

TITLE

AN ORDINANCE FOR THE PUROSE OF REPEALING CHAPTER 924 (“SEWER WASTES”) OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN, OHIO IN ITS ENTIRETY AND REPLACING AND REENACTING CHAPTER 924 (“SEWER INDUSTRIAL DISCHARGE REGULATIONS”) OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN, OHIO, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12966/2020

WHEREAS, the City of Warren Water Pollution Control Department is responsible to receive and treat wastewater from industries in the service areas of Warren, Champion and Lordstown, Ohio; and

WHEREAS, the City of Warren was required by the Ohio Environmental Protection Agency (OEPA) to upgrade its Sewer Use Ordinances related to the regulation of Industrial Discharge to the sewers in accordance with 40 CFR 403 and OAC 3745-3; and

WHEREAS, these changes were instituted to reduce the overall regulatory burden on both the affected Industrial Discharges and the City of Warren, Ohio; and

WHEREAS, these proposed regulations have been negotiated with and approved by the Ohio Environmental Protection Agency (OEPA); and

WHEREAS, the City of Warren is empowered to promote the health, safety, welfare and integrity of the residents of the City of Warren and others; and

WHEREAS, this Ordinance is necessary to promote and protect the public health, safety and welfare; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That Chapter 924 (“Sewer Wastes”) of the Codified Ordinances of the City of Warren, Ohio, and each and every section of said Chapter 924, be, and the same hereby are, repealed in their entirety.

Section 2: That Chapter 924 (“Sewer Industrial Discharge Regulations”), and the various sections thereof, be, and the same hereby are, replaced and reenacted within the Codified Ordinances of the City of Warren are as follows:

“CHAPTER 924”
SEWER INDUSTRIAL DISCHARGE REGULATIONS

924.01 Purpose and Policy.....	2
924.02 Definitions.....	3
924.03 General Discharge Prohibitions	9
924.04 Specific Pollutant Limitations.....	11
924.05 Dilution	12
924.06 Categorical Pretreatment Standards	12
924.07 Right of Revision	12
924.08 Accidental Discharges	12
924.09 Reserved.....	14
924.10 Operating Upsets and Bypasses	14

924.11 Control of Admissible Wastes	15
924.12 Industrial Waste Discharge Permit Application	16
924.13 Industrial Wastewater Discharge Permit	18
924.14 Reporting Requirements	20
924.15 Right of Entry	22
924.16 Monitoring	22
924.17 Confidential Information	24
924.18 Records Retention.....	25
924.19 Emergency Suspension of Service.....	25
924.20 Notification of Violation.....	25
924.21 Show Cause Hearing.....	26
924.22 Revocation of Services	26
924.23 Controled Discharge of any Trucked or Hauled Waste	26
924.24 Judicial Proceedings.....	26
924.25 Annual Publication.....	26
924.26 Right of Appeal.....	26
924.99 Penalty.....	26

924.01 PURPOSE AND POLICY

This chapter sets forth uniform requirements for Dischargers into the City POTW enables the City to protect public health and welfare in conformity with all applicable local, state and federal laws including the Clean Water Act (33 U.S.C 1251) and the General Pretreatment Regulations (40 CFR Part 403) relating thereto.

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- (2) To prevent the introduction of pollutants into the POTW which do not receive adequate treatment, and which will pass-through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (4) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
- (5) To enable the Warren Water Pollution Control (WPC) facility to comply with its NPDES Permit conditions and requirements, sludge use and disposal requirements, and any other Federal or State laws to which the facility is subject.

This chapter shall apply to all industrial and/or significant users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; monitoring, compliance and enforcement activities; the establishment of administrative review and enforcement procedures, requires Industrial User reports and establishes the parameters used to determine fees for excess strength of waste discharged to the POTW.

924.02 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the following meanings:

(A)

- (1) "Act" means the Federal Water Pollution Control Act Amendments of 1972 (commonly referred to as the Clean Water Act) and any amendments thereto; as promulgated by the U.S. Environmental Protection Agency pursuant to the Act.
- (2) Authorized Representative of Industrial User. See Duly Authorized Representative of Industrial User.

(B)

- (1) "Best Management Practice or BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04 and Section 924.03 of this ordinance. 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.
- (2) "Bypass" means the intentional diversion of wastes from any portion of a treatment or pretreatment facility.

(C)

- (1) "Carbonaceous biochemical oxygen demand" (referred to herein as CBOD) means the quantity of oxygen utilized in the oxidation of organic material in which the contribution from the nitrogenous bacteria has been suppressed, in parts per million by weight, in accordance with procedures set forth in Standard Methods or other methods approved in 40 CFR Part 136.
- (2) "Categorical Industrial User" means an Industrial User subject to Categorical Pretreatment Standards specifying concentrations of pollutants which may be discharged into the POTW by specific industrial processes. Also see definition of Categorical Pretreatment Standard.
- (3) "Categorical Pretreatment Standard" means the national pretreatment standard that specifies quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by a specific industrial process, as required by the U.S. EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) and established under 40 CFR Chapter I, Subchapter N.
- (4) "CFR" means the Code of Federal Regulations.
- (5) "Chemical oxygen demand" (referred to herein as COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter expressed in parts per million by weight, in accordance with procedures set forth in Standard Methods or other methods approved in 40 CFR Part 136.
- (6) "City" means the City of Warren, Ohio.
- (7) "Composite Sample" means a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. Where the City has not specified the composite method, the Industrial User shall collect the sample using the Flow Proportional Composite method, as defined below. There are two compositing methods:
 - (a) Time Composite Sample, composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or
 - (b) Flow Proportional Composite Sample, collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

(8) "Cooling water" means:

- (a) Uncontaminated Cooling Water: Water used for cooling purposes only which has no direct contact with any raw material, intermediate or final product and which does not contain a level of contaminants detectably higher than that of the intake water; or
- (b) Contaminated Cooling Water: Water used for cooling purposes which may become contaminated through the use of any water treatment chemicals used for corrosion inhibitors or biocides, by direct contact with process materials and/or wastewater, or contains a level of contaminants detectably higher than that of the intake water. Includes contact cooling water and may include non-contact cooling water.

(D)

- (1) "Daily Maximum Limit" means the maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (2) "Director" means the Director of the City of Warren WPC Department or his/her duly authorized representative.
- (3) "Discharge" means the introduction of pollutants into the POTW from any source, including but not limited to those regulated under the Act.
- (4) "Discharger" means any nonresidential user who discharges an effluent into the City POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances connected thereto.
- (5) Duly Authorized Representative of Industrial User" means:
 - (a) If the Industrial User is a corporation:
 - (i) 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
 - (ii) The manager of one or more manufacturing, production or operation facilities provided the manager:
 - a. Is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation;
 - b. Can ensure that the necessary systems are established or that the necessary actions are taken to gather complete and accurate information for control mechanism requirements; and
 - c. Is assigned or delegated the authority to sign documents in accordance with corporate procedures.
 - (b) If the Industrial User is a partnership or a sole proprietorship, a general partner or proprietor, respectively.
 - (c) If the Industrial User is a limited liability company, a member or a manager.
 - (d) A duly authorized representative of the individual designated in (D)(5)(a)-(c) of this rule if:

- (i) The authorization is made in writing by the individual described in paragraph (D)(5)(a)-(c) of this rule;
 - (ii) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the City of Warren.
 - (e) If an authorization under paragraph (D)(5)(d) of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (D)(5)(d) of this rule shall be submitted to the City of Warren prior to or together with any reports to be signed by an authorized representative.
- (E) "Environmental Protection Agency" (EPA) means the U.S. Environmental Protection Agency, or where appropriate "Environmental Protection Agency" may also be used as a designation for the Administrator or other duly authorized official of such Agency.
- (F) Reserved.
- (G)
- (1) "Grab sample" means an individual sample collected on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
 - (2) "Ground garbage" means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (H) Reserved
- (I)
- (1) "Industrial discharge" means the introduction of pollutants into the POTW from any non-domestic source, including but not limited to those regulated under the Act.
 - (2) "Industrial User/Discharger" means the source of indirect discharge to the POTW from any non-domestic source.
 - (3) "Industrial waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource.
 - (4) "Interference" means a discharge which, alone or in conjunction with a 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; or
 - (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 the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of SWDA), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

- (J) Reserved.
- (K) Reserved.
- (L) "Local Limit" means specific discharge limits developed and enforced by the City of Warren upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (M)
- (1) "mg/L" means milligrams per liter.
 - (2) "Monthly Average" means the arithmetic mean of all daily results measured during a calendar month.
 - (3) "Monthly Average Limit" means the maximum allowable arithmetic mean of all daily results measured during a calendar month.
- (N)
- (1) "National Pollutant Discharge Elimination System" (NPDES) permit means the permit issued to the City, to discharge treated wastewater to the Mahoning River, pursuant to Section 402 of the Act, Chapter 6111 of the Ohio Revised Code, and Chapter 3745-33 of the Ohio Administrative Code.
 - (2) "New Source" means 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 pretreatment standards under Section 307(c) of the Act modified and defined for implementation in accordance with 40 CFR Section 403.3 paragraph (m) and Section 403.6 paragraph (b) provided that:
 - (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these 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 will be considered.
 - (3) "North American Industrial Classification System" (NAICS) is the standard used by some Federal agencies to classify business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the economy.
- (O)
- (1) "Ohio EPA" means the Ohio Environmental Protection Agency.
 - (2) "Oil and Grease" means a group of substances with similar physical characteristics determined quantitatively on the basis of their common solubility in hexane in accordance with procedures set forth in Standard Methods or other methods approved in 40 CFR Part 136.
- (P)
- (1) "Parts per million" (ppm) means a weight-to-weight ratio; essentially equivalent to one milligram per liter.
 - (2) "Pass-through" means the discharge of pollutants through the POTW into waters of the state in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

- (3) "Person" means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (4) "pH" means the logarithm, base 10, of the reciprocal of the hydrogen ion concentration expressed in moles per liter. "pH" shall be determined in accordance with procedures set forth in Standard Methods or other methods approved in 40 CFR Part 136.
- (5) "Pollutant" means the dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, commercial, domestic and agricultural waste discharged into water.
- (6) "Pretreatment" means 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 or otherwise introducing such pollutants into the POTW. The reduction or alternation can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
- (7) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an Industrial User or POTW.
- (8) "Pretreatment standards" mean discharge limits related to pretreatment that is imposed on an Industrial User through local, state, or federal regulations. These regulations can include those promulgated by U.S. EPA in accordance with Section 307(b) and (c) of the Act, Chapter 3745-3 of the Ohio Administrative Code, Industrial Waste Discharge Permits, NPDES Permits, Prohibited Discharge Standards, Categorical Pretreatment Standards and Local Limits, or any enforceable schedule designed to achieve compliance with the aforementioned limits.
- (9) "Process water" means any water that, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- (10) "Publicly Owned Treatment Works (POTW)" means a treatment works, as defined by Section 212 of the Act, which is owned, leased or contracted to operate by a state or municipality. This definition includes any devices and/or systems used in the storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances if they convey wastewater to a treatment plant.
- (11) "Public sewer" means any sewer that is provided by or subject to the jurisdiction of the City and is located in a dedicated public street, roadway, public right-of-way, or easement which is owned and operated by the City.

(Q) Reserved.

(R) Reserved.

(S)

- (1) "Safety-Service Director" means the Safety-Service Director of the City or his/her duly authorized representative.
- (2) "Sewage" means any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities.
- (3) "Sewage Treatment Plant" means an assemblage of devices, structures and equipment for treatment, stabilization, blending, composting, or holding sewage, sludge, sludge materials, industrial waste, or other wastes.

- (4) "Sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- (5) "Shall" means a mandatory requirement; "may" is permissible.
- (6) "Significant Industrial User" (SIU): includes:
 - (a) All Categorical Industrial Users; or
 - (b) Any Non-Categorical Industrial User which:
 - (i) Discharges 25,000 gallons per day or more of process water; or
 - (ii) Contributes a wastewater which makes up five percent (5%) or more of the average dry weather hydraulic or organic (CBOD, TSS, etc.) capacity of the treatment plant; or
 - (iii) Has a reasonable potential, in the opinion of the City of Warren, to adversely affect the POTW (inhibition, pass-through, sludge contamination, endangerment of POTW workers, or other adverse effects).
 - (c) Upon finding that an Industrial User designated as a Significant Industrial User for meeting the criteria in paragraph (S)(6)(b) of this Section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Warren may at any time, on the City's own initiative or in response to a petition received from the Industrial User, and in accordance with Chapter 3745-3 of the Ohio Administrative Code, determine that such Industrial User is not a Significant Industrial User.
- (7) "Significant noncompliance" (SNC) is a relative measure of Industrial User noncompliance determined if the Industrial User's violations meet one or more of the following criteria:
 - (a) Chronic violations of wastewater discharge limits, at any permitted monitoring point for a Significant Industrial User, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits for the same pollutant or the daily maximum limit or the average limit for the same pollutant;
 - (b) Technical review criteria (TRC) violations, and any permitted monitoring point for a Significant Industrial User; defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, daily maximum limits or the average limit multiplied by the applicable TRC (TRC=1.4 for CBOD, BOD, TSS, 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 OAC 3745-03-01, that the City of Warren 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 of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
 - (f) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or

- (h) Any other violation or group of violations which the Director determines will or has adversely affected the operation or implementation of the City's pretreatment program including the failure to comply with BMPs as required.
- (8) "Sludge" means any solid or semisolid waste generated by a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Act and in the applicable requirements under Sections 2001, 3004 and 4004 of the Solid Waste Disposal Act (PL 94-580).
- (9) "Slug/Slug-load/Slug-discharge" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, causes a violation of the prohibited discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (10) "Standard Industrial Classification (SIC) Manual" means the SIC Manual, 2972, Office of Management and Budget, as amended and supplemented.
- (11) "Standard Methods" means the current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, American Water Works Association and Water Environment Federation. This is one of six references provided in 40 CFR 136.
- (12) "Superintendent" means the Superintendent of the City of Warren WPC Facility or his/her duly authorized representative.
- (13) "Surcharge" means the assessment, in addition to other applicable charges, which is levied on those personal or Industrial Users whose wastewater is greater in strength than the normal domestic sewage, for non-toxic parameters, to recover the additional costs associated with treating extra strength discharges.
- (14) "Suspended solids" (SS) means solids that either float on the surface of, or are in suspension or will settle in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods" or other methods approved in 40 CFR 136.
- (T) "Toxic pollutants" means any pollutant or combination of pollutants which is or can potentially be harmful to public health or the environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of 40 CFR 401.15.
- (U) "Upset" means an exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation thereof.
- (V) Reserved.
- (W) "Wastewater" means any sewage or other liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water and stormwater that may be present, which is contributed into or permitted to enter the POTW. This definition applies regardless of whether the waste has been treated or untreated.

924.03 GENERAL DISCHARGE PROHIBITIONS

These general prohibitions shall apply to all Dischargers to the POTW regardless of whether the Discharger is or is not subject to Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standard or Requirement. No person shall discharge, or cause to be discharged, any of the following described water or wastes to any public sewer:

- (1) Pollutants which singly or in combination with others present may create a fire or explosion hazard in the POTW including, but not limited to, discharges with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (2) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker or public health and safety problems.
- (3) Any solids, greases, slurries or viscous material of such character or in such quantity that may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of any portion of the POTW.
- (4) Any toxic substances, chemical elements or compounds in quantities sufficient to impair the operation or efficiency of the sewage treatment plant or that will pass-through the sewage treatment plant and cause the effluent thereof to exceed NPDES permit limits, or otherwise interfere with the effective and final disposal of sludge removed or separated by the sewage treatment plant. This includes but is not necessarily limited to the substances and respective limitations referenced in Section 924.04.
- (5) Any discharges having a pH lower than 6.0 or higher than 10.0 or having any corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
- (6) Any wastewater having a temperature which will inhibit biological activity at the sewage treatment plant or otherwise result in interference; but in no case, wastewater with a temperature at the introduction into the treatment plant which exceeds forty degrees Centigrade (104 degrees Fahrenheit).
- (7) Any slug release, which means any pollutant, including oxygen-demanding pollutants (CBOD, etc.), discharged in an extraordinary discharge episode of such volume, flow-rate and/or pollutant concentration or load which, either singly or by interaction with other pollutants, will cause interference with the sewage treatment plant.
- (8) Any discharge containing any radioactive wastes or isotopes of such half-life or concentration which exceeds limits in compliance with applicable Local, State or Federal regulations.
- (9) Any substance with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- (10) Any wastewater that causes a hazard to human life or creates a public nuisance.
- (11) Any discharge containing petroleum oil, nonbiodegradable cutting oil or products of mineral origin in amounts that can pass-through or cause interference with the POTW operations.
- (12) Any discharge containing fats, wax, grease, or oils regardless of origin, and whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (1 degree and 65 degrees Centigrade).
- (13) Noxious or malodorous substances (solids, liquids, or gases) which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (14) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (15) Any discharge that may cause the sewage treatment plant's treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation processes.
- (16) Unless specifically authorized by the City or an applicable Pretreatment Standard or Requirement, any unpolluted water that will increase the hydraulic load on the POTW, including but not limited to storm water, surface water, roof runoff, or uncontaminated, non-contact cooling water.

- (17) Any discharge that may cause the POTW to violate its NPDES permit or other applicable permits or fail a toxicity test.
- (18) Unless specifically authorized by the City, any trucked or hauled pollutants. Such pollutants shall only be discharged at the times and locations designated by the City. Refer to Section 924.23 of this Chapter.

Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any Discharger to the POTW whereby wastewater of unusual strength or character is discharged into the system. No Agreement shall be made which violates any state or federal standards or requirements including Categorical Pretreatment Standards, or standards or requirements specific to the City’s Ordinance that are more stringent than state or federal regulations.

924.04 SPECIFIC POLLUTANT LIMITATIONS

The City shall develop and update (as necessary) local requirements and limitations with respect to discharges to the POTW. Such requirements and limitations are developed as necessary to comply with the objectives set forth in Section 924.01 and/or to enable the City to comply with the limits of its NPDES permit. Where local, state, or federal standards apply to the same pollutant, the Discharger shall comply with the most stringent requirement.

- (1) Local Limits. The approved pretreatment program for the City of Warren sets wastewater discharge limitations for Industrial Users discharging to the City sewer system. These local limits are available at <https://warren.org/living/departments/water-pollution-control> or by contacting the Director.
 - (A) Significant Industrial Users
Such limits shall be specified in the Industrial Wastewater Discharge permit issued by the City.
 - (B) Dischargers Other than Significant Industrial Users
Discharges from these Industrial Users shall not exceed the generally accepted pollutant screening levels, without receiving either from the City:
 - (1) An industrial wastewater discharge permit (see Section 924.12); or
 - (2) Written permission to discharge without an industrial wastewater discharge permit.
 - (C) Local requirements and limitations on discharges to the POTW shall be met by all Dischargers subject to these standards. Where a pollutant is subject to local limits and state/federal pretreatment standards (e.g. Categorical Pretreatment Standards), the most stringent of these limits shall apply.
 - (D) The City may develop Best Management Practices (BMPs), as defined in Section 924.02, by ordinance or in industrial wastewater discharge permits, to implement local limits and the requirements of this Chapter.
- (2) Surcharge Thresholds. No wastewater shall be discharged which exceeds the maximum daily concentration established for the following compatible pollutants without permission from the Director and payment of the appropriate surcharge, found in Chapter 925:

Pollutant	Maximum Daily Concentration (mg/L)
CBOD	200
COD	600
Ammonia nitrogen	35
Total Phosphorus	15
Solids (total suspended)	250

924.05 DILUTION

Unless specifically authorized by the City, no Discharger shall increase the use of potable or process water for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

The City may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

924.06 CATEGORICAL PRETREATMENT STANDARDS

- (1) Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all Dischargers of the regulated industrial categories.
- (2) In any instance in which the Categorical Pretreatment Standards are more stringent than limitations established in this chapter, the Categorical Pretreatment Standards shall apply.
- (3) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass or pollutant discharged per day of effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users per 40 CFR 403.6 (c) (2) thru (c)(4).
- (4) Any Discharger subject to a Categorical Pretreatment Standard shall submit to the City within 180 days after the promulgation of an applicable Categorical Pretreatment Standard, the additional information required by Section 924.12. The Discharger shall be informed of any proposed changes in the chapter at least thirty days prior to the effective date of the change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

924.07 RIGHT OF REVISION

The City reserves the right to amend this chapter to provide for more or less stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 924.01. Any revision or amendment shall be consistent with or more protective than the applicable state and federal pretreatment rules.

924.08 ACCIDENTAL DISCHARGES

(1) Actions Required for Industrial Users During Accidental Discharge

- (A) Dischargers shall immediately notify the Director upon the accidental discharge of wastes in violation of this chapter. Accidental discharges include slugloads, bypasses, and other discharges which could cause problems to the POTW, treatment processes, or the receiving waters. The notification shall include all of the following:
 - (1) A description of the accidental discharge and its cause.
 - (2) The location of discharge.
 - (3) The period of accidental discharge, including:
 - (a) The exact dates and times; and
 - (b) If the accidental discharge is not corrected at the time of the notification, the anticipated time the noncompliance is expected to cease.
 - (4) The type(s) of waste involved.
 - (5) The concentration and volume discharged.
 - (6) Any corrective actions, including any steps taken or planned to reduce, eliminate, and/or prevent recurrence of the accidental discharge.

- (B) This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. This notification must be signed and certified in accordance with Section 924.14 (3).
 - (C) Such notification shall not relieve Dischargers of liability for any fines provided for in Section 924.99, or for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the City on account thereof. An Industrial User shall be responsible for accidental discharges caused by employees, contractors, subcontractors, or any and all individuals permitted upon the premises. Any Discharger who has an accidental discharge of prohibited materials shall be liable for any expense, loss or damage to the POTW or expenses incurred by the City in the cleanup of the substance.
- (2) Dischargers shall furnish and permanently post notices in conspicuous places advising employees whom to call in case of an accidental discharge in violation of this chapter. In addition, Dischargers shall make all of the following available to their employees:
- (A) Copies of this chapter;
 - (B) Existing Industrial Waste Discharge Permits;
 - (C) Other relevant wastewater information related to the process existing at this facility; and
 - (D) Notices which may be furnished and updated by the City directed toward more effective water pollution control.
- (3) Prevention of Accidental Discharges
- (A) Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Any direct or indirect connection or entry point for persistent or deleterious wastes to the Discharger's plumbing or drainage system shall be eliminated. Where such action is impractical or unreasonable, the Discharger shall appropriately label such entry points to warn against discharge of such wastes in violation of this chapter.
 - (B) If the Director determines that facilities are required to prevent accidental discharge of prohibited material, such facilities shall be installed and maintained at the Discharger's expense.
 - (1) Detailed plans showing these facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of these facilities.
 - (2) Review and approval of such plans and operating procedures shall not relieve the Discharger from the responsibility to modify these facilities as necessary to meet the requirements of this chapter.
 - (3) The Director's approval of these plans does not relieve the Discharger from the responsibility to submit to Ohio EPA an application for a Permit-to-Install, as required by OAC 3745-42.
- (4) Accidental Discharge Control Plan and Slug Discharge Control Plan
- (A) The Director shall evaluate whether each Significant Industrial User needs a written accidental discharge/slug discharge control plan or other action to control Slug Discharges at least once per Industrial Waste Discharge permit cycle. For new Significant Industrial Users, the Director will complete this evaluation within one (1) year of being designated a Significant Industrial User. The Director may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges.
 - (B) An accidental discharge/slug discharge control plan must address at minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;

- (3) Procedures for immediately notifying the Director and the POTW of any accidental or Slug Discharge, as required by the ordinance;
- (4) Procedures for providing follow-up written notification to the Director within five (5) days; and
- (5) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures shall include but are not limited to:
 - (a) inspection and maintenance of storage areas,
 - (b) handling and transfer of materials,
 - (c) loading and unloading operations,
 - (d) control of plant site runoff,
 - (e) worker training,
 - (f) building of containment structures or equipment,
 - (g) measures for containing toxic organic pollutants, including solvents, and
 - (h) measures and equipment for emergency response.

(5) Immediate Notification of Facility Changes Affecting Potential for Slug Loading

- (A) All Industrial Users shall notify the POTW immediately of changes at its facility affecting potential for a slug discharge.
- (B) All Dischargers shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings.

924.09 RESERVED

924.10 OPERATING UPSETS AND BYPASSES

(1) Upsets

- (A) Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of noncompliance with this chapter shall inform the Director within 24 hours of first becoming aware of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the Discharger with the Director within five days.
- (B) The report shall include:
 - (1) Description of the upset, the cause thereof and the upset's impact on a Discharger's compliance status;
 - (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
 - (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such upset or other conditions of noncompliance.
- (C) A documented and verified bona-fide operating upset shall be an affirmative defense to an enforcement action brought by the City against a Discharger for noncompliance with Categorical Pretreatment Standards or local limits, provided that the cause of the upset was identified, the facility was being properly operated and the additional requirements of 40 CFR 403.16 are met.

(2) Bypasses

- (A) Pretreatment facilities are required to be operated at all times.
- (B) Bypass of pretreatment facilities are prohibited unless the following conditions are met:

- (1) The bypass is necessary for essential maintenance to assure efficient operations; and
- (2) All applicable pretreatment standards will be met during the time of the bypass.

(C) Notification

- (1) If an Industrial User knows in advance of the need for a bypass, it must provide prior notice to the Director at least ten days before the date of which the bypass is to occur.
- (2) If the bypass is not anticipated, the Industrial User must notify the Director orally within 24 hours of becoming aware of the bypass. This 24-hour notice must be followed, within five (5) days, with a written report to the Director that contains an explanation of the bypass, its cause, duration (or, if it has not been corrected, how long it is expected to continue), and what has been done to rectify the situation and prevent future occurrences.

(D) Prohibition of bypass

- (1) Bypass is prohibited and the City may take enforcement action against an Industrial User for a bypass, unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The Industrial User submitted notices as required under this section.

924.11 CONTROL OF ADMISSIBLE WASTES

- (1) No non-domestic source of wastewater shall discharge sewage or industrial wastes, directly or indirectly, to the POTW without complying with the terms of this chapter, including any subsequent compliance schedules that may be required should additional pretreatment and/or operation and maintenance be necessary.
- (2) If wastewaters containing any substances described in Sections 924.03 and 924.04 of this chapter are discharged or proposed to be discharged into the POTW or to any sewer system tributary thereto, the City may do any combination of the following:
 - (A) Prohibit the discharge of such wastewater;
 - (B) Require the person or Industrial Discharger to reduce or eliminate the discharge of such substances in conformity with this chapter;
 - (C) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances to achieve compliance with all Categorical Pretreatment Standards, Local Limits and other prohibitions set out in the ordinances;
 - (D) Require the person making, causing, or allowing the discharge to pay any additional cost or expense incurred for handling and treating excess loads imposed on the POTW;
 - (E) Take any other remedial action as may be deemed desirable or necessary to achieve the purpose of the chapter;
 - (F) Determine that the person responsible for the discharge or proposed discharge is a Significant Industrial User (SIU), as defined in Section 924.02. All SIUs will be required to obtain a Wastewater Discharge Permit;
 - (G) Require the Discharger to obtain an industrial waste discharge permit; and/or
 - (H) Provide the Discharger written permission to discharge.

- (3) All sources of wastewater determined to need an industrial waste discharge permit must apply for an industrial waste discharge permit by submitting to the director all the required information in accordance with the established timelines.

924.12 INDUSTRIAL WASTE DISCHARGE PERMIT APPLICATION

- (1) All Industrial Users required to obtain an Industrial Waste Discharge Permit shall supply to the Director, in an application format acceptable to the Director, 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; and
- (3) Description of activities, facilities, and plant production processes on the premises.

(B) List of Environmental Permits:

- (1) A list of any environmental control permits 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 Industrial User. The description should 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 material 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;
- (4) Proposed or actual hours of operation;
- (5) Type and amount of raw materials processed (average and maximum per day); and
- (6) Site, floor, mechanical and plumbing plans with details to show all sewers, floor drains, and appurtenances by size, location, and elevation including all points of discharge.

(D) The location(s) for monitoring all discharges covered by the permit.

(E) Flow Characteristics:

- (1) Time and duration of discharges, including number of days per week discharge occurs; and
- (2) The measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and all other streams.

(F) Pollutant Characteristics:

- (1) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by Categorical Pretreatment Standards, Local Limits, or the Director, of regulated pollutants in the discharge from each regulated process;
- (2) Instantaneous, Daily Maximum and long-term average concentrations, or mass, where required;
- (3) The samples shall be collected in such a manner to be representative of daily operations and shall be analyzed in accordance with procedures contained in 40 CFR 136 and amendments thereto, using detection limits appropriate to determine the ability to comply with all applicable standards.

(G) Any applicable SIC code or NAICS code.

(H) Any Categorical Pretreatment Standard applicable to a regulated process.

- (I) If additional pretreatment and/or O&M will be required to meet the any pretreatment standards, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or O&M.
- (J) If desired by the Industrial User, any request for a monitoring waiver (or a renewal of an approved monitoring waiver), in accordance with Section 924.16(10).
- (K) Any other information as may be deemed necessary by the Director to evaluate the permit application.

(2) Deadlines:

(A) Initial Application:

- (1) For new sources, as defined in Section 924.02, the application shall be submitted at least ninety (90) days prior to commencement of discharge.
- (2) For existing Dischargers (See Section 924.14(2)(B)), the application must be submitted within 180 days from:
 - (a) The effective date of the Categorical Pretreatment Standard, for Industrial Users becoming a Categorical Industrial User (CIU) through promulgation of an applicable Categorical Standard; or
 - (b) The Director's determination that the Industrial User is a SIU.

(B) Renewal Application:

- (1) For SIUs that are already authorized to discharge through an Industrial Wastewater Discharge Permit, the application is due no less than 90 days prior to the permit's expiration date.

(C) Application to Modify the Permit Conditions:

- (1) For SIUs that are requesting that a change be implemented to the permit prior to the permit's expiration date, the application is due no less than 60 days prior to the implementation of the proposed change to the discharge/production operations.

(3) Signatory Requirements:

- (A) A statement that the information reported is representative of the discharge and operations. This shall include the signature and certification statement specified in Section 924.14(3).
- (B) A statement, signed by a Duly Authorized Representative of the Industrial User (as defined in Section 924.02), indicating whether pretreatment standards are being met on a consistent basis, and if not, a statement indicating whether additional pretreatment and/or operation and maintenance (O&M) will be required to meet the applicable pretreatment standards (local limits, Categorical Pretreatment Standards, etc.).
- (4) After receiving the complete application described in this section the Director shall evaluate the data furnished by the Discharger and may require additional information.
 - (A) Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision.
 - (B) Within thirty (30) days after receipt of a complete application and acceptance of the data furnished, the Director shall notify the Discharger, in writing, of the City's acceptance thereof.
 - (C) Within (60) days of providing the notification of completed application, the Director shall issue the facility an industrial wastewater discharge permit in accordance with Section 924.13.
- (5) Nothing in this section shall be interpreted to limit the Director from issuing orders, permits, or other mechanism to enforce pretreatment standards on Industrial Users, regardless of whether the Industrial User is considered a Significant Industrial User. The Director may issue orders to any Industrial User to require compliance with any requirements under this chapter including applicable National Categorical Pretreatment Standards, BMPs, or other

discharge limits and reporting requirements. Such orders shall be in the form of a directive signed by the Director and may include but not be limited to a list of pollutants to be monitored, required analytical methods, location(s) of sampling points, type of sample, frequency of sampling and any necessary compliance schedules to meet discharge limits.

924.13 INDUSTRIAL WASTEWATER DISCHARGE PERMIT

- (1) After review of all required information, the Director may issue an Industrial Wastewater Discharge Permit that shall be expressly subject to all provisions of this chapter and all other state and federal laws and regulations.
- (2) Industrial Wastewater Discharge Permits must include the following:
 - (A) The issuance date, expiration date, and effective date of the permit;
 - (B) A statement that the wastewater discharge permit is nontransferable without written concurrence from the Director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (C) Effluent limits based on applicable Pretreatment Standards or other Local Limits expressed as:
 - (1) Instantaneous, maximum or average discharge concentrations;
 - (2) Mass-based discharge limitations; or
 - (3) Any combination of concentration and mass-based limitations deemed necessary by the Director.
 - (D) Requirements to maintain in proper working order at his or her own cost and expense safe, suitable facilities to obtain accurate samples of wastewater flow into the POTW;
 - (E) Requirements for monitoring;
 - (F) Requirements for maintaining and submitting technical reports such as self-monitoring, sample reporting (including sample locations, frequency, and type), notification, and other required records relating to wastewater discharges;
 - (G) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements; and
 - (H) Requirements to notify the POTW of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days prior to such changes.
- (3) Industrial Wastewater Discharge Permits may also include any of the following:
 - (A) Requirements to control Slug Discharges, if determined by the Director to be necessary;
 - (B) Discharge limits based on Categorical Pretreatment Standards, as required;
 - (C) Effluent limits expressed as BMPs and the associated monitoring and reporting requirements;
 - (D) Limits on rate and time of discharge or requirements for flow equalization;
 - (E) Compliance schedules that do not extend the time for compliance beyond that provided by applicable Federal, State, or local regulations;
 - (F) For Categorical Pretreatment Standards only, any granted waivers from monitoring for a pollutant neither present nor expected to be present in the discharge;
 - (G) A requirement for the owner or operator of any premises (or facility discharging industrial wastes) to install safe, suitable facilities to obtain accurate samples of wastewater flow into the POTW; and/or
 - (H) Other conditions to comply with this chapter and other applicable state and federal laws, rules and regulations or as deemed necessary by the Director.

(4) Duration of Industrial Waste Permits:

- (A) Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for periods of less than one year and may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Director during the life of the permit as limitations or requirements are modified and changed. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) Transfer of Industrial Waste Permits:

- (A) Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Director. The permittee must give at least thirty (30) days advance written notice to the Director. The notice must include a written certification by the new owner/operator which states that the new owner has no immediate intent to change the facilities' operation and processes; identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the existing permit.

(6) Periodic Compliance Reports:

- (A) All Industrial Users subject to an Industrial Waste Discharge Permits shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of reporting shall be prescribed in the Industrial Waste Discharge Permit.

(7) Compliance Schedules:

- (A) When the Director determines that it is necessary for Industrial Users to install technology or provide additional operation and maintenance (O & M) to meet any condition of this chapter or applicable Industrial Waste Discharge Permit, the Director shall require the development of the shortest schedule by which the Industrial User will provide this additional technology or O & M.
- (B) The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- (C) For compliance schedules to achieve compliance with Categorical Pretreatment Standards, the compliance schedule shall:

- (1) Contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Categorical Pretreatment Standard (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- (a) No increment referred to in paragraph (7)(C)(1) of this Section shall exceed 9 months.

- (2) Require the Industrial User to submit a progress report to the City of Warren no later than 14 days following each date in the schedule and final date for compliance. This report shall include, at a minimum, whether or not it complied with the increment of progress to be made on such date. If not, the report shall also include the following:

- (a) The date on which the Industrial User expects to comply with this increment of progress to be met on such date;

- (b) The reason for delay; and

- (c) The steps being taken by the Industrial User to return the construction to the schedule established.

- (D) For the progress reports described in Paragraph (7)(C)(2) of this Section, intervals between these reports to the City shall be no longer than 9 months.

(8) Industrial Waste Permits may be terminated for any of the following reasons:

- (A) Falsifying self-monitoring reports;

- (B) Tampering with monitoring equipment;
- (C) Refusing to allow City personnel, or its authorized representative, timely (See Section 924.15) access to the facility premises and records;
- (D) Failure to meet effluent limitations and/or failure to comply with all pretreatment requirements;
- (E) Failure to pay fines;
- (F) Failure to pay sewer charges;
- (G) Failure to meet compliance schedules; or
- (H) Other reasons deemed necessary by the City for the protection and/or safety of the POTW, the workers, or the public.

924.14 REPORTING REQUIREMENTS

- (1) All Industrial Users shall monitor discharges to the POTW, as required by the Discharger's Industrial Waste Discharge Permit or other orders of the Director, and provide necessary reports, data and other information to the Director. All information submitted and collected shall be retained in accordance with Section 924.18 of this ordinance.

- (2) Discharge Monitoring Reports

- (A) Periodic Compliance Reports: Any Industrial User subject to an Industrial Waste Discharge permit shall periodically submit to the City a report indicating compliance with the applicable pretreatment standards or other limits and requirements as required by the City. Such reports shall be submitted according to the frequency prescribed in the Industrial Users' wastewater discharge permit and include the following information for the reporting period:

- (1) The nature and/or concentration of pollutants in the discharge which are limited by pretreatment standards or other limits as required by the City;
 - (2) Results from sampling and an analysis of regulated pollutants from each regulated process and a City-determined frequency of monitoring necessary to assess and ensure compliance by Industrial Users with applicable pretreatment standards and requirements;
 - (3) Results based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, with data representative of conditions occurring during the reporting period;
 - (4) A record of measured or estimated average and maximum daily flows for the discharge to the POTW. The reported flows should include the regulated process streams and other streams necessary to allow use of the combined wastestream formula (as defined in 40 CFR 403.6(e)) and any other details the Director deems necessary;
 - (5) Where the City has imposed mass limitations on the Industrial User, the Industrial User shall report the mass of pollutants in the discharge relevant to the mass limitations;
 - (6) For Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation) in accordance with Section 924.06(3), the Industrial User shall include the actual average production rate;
 - (7) For Industrial Users subject to equivalent mass or concentration limits established by the Director, this report shall include a reasonable measure of the Industrial User's long-term production rate;
 - (8) Sampling must be performed in accordance with all procedures in Section 924.16;

(9) In cases where the Pretreatment Standard requires compliance with a BMP, the Industrial User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the Industrial User; and

(10) If an Industrial User monitors any pollutant more frequently than required by the City, the results of this monitoring shall be included in the periodic discharge monitoring report.

(B) Categorical Industrial User Compliance Report: Any Industrial User subject to Categorical Pretreatment Standards shall submit a report indicating whether the Categorical Industrial User has achieved compliance to such standards.

(1) This report is to be submitted to the Director within ninety (90) days following:

(a) The date for final compliance with applicable Categorical Pretreatment Standards; or

(b) Commencement of the introduction of wastewater into the POTW, in the case of a new source Discharger (as defined in Section 924.02).

(2) The following information shall be included in this report:

(a) Measured average daily and maximum flows of regulated process streams and other nonregulated streams.

(b) Results from sampling and an analysis of regulated pollutants from each regulated process and a City-determined frequency of monitoring necessary to assess and ensure compliance by Industrial Users with applicable pretreatment standards and requirements.

(c) Results based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, with data representative of conditions occurring during the reporting period.

(d) For Categorical Industrial Users subject to equivalent mass or concentration limits established by the Director, this report shall include a reasonable measure of the Categorical Industrial User's long-term production rate.

(e) For Categorical Industrial Users subject to production-based standards, as described in Section 924.06(3), this report shall include the Categorical Industrial User's actual production during the appropriate sampling period.

(f) For Categorical Industrial Users subject to monitoring waivers a certification that there has been no increase in pollutants as described in 924.16(10)(A)(5).

(C) Hazardous Waste Discharge Notifications

(1) All Dischargers shall notify the POTW and Ohio EPA in writing of any discharge into the POTW of substance(s), which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. The Discharger shall provide the information specified in 40 CFR 403.12(p).

(2) All Dischargers shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification in 40 CFR 403.12(p).

(3) Signatory Requirements – All reports submitted by the Industrial User (including the industrial wastewater discharge permit application materials in Section 924.12) shall include the following requirements:

(A) A statement that the information reported is representative of the discharge and operations; and

(B) Contain the following certification statement:

"I certify, under penalty of law, that this document and all attachments were prepared under my direct 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."

(C) The signature of the Duly Authorized Representative of the Industrial User, as defined in Section 924.02;

(D) Specific Signatory Requirements –Additional signatory requirements include:

- (1) Periodic Compliance Reports where the Director has authorized a monitoring waiver for the Industrial User, in accordance with Section 924.16(10) Monitoring Waivers, the Industrial User shall also include the following certification statement, signed by a Duly Authorized Representative of the Industrial User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. [specify applicable Categorical 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 wastewaters due to the activities at the facility since the submittal of the last periodic report under Section 924.14 of the City of Warren Ordinance."

- (2) Categorical Industrial User Compliance Reports must also include:

- (a) A statement, signed by a Duly Authorized Representative of the Industrial User (as defined in Section 924.02), indicating whether pretreatment standards are being met on a consistent basis, and if not, a statement indicating whether additional pretreatment and/or operation and maintenance (O&M) will be required to meet the pretreatment standards in the industrial wastewater discharge permit.
- (b) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or O&M.

924.15 RIGHT OF ENTRY

Any Discharger shall allow the Director or his/her representatives, upon presentation of credentials of identification, to enter upon the premises of the Discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. Delays in permitting access by City of Warren personnel in excess of fifteen minutes shall be a failure to provide reasonable access. The City shall have the right to set up on the Discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

924.16 MONITORING

- (1) The City may inspect the monitoring facilities of any Discharger to determine compliance with the requirements of this chapter.
- (2) The City may require an IU to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.
- (3) The Discharger whose wastes are being tested by the City shall promptly reimburse the City for the taking of samples, the per diem rate in effect at that time for each day, or part thereof, that such samples are taken. The fee for analyzing such samples shall be reimbursed in accordance with the actual cost of analysis, at the time.
- (4) All sampling and analyses shall be performed in accordance with the procedures maintained in 40 CFR Part 136 and amendments thereto. However, alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the City and the Industrial User.

(5) Determination of the character and concentration of the industrial wastes performed by a Discharger in compliance with self-monitoring obligations shall be made by a qualified person or a certified testing laboratory.

(6) Samples shall be representative of daily operations.

(7) Sampling Locations:

(A) All Industrial Users that have been issued an industrial waste discharge permit must sample at the sampling location specified in the permit.

(B) If the wastewater is regulated by Categorical Pretreatment Standards and is treated by a pretreatment facility, sampling should be taken immediately downstream from pretreatment facilities.

(C) If the wastewater is regulated by Categorical Pretreatment Standards and is not treated by a pretreatment facility, sampling should be taken immediately downstream from the regulated process.

(D) If the wastewaters regulated by Categorical Pretreatment Standards mix with other waste streams prior to pretreatment, the Categorical Industrial User should measure the flows and concentrations necessary from a location(s) which allows the use of the combined waste stream formula in 40 CFR 403.6(e).

(8) Sample Type

(A) Grab Samples

(1) For the following pollutants, the Grab Collection Method shall be used: pH, hexavalent chromium, cyanide, total phenols, oil and grease, sulfide, and volatile organics;

(2) Multiple Grab Sample Procedures using protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

(a) The following pollutants may be composited in the field or in the laboratory: hexavalent chromium, total phenols, and sulfides.

(b) The following pollutants may be composited in the laboratory: volatile organics and oil & grease.

(3) The number of grab samples required:

(a) Where the Discharger does not have historical sampling data, a minimum of four (4) grab samples is required.

(b) If historical sampling data is available, the City may authorize a requirement for fewer grab samples.

(B) Composite Samples

(1) For all pollutants not listed in Section 924.16(8)(A)(1), 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented by the City.

(9) Monitoring Violations:

(A) If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Director within 24 hours of becoming aware of the violation. The Industrial 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. The Industrial User is not required to resample if:

(1) The Director or his/her authorized representative, samples the wastewater discharge of the Industrial User at least once per month; or,

- (2) The Director, or his/her authorized representative, samples the wastewater discharge of the Industrial User between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling.
- (B) If sampling performed by the City indicates a violation, the City shall perform or require the Industrial User to perform repeat sampling and analysis within 30 days of becoming aware of the violation.

(10) Monitoring Waivers

- (A) The City 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 had 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. [40 CFR 403.12 (e)(2)]. This authorization is subject to the following conditions:
 - (1) The waiver may not be authorized to a Centralized Waste Treatment facilities regulated by and defined in 40 CFR 437.
 - (2) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharge from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise included no process wastewater.
 - (3) 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 Categorical Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - (4) Any granting of the monitoring waiver by the Director must be included as a condition in the Categorical Industrial User's permit. The reasons supporting the wavier and any information submitted by the Categorical Industrial User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
 - (5) Upon approval of the monitoring waiver and revision of the Categorical Industrial User's permit by the Director, the Categorical Industrial User must certify on each report with the statement found at Section 924.14(3)(D)(1), that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
 - (6) 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 Categorical Industrial User's operations, the Categorical Industrial User must immediately comply with the monitoring requirements, or other more frequent monitoring requirements imposed by the Director and notify the Director.
 - (7) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

924.17 CONFIDENTIAL INFORMATION

- (1) The City of Warren's handling of confidential information and trade secrets shall be in compliance with the requirements in OAC 3745-3-07.
- (2) All information and data acquired by any means authorized in this chapter shall be available to the public or any other governmental agency without restriction except as hereinafter provided for.
- (3) Information and data may be deemed confidential by the City upon written request by any person for confidentiality, provided, however, the person is able to demonstrate to the satisfaction of the Director that the release or publication of such information would divulge information, methods, processes or other trade secrets which may jeopardize the applicant's competitive position.

- (4) Information, data or material deemed confidential shall not be available for public inspection but shall be available to any governmental agency for studies and/or judicial review provided that such confidential information shall not be provided to anyone until and unless adequate notification is given to the applicant.
- (5) All records containing confidential material shall be stored in locked files.
- (6) Wastewater characteristics and constituents shall not be considered as confidential information.

924.18 RECORDS RETENTION

- (1) All Industrial Users who discharge or propose to discharge wastewater to the POTW shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements, including BMPs.
- (2) All Industrial Users shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and laboratory analyses made by or on behalf of an Industrial User in connection with its discharge.
- (3) For samples, the minimum shall be retained for a minimum of three (3) years:
 - (A) The date, exact place, method, time of sampling, and the names of the person(s) taking the samples.
 - (B) The dates that the analyses were performed.
 - (C) The name and address of the laboratory that performed the analyses.
 - (D) The analytical techniques or methods used.
 - (E) The results of such analyses.
- (4) All records which pertain to materials which are subject to any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- (5) Industrial Users shall retain all industrial wastewater discharge permits and pollution prevention alternatives (e.g. slug control plans, toxic organic management plan, etc.) for as long as these documents are effective and for at least three (3) years after the date on which these documents become ineffective. These documents are considered ineffective if replaced with a revised document or if the document is no longer applicable to the Industrial User.
- (6) Such records shall be made available upon request by the City.

924.19 EMERGENCY SUSPENSION OF SERVICE

The City may for good cause shown, suspend the wastewater treatment service to a Discharger, without issuing a notice of violation, when it appears to the City that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons. Any Discharger notified of the suspension of the City's wastewater treatment service shall immediately cease all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The Director shall reinstate the wastewater treatment service pending proof by the Discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

924.20 NOTIFICATION OF VIOLATION

Whenever the City finds that any Discharger has engaged in conduct which violates any provision of this chapter except for emergency suspension (Section 924.19) and falsifying information (Section 924.99(3)), the City shall serve or cause to be served upon such Discharger, a written notice by certified or registered mail, return receipt requested, stating the nature of the

alleged violation. Notification shall be made to any authorized representative of the Discharger. The Discharger shall respond personally or in writing to the City within the time period specified in the notice advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

924.21 SHOW CAUSE HEARING

Where the violation referred to in Section 924.20 is not corrected by timely compliance, the City may order any Discharger which causes or allows conduct prohibited by Section 924.20 to show cause before the Safety-Service Director or their duly authorized representative why termination of wastewater treatment service should not be taken. A written notice shall be served on the Discharger by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Safety-Service Director or designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the Discharger to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Notification may be made to any agent, officer or authorized representative of a Discharger. The proceedings at the hearing shall be considered by the Safety-Service Director who shall then enter appropriate orders with respect to the alleged improper activities of the Discharger.

924.22 REVOCATION OF SERVICES

In accordance with the procedures specified in Sections 924.20 and 924.21, the City shall have the authority to terminate wastewater treatment services to any Discharger who fails to correct a violation of this chapter within the time period specified after being issued a notice of violation and given the opportunity to show cause why such termination should not be taken.

924.23 CONTROLLED DISCHARGE OF ANY TRUCKED OR HAULED WASTE

No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Director, or without the expressed permission of the Director, shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under this chapter.

924.24 JUDICIAL PROCEEDINGS

Following the entry of any order by the City with respect to the conduct of a Discharger contrary to the provisions of Section 924.19, the Law Director may, following the authorization of such action by the City, commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas.

924.25 ANNUAL PUBLICATION

Annually, the City shall publish in the local newspaper a list of all Industrial Users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment standards or requirements.

924.26 RIGHT OF APPEAL

Any Discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a Discharger and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a Discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of the final judicial order entered pursuant to this chapter may be taken in accordance with applicable local law.

924.99 PENALTY

- (1) Civil Penalties. Any Discharger who violates an order of the City or fails to comply with any provision of this chapter shall be subject to the imposition of a civil penalty. The City may assess these penalties in accordance with the tier system below. The violations that constitute each tier are found in the Pretreatment Enforcement Response Plan. Such civil penalties shall be determined by the City based on the severity of the violation

and the number of times the Discharger was in violation for the same limit. The tier system is as follows:

- (A) Tier 1 One thousand dollars (\$1,000) per violation; each day constitutes a separate violation.
 - (B) Tier 2 Five thousand dollars (\$5,000) per violation; each day constitutes a separate violation.
 - (C) Tier 3 Ten thousand dollars (\$10,000) per violation; each day constitutes a separate violation.
- (2) Criminal Penalties. A Discharger's willful or negligent violation of this chapter will be subject to criminal prosecution when the City has evidence of noncompliance which shows criminal intent, and such Discharger shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or by both. Each day in which any such violation continues shall constitute a separate offense.
- (3) Falsifying Information. Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or by both.
- (4) Administrative Penalties. The City may assess penalties ranging in the amount of one hundred dollars (\$100.00) to three hundred dollars (\$300.00) per day upon any sewer user who fails to comply with the numerical value or administrative orders issued by the City or other regulatory agencies. Such administrative penalties shall be determined by the City based on the severity of the violation and the range of response (Tier) called for in the Pretreatment Program, Enforcement Response Plan. The Tier structure called for in the enforcement response program administrative penalties shall be as follows:
- (A) Tier 1 One hundred dollars (\$100.00) per violation; each day constitutes a separate violation.
 - (B) Tier 2 Two hundred dollars (\$200.00) per day violation; each day constitutes a separate violation.
 - (C) Tier 3 Three hundred dollars (\$300.00) per day violation; each day constitutes a separate violation.

Note: In addition to the administrative penalties stated herein, surcharges may be imposed upon violating Dischargers. As defined in Section 925.02, such surcharges are intended to recover the additional costs associated with treating extra strength discharges and are not penalties.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety, and for the further reason that the integrity of the environment of the City of Warren, Ohio may be more fully insured at the earliest possible time without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 14TH day of OCTOBER, 2020.

SIGNED: [Signature] ATTEST: [Signature]
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 10-14-2020

DATE APPROVED: 10-14-2020

[Signature]
MAYOR, CITY OF WARREN, OHIO