any requirements of this chapter.

### 1145.99 Federal or State Enforcement

In addition to other remedies for enforcement provided herein, the Director may petition the Ohio EPA or the USEPA, as appropriate, to exercise such methods or remedies as shall be available to such governmental entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws in order to:

- (A) Ensure compliance by any user with applicable categorical pretreatment standards
- (B) Prevent the introduction of toxic pollutants or other regulated pollutants into the sewer system
- (C) Prevent such other water pollution as may be regulated by state or federal law.

## Chapter 1145 SEWER USE REGULATIONS

### 1145.100 – 1145.109 FINES AND COST RECOVERY

#### 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 \$5,000 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.

#### 1145.101 Assessment of Damages

Whenever any person discharges any substance that causes an obstruction, damage, or any other impairment to the sewer system, POTW or MS4:, or any related expense of whatever character or nature to the City, the Director may assess the expenses incurred by the City to clear the obstruction, repair the damage to the sewer system, POTW or MS4:, and any other expenses or damages incurred by the City.

Assessments made 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 to collect other service charges.

#### 1145.102 Cost Recovery For Sewer Blockages

Any user who discharges or places into the sewer system, POTW or MS4:, any substance or material that causes a total or partial obstruction or blockage is required to reimburse the City for the costs incurred in responding to the obstruction or blockage.

- (A) Cost recovery fees for responding to obstructions or blockages shall be established by rule by the Director pursuant to Section 1145.11. This amount shall be assessed to any User that caused or contributed to the obstruction or blockage. This assessment may be pro-rated to more than one user if more than one user contributed to the obstruction or blockage.

## Chapter 1145 SEWER USE REGULATIONS

- (B) The Director may assess additional amounts if repair of the blockage requires an increased level of effort or is otherwise unusual. In addition, nothing in this rule limits the City's ability to seek reimbursement for any and all other types of damage caused by any user to any part of the sewer system, including the wastewater treatment plants.
- (C) All assessments pursuant to this rule shall be added to the user's sewer service account, and may be appealed to the Director pursuant to Columbus City Code Section 1145.94.

### 1145.103 Fines Levied Against the City

In addition to other remedies available to the City set forth elsewhere in this Chapter or City Code, if the City is fined by the Ohio EPA or USEPA for violation of the City's NPDES Permits, other control documents, or violation of water quality standards, then the fine, including all City legal, sampling, analytical testing costs, and any other related costs may be charged to the responsible user. Such charge shall be in addition to, and not in lieu of, any other remedies the City may have under this chapter, statutes, regulations, at law or in equity.

# Chapter 1145 SEWER USE REGULATIONS

## 1145.110 – 1145.119 JUDICIAL REMEDIES

### 1145.110 Legal Action

Whenever the Director finds that any person has violated, or continues to violate, the provisions of this Chapter, the Director may seek from a court of competent jurisdiction, injunctive relief against said person. The Director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The Director may refer any violation of this chapter to the City Prosecutor for criminal prosecution.

### 1145.111 Civil Penalty

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

### 1145.112 Criminal Penalty

Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000) or imprisonment for not more than six (6) months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000), and not to exceed five thousand dollars (\$5,000) in addition to any imprisonment provided under this section.

### 1145.113 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Columbus' enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.