

MUSKINGUM COUNTY, OHIO
MUSINGUM COUNTY SEWER DEPARTMENT

Sewer Use Rules

2019 EDITION

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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Sewer Use Rule (also known as “the Rule”) sets forth uniform rules and regulations for all Users of the Muskingum County, Ohio Wastewater Facilities. Ohio Administrative Code (OAC) 3745-3-03(A) requires Publicly Operated Treatment Works (POTW) of the size of the Muskingum County Sewer Department (MCSO) Wastewater Collection and Treatment System to establish, administer, and enforce a Pretreatment program in accordance with the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403). Consequently, this Rule is intended to enable Muskingum County to protect public health in conformity with all applicable local, state, and federal laws relating thereto, including but not limited to the Clean Water Act (CWA) (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The objectives of this Rule are:

- A. To prevent the introduction of Pollutants into the MCSO Wastewater Facilities which will interfere with the operation or performance of the Wastewater Collection and Treatment System or contaminate the associated treatment residuals;
- B. To prevent the introduction of Pollutants into the MCSO Wastewater Facilities which will pass through the Wastewater Collection and Treatment System inadequately treated into Receiving Waters or the atmosphere or otherwise be incompatible with the facilities;
- C. To protect the MCSO Wastewater Facilities, its processes, and its personnel who may be affected by Wastewater and/or associated treatment residuals in the course of their employment and to protect the general public from exposure;
- D. To promote reuse and recycling of Industrial Waste and associated treatment residuals from the Wastewater Facilities;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the MCSO Wastewater Facilities; and
- F. To enable Muskingum County Board of Commissioners to comply with its Interagency Agreement with the City of Zanesville for treatment of wastewater and any Federal or State laws to which the MCSO Wastewater Facilities is subject.

This Rule authorizes the issuance of Wastewater Discharge Permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

In accordance with Ohio Revised Code (ORC) 6111.032 (A) and (B), this Rule shall apply to all Users of the MCSO Wastewater Facilities and to Persons outside Muskingum County's jurisdiction who, by permit, contract, or agreement with Muskingum County, use the Muskingum County Wastewater Collection and Treatment System.

1.2 Administration

As owner and operator of the MCSD Wastewater Facilities, the Board of Muskingum County Commissioners (Board) is charged with exercising its lawful authority in order to operate the MCSD Wastewater Facilities in accordance with the Ohio Revised Code and the rules adopted by the Manager of Ohio EPA pursuant to section 6111.03 of the Revised Code. In order to carry out this mission, the Board exercises primary authority to adopt, amend, rescind, administer, and enforce rules with respect to all of the following:

- (1) The establishment, construction, reconstruction, improvement, repair, operation, and maintenance of its sewerage systems, treatment works, and disposal systems;
- (2) The establishment and modification of rates or charges to be made of Users of its sewerage systems, treatment works, and disposal systems, which need not be uniform throughout the territory served by the systems or works, to assure that the systems and works will be properly and efficiently operated and maintained; that the principal of and interest on bonds, notes, and certificates of indebtedness will be timely paid; and that reserves and other terms and conditions required by any ordinance, resolution, mortgage, or trust agreement with respect to debt obligations will be met;
- (3) The establishment, operation, maintenance and enforcement of industrial water pollution control facilities discharging into its sewerage systems, treatment works, and disposal systems;
- (4) The establishment, operation, administration, and enforcement of its Publicly Owned Treatment Works Pretreatment program, including inspection, monitoring, and reporting programs and activities. Ohio Administrative Code 3745-3-03 (C) (1) requires every POTW, including MCSD, to exercise the following authority with respect to its Pretreatment program:
 - (a) Deny or condition any new or increased contribution of Pollutants, or change in the nature of Pollutants, to the MCSD Wastewater Facilities by Industrial Users if such contribution does not meet applicable Pretreatment Standards and Requirements or where such contribution would cause MCSD' Wastewater Facilities to violate the City of Zanesville NPDES permit;
 - (b) Require Industrial Users to comply with applicable Pretreatment Standards and Requirements;
 - (c) Issue control mechanisms to control each Industrial User's contribution to the POTW to ensure compliance with applicable Pretreatment Standards and Requirements.

The authority granted to the Board is in addition to and not in derogation of any other authority granted pursuant to the Constitution and laws of this state, the "Federal Water Pollution Control Act" (Clean Water Act), or the rules of any agency of federal or state governments.

Except as otherwise provided herein, the Manager or personnel of the MCSD shall administer, implement, and enforce the provisions of this Rule by virtue of a delegation of authority to do so from the Board of Muskingum County Commissioners.

1.3 Abbreviations

The following abbreviations, when used in this Rule, shall have the designated meanings:

·	BMP	-	Best Management Practices
·	BOD	-	Biochemical Oxygen Demand
·	CBOD	-	Carbonaceous Biochemical Oxygen Demand
·	CFR	-	Code of Federal Regulations
·	COD	-	Chemical Oxygen Demand
·	CWA	-	Clean Water Act (aka; Federal Water Pollution Control Act)
·	EPA	-	Environmental Protection Agency
·	FOG	-	Fats, Oils and Grease
·	FSE	-	Food Service Establishment
	gpd	-	gallons per day
	gpm		gallons per minute
·	MCSD	-	Muskingum County Sewer Department
·	mg/L	-	milligrams per liter
·	OAC	-	Ohio Administrative Code
·	OEPA	-	Ohio Environmental Protection Agency
·	ORC	-	Ohio Revised Code
·	NPDES	-	National Pollutant Discharge Elimination System (City of Zanesville)
·	POTW	-	Publicly Owned Treatment Works (City of Zanesville)
·	RCRA	-	Resource Conservation and Recovery Act
·	SIC	-	Standard Industrial Classification
·	SIU	-	Significant Industrial User
·	SNC	-	Significant Non-Compliance
·	TOMP	-	Toxic Organics Management Plan

- TRC - Technical Review Criteria
- TSS - Total Suspended Solids
- TWDP - Trucked Waste Discharge Permit
- TWOL - Trucked Waste Operator License
- USEPA - U. S. Environmental Protection Agency
- U.S.C. - United States Code

1.4 Definitions

Unless the context specifically indicates otherwise, when these terms are used in these rules and the initial letters are set forth in capitalized form, they shall have the following meanings:

Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, *et seq.*

Authorized Representative of Industrial User shall mean a duly Authorized Representative identified in an initial or revised written submission to the Manager as one who possesses responsibility for the overall operation of the facilities from which the Industrial Discharge originates or has overall company responsibility for environmental matters for the User which may be one or more of the following positions provided the person has authority to execute documents binding upon the User regarding environmental matters:

- A. A responsible corporate officer, if the Industrial User is a corporation, means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or any other person (manager) who is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and of initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations including information and data collection activities as required by permit specifications, if authority to sign documents has been assigned or delegated to said person in accordance with corporate procedure.
- B. A general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively.
- C. A principal executive officer or Manager having responsibility for the overall operation of the discharging facility if the Industrial User is a federal, state, or local governmental entity, or their agents.

Background Levels shall mean the levels of wastewater pollution established by MCSD through routine sampling of residential-only areas; Background Levels are generally synonymous with Domestic (Strength) Sewage.

Baseline Monitoring Report shall mean the report required by MCSD of certain industrial dischargers that contains such information as: facility and site information; environmental permits; operational information; flow data; Pollutant data; etc.

Batch Discharge shall mean an individual User's discrete quantifiable Discharge that is a homogeneous mixture, such that a Grab Sample taken at any time during Discharge shall be representative and shall have all the same characteristics of any other portion of the batch. To satisfy the MCSD monitoring requirements, the Discharge shall be made in accordance with a schedule approved by MCSD or with a 48 hour prior notice to the Manager; in either case, the Manager shall have approval of the allowable volumetric flow rate.

Best Management Practices or BMP's shall mean schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in OAC 3745-3-04. BMP's 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.

Benefitted Unit or **BU** shall mean the typical volume and strength of wastewater discharged from an average household.

Biochemical Oxygen Demand or **BOD** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius ($^{\circ}\text{C}$), expressed in milligrams per liter (mg/L).

Board shall mean the Board of Commissioners of Muskingum County, Ohio.

Muskingum County Sewer Department (MCSD) shall mean the administrative agency to which the Board has delegated administrative responsibility for building, operating, maintaining, repairing, monitoring, enforcing rules, and permitting Discharges to the Muskingum County Wastewater Facilities.

Bypass shall mean the intentional or non-intentional diversion of a Discharge or Pollutant from any portion of an Industrial User's treatment facility.

Carbonaceous Biochemical Oxygen Demand or **CBOD** shall mean the quantity of oxygen utilized for the biochemical degradation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Celsius ($^{\circ}\text{C}$) in the presence of a nitrification inhibitor, expressed in milligrams per liter (mg/L).

Categorical Pretreatment Standard shall mean both any federal regulation promulgated by United States Environmental Protection Agency (USEPA) in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. §1317) which applies to specific industrial categories which appear in 40 CFR Chapter I, Subchapter N, Parts 403-471, and which specifies or limits quantities or concentrations of Pollutants or Pollutant properties which may be discharged or introduced to the MCSD Wastewater Facilities by specific Industrial Users.

Chemical Oxygen Demand or **COD** shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures expressed in milligrams per liter (mg/L).

Code of Federal Regulations shall mean the most recent edition of The Code of Federal Regulations (CFR) which is a codification of the rules published in the Federal Register by Executive departments and agencies of the Federal Government.

Compatible Pollutant shall mean Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and fecal coliform bacteria, plus additional Pollutants identified in the City of Zanesville NPDES

permit if their POTW was designed to treat such Pollutants, and in fact does remove such Pollutants to a substantial degree. Examples of such additional Pollutants may include: a) Chemical Oxygen Demand (COD); b) total organic carbon; c) phosphorus and phosphorus compounds; d) nitrogen and nitrogen compounds; e) Fats, Oils, and Greases (FOG) of animal or vegetable origin except as prohibited under General Sewer Use Requirements (Section 2). Pollutants such as Toxic Pollutants or Heavy Metals are Incompatible Pollutants and are not authorized without a permit.

Composite Sample shall mean a collection of individual Samples obtained at selected intervals based on an increment of either flow or time. The Samples may be collected in one container or in separate containers as discrete samples. The resulting Sample forms a representative Sample of the User's Discharges during the Sample period. Samples may be collected by MCSD or an Authorized Representative when a Discharge occurs.

Connection Charge shall mean that amount paid by the Owner of each new structure connected to the Wastewater Facilities to partially pay for the County's share of facilities such as Public Sewers and treatment works required to serve such new structure. The charge, sometimes called a System Capacity Fee, shall be in proportion to the probable demand placed on the system by the new structure.

Conventional Pollutant shall be synonymous with Compatible Pollutant.

Control Manhole shall mean a manhole, which is required for each commercial, Industrial and multi-family User of more than three (3) families unless otherwise specified by the Manager, through which the Wastewater passes before entering the Sanitary Sewer and where a Sample can be obtained. See related definition for Metering Manhole.

Control Mechanism shall mean an individual or general permit, order, or similar means used to control an Industrial User's contribution to a MCSD Wastewater Facilities to ensure compliance with applicable Pretreatment Standards and Requirements.

Cooling Water shall mean the water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only Pollutant added is heat.

County shall mean the County of Muskingum.

Debt Service shall mean the sum of money required annually to pay principal and interest on the bonds, notes, etc., sold to finance the construction of the Wastewater Facilities.

Discharge shall mean the introduction of Industrial, commercial, and/or Domestic Pollutants or Wastewater into the Public Sewer by any means. See related definition for Indirect Discharge.

Discharger/Industrial Discharger – shall be synonymous with Industrial User.

District shall mean the area serviced by MCSD' Wastewater Facilities.

Domestic or Sanitary Sewage shall mean the liquid- and water-carried Wastes discharged from Sanitary Plumbing Facilities and characterized by a composition typical of the water emanating from an average residential connection, which is not prohibited by Section 2.1 contained herein. The Discharges which are characterized by a concentration of 200 mg/L BOD, 200 mg/L TSS, 20 mg/L ammonia nitrogen, 50 mg/L total Oil and Grease (O&G), and 6 mg/L total Phosphorus.

Easement shall mean the legal right of a non-Owner to use land owned by another for a specific use authorized by the land Owner.

Effluent shall mean Wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall. Effluent generally refers to treated Wastes discharged into Surface Waters.

Environmental Protection Agency or **EPA** shall mean the United States Environmental Protection Agency.

Equalization shall mean transient storage of Wastewater for release to a sewer system or treatment process at a controlled rate to provide a reasonably uniform flow.

Existing Source shall mean any source of Discharge, the construction and operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will nevertheless be subject to the provisions of Section 307 of the Act even though such provisions were promulgated after the source came into existence.

Fats, Oils and Grease or FOG shall mean any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn Viscous or solidify with a change in temperature or other conditions.

Flow Proportional Composite Sample shall mean a Composite Sample in which the individual Grab Samples are collected at a frequency or volume proportional to the flow rate.

Food Service Establishment or FSE shall mean any permanent facility within the boundaries of MCSD's Wastewater Facilities, which prepares and/or packages food or beverages for sale or consumption, on or off-site, which has any process or device that uses or produces FOG. Excluding private residences, FSE's include, but are not limited to, food courts, food manufacturers, food packagers, food processors, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, and schools.

Garbage shall mean solid Wastes including but not limited to animal and vegetable Waste resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab Sample shall mean a Sample which is taken from a Control Manhole without regard to the amount of flow or volume in the waste stream and over a period of time not to exceed fifteen (15) minutes. See related definition for **Sample**.

Ground Water shall mean the supply of fresh water found beneath the Earth's surface, usually in aquifers, which supply wells and springs.

Hauled Wastewater or Septage shall mean sanitary sewage from holding tanks or chambers such as those that are used in connection with boats, chemical toilets, campers, trailers, or other isolated facilities from which Sanitary Sewage emanates. This definition includes Sanitary Sewage from domestic septic tanks, also known as Septage, as well as and Oil and Grease Trap/Interceptor Waste, etc. Hauled Wastewater or Septage is also known as Trucked Waste.

Hazardous Waste shall mean any substance, combination of substances or mixtures or combination of mixtures which pose a substantial present or potential hazard to human health or living organisms

because such substance, combination of substances or mixtures or combination of mixtures are non-biodegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects, including any substance, combination of substances or mixtures as defined as "Hazardous Wastes" in 40 CFR Part 261.

Heavy Metals shall include but not be limited to Arsenic (As), Barium (Ba), Cadmium (Cd), Chromium (Cr), Copper (Cu), Lead (Pb), Mercury (Hg), Molybdenum (Mo), Nickel (Ni), Selenium (Se), Silver (Ag), Strontium (Sr), and Zinc (Zn).

Incompatible Pollutant shall mean any Pollutant which is not a Compatible Pollutant as defined in this Section. Examples include but are not limited to Toxic Pollutants and Heavy Metals.

Indirect Discharge shall mean the Discharge or the introduction of Pollutants from a source other than Domestic or Sanitary Sewage regulated under Section 307(b), (c), or (d) of the Act, into the County's Wastewater Facilities. Conversely, a direct Discharge does not flow to a POTW but rather flows directly into a body of water.

Industrial User shall mean an industrial, trade, and/or business source of Indirect Discharge as defined in this Section. The terms Discharger/Industrial Discharger shall also have this meaning.

Industrial Wastes shall mean any liquid, gaseous, or solid Waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such Sewage as is present.

Influent shall mean the Wastewater arriving at the County Wastewater Treatment System or being transferred to the City of Zanesville for treatment.

Instantaneous Maximum Allowable Discharge Limit shall mean the maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete Sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a Discharge which, alone or in conjunction with a Discharge or Discharges from other sources:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or
- B. Causes a violation of any requirement of the POTW's City of Zanesville NPDES permit or prevents Sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits shall mean Wastewater limitations that apply to commercial and industrial facilities that Discharge to a POTW. Local limits are developed to meet Pretreatment program objectives and site-specific needs of the local POTW and the Receiving Water(s).

Manager shall mean the Manager of the Sewer Department who is appointed by the Board and is responsible for the operation and maintenance of all County Wastewater Facilities, and such Manager's authorized agents and representatives.

Manifest shall mean that Waste disposal receipt or form, which is completed by the generator and the Waste Hauler/disposer and retained by the generator, that serves to document and verify proper disposal of the Waste. The Manifest indicates the type of Waste(s) disposed of, its characteristics, where it originated, and its intended or final disposal destination.

MCS D requires Waste Manifests from its Industrial Users for the disposal of toxic and hazardous materials; chemicals; FOG; Oil; and other Wastes as needed. MCS D requires Waste Manifests from its Food Service Establishments for the disposal of FOG.

May is permissive; **Shall** is mandatory.

Medical Waste shall mean Waste including but not limited to isolation Wastes, infectious agents, human blood and blood products, pathological Wastes, sharps, body parts, contaminated bedding, surgical Wastes, potentially contaminated laboratory Wastes, and dialysis Wastes.

Metered Water shall mean the amount of all sources of water, including wells, used by the sewer customer.

Metering Manhole shall mean a form of Control Manhole with a properly installed meter that is maintained and calibrated routinely to provide accurate measurement for determining Discharge volume from a User for billing purposes. Design and installation of Metering Manholes must comply with all MCS D' Metering Manhole requirements.

mg/L (milligrams per liter) denotes milligrams per liter and shall mean ratio by weight, interchanged with ppm.

National Pollutant Discharge Elimination System or **NPDES** shall mean the permit program which controls water pollution by regulating Point Sources that Discharge Pollutants into Waters of the United States. An NPDES permit is issued to MCS D for the Discharge of Wastewater to Surface Waters of the United States as detailed in Ohio Revised Code. The City of Zanesville hold the NPDES permit that governs the MSC D Wastewater Facilities.

Natural Outlet shall mean any outlet which overflows into a watercourse, pond, ditch, lake, or other body of Surface Water or Ground Water.

Net Gross Adjustment shall mean an adjustment (calculation) of a Categorical Pretreatment Standard to reflect the presence of Pollutants in the industrial User's intake water.

New Source shall mean:

- 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 Pretreatment Standards under Section 307(c) of the Act which will be applicable to such Discharge source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at 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.
- B. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:
1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - A. Any placement, assembly, or installation of facilities or equipment; or
 - B. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment.
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.
- C. 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 Part (A) (2) or (3) above but otherwise alters, repairs, replaces, or adds to existing process or production equipment.

NPDES Permit shall mean the National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act. The City of Zanesville holds the NPDES permit that governs the MSCD Wastewater Facilities.

Nuisance shall mean anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with human comfort or enjoyment of life or property, whether affecting individual interests per se or affecting at the same time an entire community or neighborhood of any considerable number of persons; although the extent of the annoyance, interference or damage may not be inflicted equally upon the persons therein.

Ohio EPA shall mean the Ohio Environmental Protection Agency, or where appropriate, the Manager or other fully authorized official of that agency.

Oil and Grease shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. This includes both Oil and Grease of animal and vegetable origin (ie. FOG) as well as Oil and Grease of mineral origin.

Oil and Grease Control Device shall mean any **grease interceptor, grease trap, oil and water separator**, or other mechanism, device or process, which attaches to, or is applied to, Wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat Fats, Oils And Grease (FOG) and/or Oil and Grease of mineral origin prior to it being discharged into the

Sanitary Sewer. “Grease Control Device” may also include any other proven method to reduce FOG subject to the approval of the Manager.

Owner – shall mean the person, persons, or authorized agent or company official that, according to the most current records, owns or controls the property.

Peak Flow Conditions shall mean the maximum volume of Wastewater expected to enter a Wastewater Treatment System over a given time period. Wastewater Treatment Systems are designed based on an estimate of the rate of peak flow to average flow for different segments of the system.

Person shall mean any individual, firm, company, association, society, municipal or private corporation, group, partnership, co-partnership, joint stock company, trust, estate, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their legal representative, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Phosphorus shall mean the total Phosphorus content of a sample as expressed in milligrams per liter (mg/L), including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, and referred to as total Phosphorus.

ppm (parts per million) denotes parts per million and shall mean ratio by concentration; 1 ppm = 1 mg/L.

Point Sources shall mean a well defined source of pollution from a single point, such as a pipe (e.g. Discharges of Wastewater from municipal or industrial plants).

Pollutant shall mean dredged spoil, solid Waste, incinerator residue, filter backwash, Sewage, Wastewater, Garbage, Wastewater sludge, munitions, Medical Wastes, chemical Wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural Waste discharged into water, and certain characteristics of Wastewater (e.g. pH, temperature, TSS, turbidity, color, COD, BOD, toxicity, or color). See also Compatible Pollutant and Incompatible Pollutant.

Pretreatment shall mean facilities used by commercial or Industrial Users in the reduction in 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 Pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except dilution as prohibited by 40 CFR Section 403.6 (d). Pretreatment facilities shall be approved by the District, City of Zanesville, and the Ohio EPA.

Pretreatment Requirements shall mean any substantive or procedural requirement that is established by the Ohio EPA, City of Zanesville, or MCSDD related to Pretreatment, other than a Pretreatment Standard imposed on an Industrial User by the Manager.

Pretreatment Standard shall mean a Discharge limit related to Pretreatment that is imposed on an Industrial User that Discharges to the POTW including Categorical Pretreatment Standards,

prohibited Discharge limits, local limitations, and any enforceable schedule designed to achieve compliance with such limit.

Private Sewer or Service Lateral Line shall mean the privately-owned sewer that connects individual buildings to the Public Sewer. Repair, maintenance, and clearance of the Private Sewer or **Service Lateral** Line are the responsibility of the Owner.

Public Sewer shall mean a common sewer in which all Owners of abutting properties have equal rights and is controlled by a government agency or public utility. The main purpose of Public Sewers is to receive the Wastewater Discharge from a group of homes, subdivisions, community, etc., and to deliver to the POTW for treatment. Repair, maintenance, and clearance of the Public Sewer are the responsibility of MCSD.

Publicly Owned Treatment Works or **POTW** shall mean that portion of the MCSD Wastewater Facilities that is designed to provide treatment (including recycling and reclamation) of municipal Sewage and Industrial Waste, as well as, the sewers and conveyance appurtenances that collect and transport the sewage to the treatment facilities.

Receiving Waters shall mean those waters into which POTW Effluent is discharged per an OEPA NPDES permit issued to the City of Zanesville.

Residential or Domestic User shall mean a premise or person whose Private Sewer or **Service Lateral** Line Discharges normal Domestic Sewage into the Public Sewer for collection and treatment by the POTW.

Sample shall mean a collection of materials discharged to the sewer. Samples may be collected by Grab or Composite methods depending on Pollutants to be analyzed. See also **Grab Sample** and **Composite Sample**.

Sanitary Sewage – shall be synonymous with **Domestic Sewage**.

Sanitary Sewer or **Sanitary Plumbing Facilities** shall mean a sewer that carries liquid- and water-carried Wastes from residences, commercial buildings, industrial plants, and institutions and to which Ground, Storm, and Surface Waters are not admitted intentionally.

Septage – shall be synonymous with **Hauled Wastewater**.

Service of Notice shall mean either personal service or service by certified mail with return receipt requested at the county's option. In the case of the latter, the date of service shall be the date received and signed for or ten days after the date that the certified letter was mailed if no service receipt is acknowledged.

Severe Property Damage shall mean substantial physical damage to property; damage to the Wastewater Facilities that cause them to become inoperable, cause them to operate below capacity or in violation of the City of Zanesville NPDES Permit; or substantial and permanent loss of natural resources.

Sewage – shall be synonymous with **Wastes, Wastewater, or Sewage**.

Sewer Connection Permit shall mean a form used to request authorization to connect to the Wastewater Collection System and/or approve of any designs for the Private Sewer or **Service Lateral** Line.

All property owners desiring Sewer Service shall apply for a Sewer Connection Permit (Appendix G, Attachment D).

Sewer Service Charge refers to the monthly charge for sewer service which is intended to provide sufficient revenues to cover Operation, Maintenance, and Replacement Costs and Debt Service for the Wastewater Facilities as well as for the Wastewater Collection and transmission systems (this portion of the Sewer Service Charge is called a User charge); associated administration, engineering, and business operation costs; and the annual Debt Service costs associated with the owning of the Wastewater Facilities.

Shall is mandatory; **May** is permissive.

Significant Industrial User shall mean except as provided in the last paragraph of this section:

- A. All Users subject to Categorical Pretreatment Standards; or
- B. Any User that:
 - 1. Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down Wastewater);
 - 2. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - 3. Is designated a Significant Industrial User by the Manager because its Effluent has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement.
- C. Upon a finding that an Industrial User meeting the criteria in Part B of this section and has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the Manager may at any time, on his/her own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance (SNC) shall mean Industrial User violations which meet one or more of the following criteria:

- A. Chronic violations of Wastewater Discharge limits by an SIU, defined here as those in which 66 percent or more of all of the Samples or other measurements taken on behalf of the Manager during a 6-month period from a permitted monitoring point exceed (by any magnitude) the instantaneous limit, daily maximum limit, or average limit for the same Pollutant parameter.
- B. Technical Review Criteria (TRC) violations by an SIU, defined here as those in which 33 percent or more of all of the measurements for each Pollutant parameter taken on behalf of the Manager during a 6-month period from a permitted monitoring point equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, and Oil & Grease, and 1.2 for all other Pollutants except pH).
- C. Any other violation of a Pretreatment Effluent limit (including violations of daily maximum or longer-term average; instantaneous limits; narrative standards; etc.) that the County determines has caused, alone or in combination with other Discharges, or Interference (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 to the environment as determined by the Manager or has resulted in the POTW's exercise of its emergency authority under Section 2.8 of this Rule to halt or prevent such a Discharge.
- E. Failure to meet, within 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.
- F. Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance with the Discharge permit or any other part of this Rule.
- H. Any other violation or group of violations, including BMP violations, which the County determines will adversely affect the operation or implementation of the local Pretreatment program.

Slug or **Slugload** shall mean any Pollutant, including oxygen-demanding Pollutants (BOD, etc.), released at a flow rate and/or Pollutant concentration which as determined by the Manager will cause Interference with the POTW. In no case shall any Discharge of water or Wastewater have a concentration of any given constituent or a quantity of flow which continues for fifteen (15) minutes or more, and which exceeds more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Standard Industrial Classification or **SIC** shall mean the classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, latest edition.

Standard Methods shall mean those sampling and analysis procedures established by and in accordance with EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended or the Standard Methods for the Examination of Water and Wastewater as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation. In cases where procedures vary, the EPA methodologies shall supersede.

Storm Drain or **Storm Sewer** shall mean a drain or pipe for conveying water, Ground Water, subsurface water, or Unpolluted Water from any source.

Storm Water shall mean any stationary or moving accumulation of weather-borne water occurring during or following any form of natural precipitation, and resulting from any form of precipitation, including snowmelt.

Surcharge shall mean a fee, in addition to the normal User charge, levied and collected against the Industrial User by MCS D in order to recover increased costs required to treat higher than normal Domestic Sewage strength Wastes at treatment facilities.

Surface Water shall mean water at the soil surface in open bodies such as streams, rivers, ponds, lakes and oceans.

System Capacity Fee shall be synonymous with Connection Charge.

Time Proportional Composite Sample shall mean a Composite Sample in which individual Grab Samples of equal volume are collected after equal time intervals without respect to variations in flow.

Total Suspended Solids or **TSS** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, Wastewater, or other liquids, and that is removable by laboratory filtering and referred to as non-filterable residue, expressed in milligrams per liter (mg/L) by weight.

Toxic Pollutants shall mean any Pollutant or combination of Pollutants listed as toxic under Section 307 (a) of the Act as well as any other known potential substances capable of producing toxic effects.

Toxic Organics shall mean any Toxic Organic compound identified in 40 C.F.R. Section 401.15 or appearing on any total Toxic Organic list as set forth for certain categorical industries in 40 C.F.R. Sections 413, 433, 464, 465, 468 and 469 and any additional that may be implemented by USEPA.

Unpolluted Water is water of quality equal to or better than the Effluent criteria in effect or water that would not cause violation of Receiving Water quality standards and would not be benefited by Discharge to the Sanitary Sewer and treatment by the Wastewater Facilities.

Upset shall mean an exceptional, unexpected and unforeseen incident in which a discharger unintentionally and temporarily is in a state of noncompliance with this Rule or a permit or order issued herein due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

USEPA shall mean the United States Environmental Protection Agency, or where appropriate, the Administrator or other fully authorized official of that agency.

User shall mean any person, place or entity sending Wastewater Discharge(s) to any of the County's Wastewater Facilities. User is a general term and includes but is not limited to: Industrial User, Residential or Domestic User, commercial User, etc.

Viscous shall mean the characterization of a physical property of a fluid or semi-fluid which can result in detrimental resistance to Wastewater flow from the fluid or semi-fluid itself or in combination with other substances.

Wastes, Wastewater, or Sewage shall mean 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.

Waste Hauler shall mean any person carrying on or engaging in vehicular transport of Wastewater as part of, or incidental to, any business for that purpose; waste hauler is often referred to as septage hauler.

Waste Minimization Practices shall mean programs put into effect and continued in order to reduce or eliminate Discharges to the Sanitary Sewer and/or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize water usage and Wastewater produced.

Wastewater – shall be synonymous with Wastes, Wastewater, or Sewage.

Wastewater Collection System shall mean the entire system of Public Sewers and all appurtenances provided to collect and transport Wastewater to the Wastewater Treatment System.

Wastewater Discharge Permit shall mean a Discharge permit that contains specific conditions and Pollutant limitations that the SIU must comply with in order to Discharge their Wastewater to the Wastewater Facilities.

Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat Domestic and Industrial Wastes, and dispose of the Effluent and associated residuals. Wastewater Facilities include the Collection System and lift stations as well as the Wastewater Treatment System. For this Rule, POTW also includes any sewers that convey Wastewaters to the Wastewater Treatment System from persons outside the County's jurisdiction who are, by contract or agreement with the County, Users of the County's Wastewater Facilities.

Wastewater Treatment System shall mean an arrangement of devices and structures for treating Wastewater, Industrial Wastes, and sludge.

Waters of the State of Ohio shall mean any water, surface or underground, within the boundaries of the State.

Waters of the United States shall mean Surface Waters, rivers, lakes, estuaries, coastal waters, and wetlands. Waters of the United States may include but are not limited to the following: All interstate waters; Intrastate waters used in interstate and/or foreign commerce; Tributaries of the above; Territorial seas at the cyclical high tide mark; and Wetlands adjacent to all the above. Not all Surface Waters are legally "Waters of the United States."

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards and User Compliance Activity

- A. General Prohibitions. No User shall introduce or cause to be introduced into the Wastewater Facilities any Pollutant, Wastewater, or otherwise prohibited Discharge which causes Interference. These general prohibitions apply to all Users of the Wastewater Facilities whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements.
- B. A violation of this provision shall be subject to enforcement action including fines and penalties allowed under Judicial Enforcement Remedies (Section 12) of this Rule.
- C. The Manager may set additional or more stringent prohibitions than any specified prohibition if in his opinion more severe prohibitions are necessary: (a) to protect the Wastewater Facilities; (b) to prevent causing an adverse effect on the receiving stream; or (c) to protect the health and welfare of system employees or the public in general.
- D. Specific Prohibitions:
A User who becomes aware of the following prohibited Discharges shall take immediate action to eliminate the possibility of any hazard, obstruction, and/or Interference before releasing the Discharge into the Wastewater Collection System:
1. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, creates a fire or explosive hazard, including, but not limited to, Industrial Wastes with a closed-cup flashpoint of less than 140^oF (60^oC) using the test methods specified in 40 CFR 261.21.
 2. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, yields a reading on an explosion hazard meter of more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
 3. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of Discharge into the Wastewater Collection System, yields a pH less than 5.5 or greater than 10.0 Standard Units, or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW (**NOTE: Any pH above 12.5 is considered hazardous under 40 CFR 261.22**); a pH excursion above or below the acceptable range will be considered a violation, regardless of duration.
 4. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System solid or Viscous substances (such as, but not limited to, Fats, Oil, Grease, ashes, animal entrails, bones, cinders, sand, mud, feathers, straw, shavings, metal, glass, rags, towels, tar, lime residues, plastics, wood, ungrounded Garbage, stone or marble dust, grass clippings, paint or ink residues, chemical residues, solid grease of animal or mineral origin, whole blood, paunch manure, hair and fleshing, paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders), in such quantity or size as to be capable of causing obstruction or Interference with the proper operation of the Wastewater Facilities.

5. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System a Slug Discharge of any Pollutant(s), 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 proper operation of the Wastewater Facilities.
6. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, has a temperature greater than 140 °F (60 °C). If a customer has a grease trap, this temperature will be measured at the entrance to the grease trap.
7. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains more than 100 mg/L of Oil and Grease, and in no case petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause an obstruction, Interference.
8. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains Toxic Pollutants in sufficient quantity, either singly or by interaction with other substances:
 - a) Injures or Interferes with any Wastewater treatment process, including Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - b) Constitutes a hazard to humans or animals;
 - c) Creates a Nuisance;
 - d) Exceeds the limitations set forth in the Pretreatment Standards of District and City of Zanesville; or
 - e) Creates any hazard in the Receiving Waters.
9. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any trucked or Hauled Wastewater removed from residential, commercial, or Industrial Users.
10. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, results in the formation of atmospheric hydrogen sulfide in excess of 10.0 ppm (as measured at monitoring manhole(s) designated by Muskingum County). Soluble sulfide limits may be established on a case-by-case basis depending upon volume of discharge and conditions in the receiving sewer, including oxygen content and existing sulfide concentrations.
11. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, could:
 - a) Corrode or otherwise reduce the stability and integrity of the collection system; or
 - b) Are sufficient to create a public Nuisance or a hazard to life; or
 - c) Cause to prevent entry into the sewers for maintenance or repair.

12. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating City of Zanesville's NPDES permit.
13. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any radioactive Wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations. Wastewater having a concentration of gross alpha/beta in excess of 1×10^{-7} th power microcuries/milliliter is prohibited.
14. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any Storm Water, Surface Water, Ground Water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the Manager. **Under no conditions shall Sanitary Sewage be discharged to a Storm Sewer.**
15. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains sludge, screenings, or other residues from the Pretreatment of Industrial Wastes.
16. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains Medical Waste, except as specifically authorized by the Manager in a Wastewater Discharge Permit.
17. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains substances causing, alone or in conjunction with other sources, the treatment plant's Effluent to fail a toxicity test.
18. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
19. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any Wastewater containing concentrations exceeding Background Levels of Pollutants, for which local limits have been established, unless otherwise specified in a Wastewater Discharge Permit.
20. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any substance which may cause the POTW's Effluent or any other byproduct of the POTW to be unsuitable for reclamation and reuse or to interfere with the treatment. In no

case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act [RCRA]), the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the Sludge management method being used.

21. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any Hazardous Wastes (as defined in Section 1004 of the Resource Conservation and Recovery Act), except as authorized per 40 CFR 261 and in accordance with Section 8.7 of this Rule.
22. No Person shall introduce or cause to be introduced into the Wastewater Facilities any Discharge, which, at the point of release into the Wastewater Collection System, contains any substance which will cause the POTW to violate the City of Zanesville NPDES permit or the Receiving Water quality standards.
23. No Person shall remove a manhole lid, or otherwise gain access to the Wastewater Collection System that Discharge to any MCSD Wastewater Facilities for the purpose of discharging Wastes except when given permission by the Manager to make a Discharge at a specific time and location.
24. No Person shall process or store any Pollutant, substances, or Wastewater regulated by this section in such a manner as it could be discharged to the Wastewater Facilities.
25. No water resulting from basement waterproofing solution methods shall be discharged to the Sanitary Sewer System directly or indirectly.
26. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, or tamper with any Wastewater Facilities which is a part of the Wastewater Collection and Treatment System under the Manager's management, and/or any independently-operated Pretreatment system(s). Any person violating this provision will be prosecuted to the full extent of the law.
27. No person shall Discharge Wastewater containing in excess of established local limits, which are, daily maximum Discharge limits.
28. No User shall increase the use of potable or process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement established by EPA.
29. No Public Sewer shall be constructed within the jurisdiction of the District without the prior written approval of the Manager.
30. No extension or modification shall be made to a Private Sewer or **Service Lateral** Line and/or Public Sewer within the District without the prior written approval of the Manager.

Whoever violates one or more of the foregoing rules shall be subject to potential criminal liability and such additional civil and administrative penalties as provided by Ohio law and regulations and as set forth in Administrative Enforcement Remedies (Section 11). Obtaining a Wastewater Discharge Permit does not relieve a User of its obligation to comply with all Federal and State Pretreatment Standards or Pretreatment Requirements or with any other requirements of Federal, State, and local law.

2.2 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 403-471 are hereby incorporated into these Sewer Use Rules as if they were fully reproduced here in writing.

- A. MCSD Users must comply with the City of Zanesville Pretreatment Standards and any supplements order by the Manager.
- B. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the City of Zanesville may impose an identical concentration or mass limits upon a User in accordance with 40 CFR 403.6 (c).
- C. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the City of Zanesville shall impose an equivalent limit using the combined waste stream formula in 40 CFR 403.6 (e).
- D. A User may obtain a Categorical Pretreatment Standard variance from Ohio EPA if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its Discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- E. A User may obtain a Net Gross Adjustment to a Categorical Pretreatment Standard from Ohio EPA in accordance with 40 CFR 403.15.

2.3 Total Toxic Organic Requirements

Any facility subject to Federal Categorical Pretreatment Standards, and which is required to perform total Toxic Organic scans twice per year may forego one sampling event, provided a Total Organics Management Plan (TOMP) is submitted to and approved by City of Zanesville and MCSD, and followed.

2.4 State Pretreatment Standards

State Pretreatment Standards located at Ohio Administrative Code (OAC) 3745-3 and OAC 3745-36 are hereby incorporated into these Sewer Use Rules as if they were fully reproduced in writing.

2.5 Local Limits

Pollutant concentration limits, as listed in Appendix A, are established to protect against, Interference, and the accumulation of Pollutants in Wastewater residuals or biosolids. No person shall Discharge Wastewater containing in excess of the local limits, which are, daily maximum Discharge limits.

The Pollutant concentration limits apply at the point where the Wastewater is discharged to the Wastewater Collection System. All concentrations for metallic substances are for “total” metal unless

indicated otherwise. The Manager may impose equivalent mass limitations, narrative limitations, and/or BMP-based limitations in addition to, or in place of, concentration-based limitations when appropriate.

2.6 Dilution

No User shall increase the use of potable or process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement established by EPA. The Manager may impose mass loading limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate according to EPA.

2.7 Equalization

Where necessary in the opinion of the Manager, Equalization may be required to bring constituents or volume to an acceptable level and to hold or equalize flows such that no Peak Flow Conditions may interfere with the Wastewater Facilities. Said Equalization or holding unit shall have a capacity suitable to serve its intended purpose, as stated above, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the Waste flow.

2.8 Authority for Control of Sewers

All Public and Private Sanitary Sewers which Discharge into the MCSD Wastewater Collection System shall be subject to regulation by the Manager as more fully set forth in Section 2.10.

- A. All public and Private Sewers or **Service Lateral** Lines shall continue to be owned and operated by their respective public or private Owners until such time as the Owner and MCSD mutually agree to a transfer of ownership to MCSD.
- B. Any connection from a Private Sewer or **Service Lateral** Line to a Public Sewer within the jurisdiction of the District shall be subject to:
 - 1) These Rules in addition to any charges, rates, fees and assessments established by MCSD as being applicable;
 - 2) Prior written approval of the Manager; and
 - 3) Be made under applicable permits as issued by the Manager.
- C. The Owner of a Private Sewer or **Service Lateral** Line shall be responsible for any activity necessary to prevent excessive infiltration and/or inflow (I&I) from entering its Private Sewer or **Service Lateral** Line.

2.9 Responsibility for Installation, Maintenance, and Repair of Private Sewers or Service Lateral Lines

Every User shall install, repair, maintain, and clear its own Private Sewer or **Service Lateral** Line as follows:

- A. All connections to the MCSD Wastewater Facilities shall be installed in compliance with Appendix G, Sewer Connection Manual.

- B. Every User shall establish, repair, maintain and keep open its own Private Sewer or **Service Lateral** Line from its point of origin within User's premises to its point of interconnection with the Public Sewer. A User's responsibility to establish, repair, maintain and keep open its own Private Sewer or **Service Lateral** Line extends into public street right of way when the Public Sewer for the User is located there. Generally, a blockage which occurs within a User's Private Sewer or **Service Lateral** Line is the User's responsibility alone to remove. In the event of a blockage reported to MCSD, MCSD will utilize its equipment to check the Public Sewer for a blockage and, if one, is found to remove it. If no blockage is found in the Public Sewer, it shall be the User's responsibility to remove it from its Private Sewer or **Service Lateral** Line.
- C. No person shall unearth, make a new connection with, alter, disturb, repair, or begin a new use of a Private Sewer or **Service Lateral** Line, any part of the Public Sewer, or any Wastewater Facilities without first securing a Sewer Connection Permit from the Manager and/or the Muskingum County Health Department, when appropriate.

2.10 Authority for Control of Discharges

The Manager may do any of the following:

- A. Reject or refuse to permit any Person to introduce into the MCSD Wastewater Collection System any Discharge, Hazardous Waste, Industrial Waste, Pollutant, Incompatible Pollutant, Medical Waste, Sanitary Sewage, Garbage, FOG, Oil and Grease, Hauled Wastewater, Wastewater, Slug, or Toxic Organics; or
- B. Require any Person to engage in Pretreatment before the introduction into the MCSD Wastewater Collection System any Discharge, Hazardous Waste, Industrial Waste, Pollutant, Incompatible Pollutant, Medical Waste, Sanitary Sewage, Garbage, FOG, Oil and Grease, Hauled Wastewater, Wastewater, Slug, or Toxic Organics, in order to cause it to be transformed into a state which allows it to be treated and disposed of in compliance with City of Zanesville NPDES Permit; or
- C. Require any Person to control the quantities, volumes, and rates of Discharge; and/or
- D. Require any Person to pay the additional cost of extraordinary treatment and disposal of Discharges under the provisions of Sewer Service Rate Schedule (Section 16).

Any Discharge or proposed Discharge into the MCSD Wastewater Collection System which:

(a) contains the substances or possesses the characteristics enumerated in Section 2.1 of this Rule; or (b) in the judgment of the Manager may have a deleterious effect upon the MCSD Wastewater Facilities or Receiving Waters, including violation of EPA applicable water quality standards; or (c) can otherwise create a hazard to life or constitute a Nuisance, shall entitle the Manager to institute rules for regulation of Discharge or proposed Discharge.

If the Manager permits or requires Pretreatment or Equalization of Waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Ohio EPA and subject to the requirements of all applicable codes, rules, and laws. When considering the above alternatives, the Manager shall give consideration to the economic impact of each alternative on the User.

Once Pretreatment or other facilities are in place, they shall be continuously monitored, operated and maintained in a satisfactory and effective condition by the User at its expense.

2.11 Wastewaters Having High Concentrations of BOD, TSS, NH₃, Total Phosphorus and Total Oil & Grease

The Discharge of any waters or Wastes into the Public Sewers having concentrations of any Compatible Pollutants in excess of those concentrations normal to Domestic or Sanitary Sewage shall be subject to the review and approval of the Manager. Under no circumstances shall the concentration of these Pollutants be in excess of their prohibited limits, where established, as provided in Appendix A (local limits). The limits apply at the point a User's Private Sewer or **Service Lateral** Line Discharges to the Wastewater Collection System.

When excessive concentrations greater than normal Domestic Wastes but less than prohibited concentrations as defined in Appendix A are permitted to be discharged into the Public Sewer, the User shall be assessed a Surcharge for the collection and treatment of these excessive concentrations in accordance with the extra strength Surcharges or high strength rates established in Appendix B (Rates) and outlined in Section 14 of this Rule.

2.12 Unauthorized Discharge/Connection

Any Discharge such as those established in 2.1(D)14 and others as identified by the Manager shall be considered unauthorized, and the Private Sewer or **Service Lateral** Line which introduced the Discharge shall be subject to immediate disconnection from the MCSD Wastewater Collection System.

All disconnection costs shall be at the User's expense.

2.13 Discharge of Polluted Waters*

No Person shall Discharge or cause to be discharged any Sanitary Sewage or other polluted waters to any Natural Outlet or Storm Sewer. Domestic Sewage and normal Domestic Wastes shall not be discharged to Storm Sewers.

** Enforcement of this regulation is the responsibility of the Board of Health and MCSD. Its appearance here is for informational purposes only.*

2.14 Tampering with Wastewater Collection System, Wastewater Facilities, Pretreatment Facilities, or Metering Systems; Cost Recovery

Unless acting under authority of the Manager, no Person shall alter, block, break, damage, destroy, deface, cover, introduce obstructive or destructive foreign matter into, or tamper with the MCSD Wastewater Collection System, its Wastewater Facilities, its Pretreatment facilities or its Metering systems. In the event of a violation of this or any other provision contained in this Rule, MCSD reserves the right to recover from responsible parties any and all costs associated with or related to such damage or destruction, etc., regardless of whether the damage or destruction, etc. was intentional or unintentional. Costs may be recovered for, but not limited to, staff call-outs, sampling efforts, non-routine inspections, equipment mobilization, facilities maintenance, and infrastructure repair or replacement.

Unless acting under authority of the Manager, no Person shall alter, tamper with, damage, destroy, deface, cover, or introduce obstructive or destructive foreign matter into facilities for the Pretreatment of Wastewater – including sample collection equipment – such that facilities inaccurately gauge Pretreatment Standards or such that Pretreatment Standards are avoided, defeated, or rendered incapable of being accurately determined.

2.15 MCSD Sewer Easement Rules

MCSD has formulated the following rules regarding Public Sewer Easements within the District. For purposes of this Rule, structure means something permanent constructed atop the ground or underground, or something constructed upon a foundation buried on top of or in the ground:

1. MCSD will not permit a structure of any kind to be placed in or upon a Public Sewer Easement which can interfere with or impair the use of a Public Sewer or exert stressful force upon a Public Sewer. Structures and surface uses not considered to exert stressful force upon Public Sewers are recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress, plants, trees, shrubbery, fences, landscaping or other similar items, be it natural or artificial.
2. No structure shall be constructed or placed so that it is horizontally or vertically less than three (3) feet from the boundary of a permanent Public Sewer Easement.
3. A Public Sewer shall not be constructed beneath a structure which can exert stressful force upon it, except for such structures as recreational surfaces, paved areas for parking lots, driveways, or other surfaces used for ingress or egress.

Exceptions to the aforesaid rules may be granted only by the Manager. An Owner may petition for an exception by written request to the Manager. Each such request shall be considered on an individual basis, and the Manager will grant and/or deny any such exceptions in writing.

SECTION 3 – FATS, OILS, & GREASE (FOG) CONTROL PROGRAM

The Muskingum County Fats, Oils, and Grease (FOG) Control Program was developed to prevent Sewer blockages and overflows caused by the Discharge of Wastewater containing high levels of Fat, Oils and Grease. The Muskingum County FOG Control Rule for Food Service Establishments, approved by the Board (Resolution 07-05-0716) ##### and by Ohio EPA, establishes requirements related to facility operation, maintenance and monitoring, and reporting and minimum equipment requirements for the source control of FOG Discharges from Food Service Establishments. Dischargers to the Wastewater Collection System shall conform to this Rule and any amendments approved by the Board. For more information, or to request a copy of the FOG Control Rule, contact MCSD.

SECTION 4 – RESERVED

SECTION 5 – SPECIAL DISCHARGES

MCSD' Pretreatment program issues wastewater discharge permits to Significant Industrial Users with ongoing (continuous) Discharges. Conversely, the Special Wastewater Discharge Program (SWDP) is the mechanism by which short-term, intermittent and/or "one-time" Discharges can, with advanced approval by the Manager, be discharged to the MCSD Wastewater Facilities. Examples of such "one-time" Discharges include Industrial holding tank wastes, floor cleaning wastes, car wash holding tank wastes, and off-spec product wastes. The Special Wastewater Discharge Program is designed to allow MCSD to have sufficient control over the type and characteristics of the Wastewater being discharged and to ensure

that contaminants are not allowed to enter the sewer system which could potentially cause problems at the treatment plant (such as Upsets, and/or violations of City of Zanesville NPDES limits).

A User wishing to discharge through the Special Wastewater Discharge Program must submit a completed application form and processing fee to MCSD. The application form shall contain such information as the nature of the proposed discharge; estimated volume(s); source of discharge; etc. To request a copy of a Special Wastewater Discharge Program application form, or for more information, contact MCSD. Fees and charges related to Special Discharges are established by the Muskingum County Board of Commissioners and are included here as Appendix D.

SECTION 6 - PRETREATMENT OF WASTEWATER

6.1 Necessity for Pretreatment Facilities

MCSD has an interagency agreement with the City of Zanesville for the treatment of MCSD wastewater. Therefore, the City of Zanesville holds that NPDES permit and has primary responsibility for administration of the Pretreatment Program. MCSD may impose additional requirements if the User's discharge is causing localized damaging to the MCSD Wastewater Facilities. In order to comply with this Rule and achieve compliance with all Categorical Pretreatment Standards, local limits, and to avoid violating the prohibitions set out in General Sewer Use Requirements (Section 2) of this Rule within the time limitations specified by EPA, the State, City of Zanesville, or the Manager, whichever is most stringent, a Significant Industrial User may be subjected to Pretreatment Requirements and Pretreatment Standards, and may be required to install facilities for sampling Discharges, metering flow, and/or pre-treating Industrial Wastes prior to Discharge to the sewer. Any Pretreatment facilities necessary for compliance with Pretreatment Requirements or Pretreatment Standards shall be provided, operated, and maintained at the User's expense.

6.2 Pretreatment or Control Facilities Plan Approval

Once the City of Zanesville, MCSD Manager, the EPA, or the Ohio EPA determine that Pretreatment facilities are necessary, a Significant Industrial User shall, within a reasonable period of time, create and submit to the City of Zanesville and MCSD Manager detailed plans describing its proposed Pretreatment facilities and operating procedures for review and approval. Failure to make a timely submittal of a credible plan shall be grounds for revocation of or refusal to issue or renew a Significant Industrial User's Wastewater Discharge Permit. No Pretreatment facilities need be or should be constructed before the User's detailed plans are submitted to and approved by the City of Zanesville and Manager. Similarly, the City of Zanesville or Manager need not approve or accept Pretreatment facilities constructed before the plans, specifications and any other pertinent information relating to the Pretreatment process or Pretreatment facilities submitted are approved. Detailed plans describing a User's proposed Pretreatment facilities may also be required to be submitted to Ohio EPA, as specified by State rules and regulations.

City of Zanesville, Manager, EPA, or Ohio EPA approval of existing or proposed Pretreatment facilities or control facilities or equipment does not, in any way, warrant or guarantee that the facilities or equipment will function in the manner described by their Owner, designer, constructor or manufacturer. Moreover, failure of existing or proposed Pretreatment or control facilities to function as anticipated or as designed shall not relieve any User of the responsibility of enlarging, upgrading or otherwise modifying such facilities to accomplish the established Pretreatment Standards or Pretreatment Requirements.

6.3 Responsibility for Proper Function of Pretreatment Facility

Once a Pretreatment facility is placed in operation, its Owner or User shall continuously operate and maintain it in safe and effective condition at its own expense. Each Pretreatment facility shall be subject to periodic inspection by the City of Zanesville and Manager once placed in operation. Additionally, the Owner or User shall maintain operating reports of the character of Effluent demonstrating the satisfactory performance of the Pretreatment or control facilities. These reports shall be available to City of Zanesville and MCSD upon request.

6.4 Additional Pretreatment Measures

Whenever the City of Zanesville or Manager deems it necessary, a User may be required to:

- A. Restrict its Discharge during peak flow periods;
- B. Designate that certain Wastewater be discharged only into a specific Sanitary Sewer;
- C. Relocate and/or consolidate points of Discharge;
- D. Separate Industrial and non-Industrial Wastes; and
- E. Take such other action as may be necessary to protect the Wastewater Facilities or determine the User's compliance with the requirements of this Rule.

The City of Zanesville or Manager may require a User discharging into the Wastewater Collection System to install and maintain at such User's expense within its property a suitable storage and flow-control facility to ensure Equalization of flow as set forth in Section 2.7. A Wastewater Discharge Permit can be issued by the Manager solely for flow Equalization.

Users with the potential to Discharge flammable substances may be required to install and maintain, as approved by the City of Zanesville and Manager, a combustible gas detection meter.

6.5 Accidental or Inadvertent Discharges, Spills, Slugloads and Potential Problems

Each Significant Industrial User shall formulate, implement, and continuously utilize measures to prevent an accidental Discharge of prohibited or regulated substances or prohibited quantities of prohibited or regulated substances governed by this Rule from accidentally or inadvertently escaping or being discharged into the Wastewater Collection System. Where necessary, measures to prevent the accidental or inadvertent Discharge of prohibited or regulated substances or Discharges in prohibited quantities of prohibited or regulated substances governed by this Rule shall be provided and maintained at the Industrial User's expense. Detailed plans showing facilities and operating procedures which make up these protective measures shall be submitted to the City of Zanesville and Manager for review in accordance with 6.5 (A-E) of this Rule, and shall be approved by the City of Zanesville and Manager before construction of a facility and implementation of any protective measure. Review and approval of such plans and operating procedures by the City of Zanesville or Manager shall not relieve the Industrial User from its responsibility to modify its facility as necessary to meet the requirements of this Rule.

- A. Notification Requirements for Accidental Discharges, Spills, or Slugloads:

All Industrial Users shall notify the MCSD Manager immediately of any Discharge that could cause a problem for the Wastewater Facilities as noted below:

- 1. Immediate Telephone Notification:
An Industrial User shall immediately notify the Manager (740-452-4940) during business hours and the Wastewater Treatment Plant during non-business hours by telephone (740-455-0641) upon the occurrence, or knowledge of an occurrence, of any

Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, non-customary batch Discharges, spills, potential problems, or a Slugload of substances prohibited by this Rule. The notification shall include at minimum:

- a. Location of Discharge (including facility name, address, and contact info);
- b. Type of Waste discharged;
- c. Concentration and volume;
- d. Corrective actions taken by the User;
- e. Date and time when Discharge occurred; and
- f. Whether Discharge is continuing or has been terminated.

2. Post-Event Written Notification:

An Industrial User shall submit to the City of Zanesville and Manager a detailed written report within five (5) business days following an extraordinary accidental or inadvertent Discharge, describing the cause of Discharge and the measures already taken or to be taken in the future as well as any Best Management Practices to be undertaken by the Industrial User to prevent similar future occurrences. Providing this written notification shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the Wastewater Facilities or POTW, fish kills, or any other damage to person or property. Nor shall such submission of written notification to the City of Zanesville and Manager relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Rule or other applicable law. Notification to the OEPA may also be necessary depending on the nature of the Discharge. Noncompliance with this provision shall constitute a violation of this Rule and subject the Industrial User to the penalties described in the Administrative Enforcement Remedies (Section 11).

B. Accidental Discharge/Spill/Slug Control Plan:

At least once every permit cycle, the City of Zanesville or Manager shall evaluate whether each Significant Industrial User needs an accidental Discharge/Spill/Slug control plan. The City of Zanesville or Manager may require any Industrial User to develop, submit for approval, and implement such a plan. Alternatively, the City of Zanesville or Manager may develop such a plan for any Industrial User. An accidental Discharge/Spill/Slug control plan shall address, at a minimum, the following:

1. Description of Discharge practices, including non-routine Batch Discharges;
2. Description of stored chemicals, including quantities and storage locations;
3. Procedures for immediately notifying the City of Zanesville and Manager during business hours and the Wastewater Treatment Plant during non-business hours of any accidental or Spill/Slug Discharge, as required by this Section and Section 8.4 of this Rule; and
4. Procedures to prevent adverse impacts from any accidental or Slug Discharge; such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response and spill control.

C. Notice to Employees:

Within five (5) days of approval of the Spill/Slug control plan or issuance of a SIU permit, readily legible signs shall be permanently posted in conspicuous places on the Industrial User's premises, advising employees who to call in the event of a Slug or accidental Discharge.

An Industrial User shall instruct its employees who may cause or discover such a Discharge on all relevant emergency notification procedures.

D. Hazardous Wastes:

It is a violation of this Rule to Discharge or cause to Discharge any material identified as a Hazardous Waste by 40 CFR Part 261 or any revision thereof, except as authorized by, and in accordance with, Section 8.7 of this Rule.

E. Discharge of Non-Storm Water to Natural Outlets, Property, or Storm Drains:

The Discharge of any Wastewater or otherwise polluted waters to any Natural Outlet or onto any public or private property shall be unlawful. The introduction of Wastewater into a Storm Sewer is prohibited. Such Discharges shall be reported to Ohio EPA, MCSD, and the appropriate Storm Water Management District (or local agency responsible for storm water management) immediately by telephone and as required by the appropriate Storm Water Ordinance or Rule.

6.6 Bypasses

A. No User shall intentionally "Bypass" or divert its Wastewater from any portion of its Industrial User's treatment facility unless:

1. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There are no feasible alternatives to the Bypass; The absence of feasible alternatives to Bypass is not present 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 preventive maintenance;
3. The Industrial User has notified the City of Zanesville and Manager; and
4. The Industrial User submitted the notices discussed below.

B. If an Industrial User anticipates a need for Bypass, it shall submit a written request to Bypass to the City of Zanesville and Manager at least ten (10) days before the proposed date of the Bypass. The City of Zanesville or Manager may approve the Bypass in advance after considering its adverse effects, and provided the City of Zanesville and Manager determines:

1. The Bypass will not cause a violation of EPA Pretreatment Standard or Pretreatment Requirements or any provision of this Rule; and
2. The Bypass is for essential maintenance to ensure the efficient operation of Pretreatment facilities.

C. An Industrial User shall not Bypass without the City of Zanesville and Manager's advance written authorization.

D. No Industrial User shall unintentionally, accidentally or inadvertently Bypass its Wastewater from any portion of its treatment facility. If an Industrial User experiences an unintentional, accidental or inadvertent Bypass, it shall verbally notify the City of Zanesville (740-455-0641) and Manager (740-452-4940) immediately upon becoming aware of such Bypass. Additionally,

the Industrial User shall submit within five (5) days of verbal notification, a written report describing:

- 1) The Bypass event;
- 2) Its cause;
- 3) Its duration, including exact times and dates;
- 4) Whether the Bypass has been terminated and the cause corrected;
- 5) Whether the Bypass is expected to continue; and
- 6) What measures have been taken to reduce, eliminate, and prevent its recurrence.

SECTION 7 - WASTEWATER DISCHARGE PERMITS

7.1 City of Zanesville and MCS D Manager’s Right to Establish More or Less Stringent User Duties

Ohio Administrative Code 3745-2-03 (C)(1)(c) requires the City of Zanesville and Manager to impose Control Mechanisms on each Industrial User’s Discharges to the MCS D Wastewater Collection System in order to ensure the User’s compliance with applicable Pretreatment Standards and Requirements. In the case of a Significant Industrial User under paragraph (FF) of rule 3745-3-01 of the Administrative Code, this control shall be achieved through the use of enforceable individual or general Control Mechanisms issued to each such User or group of Users. Control mechanisms can include, but are not limited to, the following measures:

- A. Limiting the duration of a permit to no more than five (5) years;
- B. Limiting or prohibiting the transferability of the permit after notice to City of Zanesville and MCS D;
- C. Limiting Effluent based on applicable general Pretreatment Standards in 40 C.F.R. 403, Categorical Pretreatment Standards, local limits, and state and local law; and
- D. Imposing on a User an obligation to do one of more of the following:
 - (1) Self-monitor its Discharges including a requirement that certain Pollutants monitored or a waiver of monitoring be obtained. Additionally, self-monitoring may extend to establishing a sampling location, sampling frequency, and sample type based on the applicable general Pretreatment Standards in 40 C.F.R. 403, Categorical Pretreatment Standards, local limits, and state and local law;
 - (2) Provide Reports to MCS D concerning the User’s Discharges;
 - (3) Keep Records; and
 - (4) Establish a User duty to notify City of Zanesville and MCS D in the event an event or condition occurs.

The City of Zanesville or MCS D Manager may also establish more stringent standards for Users when permitted by Ohio Administrative Code 3745-3-03 (C) (1).

7.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall Discharge Industrial Wastewater into the Wastewater Collection System without first applying for a Wastewater Discharge Permit from the Manager and receiving notification of acceptance by the Manager.

- B. The Manager may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Rule.

7.3 Wastewater Discharge Permitting Application/Baseline Monitoring Report (BMR)

- 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 is made by USEPA under 40 CFR 403.6 (a) (4), whichever is later, **existing categorical Users** currently discharging to or scheduled to Discharge to the MCSD Wastewater Facilities shall submit to the City of Zanesville and Manager a report which contains the information listed in paragraph C below.
- B. At least ninety (90) days prior to commencement of their Discharge and/or the expiration date of any existing Discharge Permit, **New Sources, Existing Sources and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard**, shall submit to the City of Zanesville and Manager a report which contains the information listed in paragraph C, below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged and shall also disclose both the anticipated non-pretreated water quality and the anticipated pretreated water quality in light of planned Pretreatment.
- C. In either of the events described above, each User shall submit a Baseline Monitoring Report containing the following information:
 - 1. Identifying Information: The name and address of the facility, including the name of the operator and Owner, number and type of employees, hours of operation (or indication operation is continuous twenty-four (24) hours a day seven (7) days a week), and proposed or actual hours of operation.
 - 2. Facility Plans: Provide 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 including time and duration of Discharges.
 - 3. Environmental Permits: A list of any environmental control permits held by or for the facility.
 - 4. Description of Operations: A brief description of the activities, facilities, plant processes, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by such User including a list of all raw materials and chemicals used or stored at the facility. This description should include a schematic process diagram, which indicates points and amounts of Discharge to the Wastewater Collection System from the regulated processes.
 - 5. Flow Measurement: Information showing the measured, or anticipated, average daily and maximum daily flow, in gallons per day, to the POTW Wastewater Collection System from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).

6. Measurement of Pollutants:
 - a. Pollutants must be measured in accordance with the Categorical Pretreatment Standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard, City of Zanesville, or by the Manager, of regulated Pollutants in the Discharge from each regulated process shall be reported. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The samples shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.8 of this Rule (Analytical Requirements).
 - c. Sampling must be performed in accordance with procedures set out in Section 8.9 of this Rule (Sample Collection).
7. Compliance Schedule: If additional Pretreatment and/or O&M will be required to meet Pretreatment Standards that apply to the User's operation, an action plan and shortest schedule by which the User shall provide such additional Pretreatment and/or O&M must be submitted to City of Zanesville and MCSD, in written format as part of the Baseline Monitoring Report. The final completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard(s). A compliance schedule pursuant to this section shall conform to the specifications established in Section 11.2 (Compliance Agreements).
8. Signature and Certification: All Wastewater Discharge Permit Applications/Baseline Monitoring Reports must be signed and certified by an authorized representative of the User and contain the following certification just above the signature line:

"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, complete and current. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

When necessary, documentation demonstrating compliance with applicable BMP's may also be required as part of a new or updated Baseline Monitoring Report. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. An application fee may be charged for each application/report submitted.

- E. The City of Zanesville and Manager will evaluate the data furnished by the User with its application and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the City of Zanesville or Manager will determine whether or not to issue a Wastewater Discharge Permit or whether to withhold issuance of a Wastewater Discharge Permit pending the satisfactory completion of certain tasks or conditions. The City of Zanesville or Manager's decision shall be mailed to the applicant by certified mail. In making a decision, the Manager may take into account the applicant's previous record of compliance or noncompliance with this Rule or similar rules in other jurisdictions. The City of Zanesville or Manager may unconditionally deny any application for a Wastewater Discharge Permit as a result of a poor compliance record or if the Wastewater Collection System cannot tolerate the proposed Waste Discharge.
- F.. The City of Zanesville or Manager will afford notice to interested parties of intent to initially issue a Pretreatment 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.

7.4 Wastewater Discharge Permit Renewal

A User with an expiring Wastewater Discharge Permit shall apply for a renewal of its Wastewater Discharge Permit by submitting a complete permit application, in accordance with Section 7.3 of this Rule, a minimum of ninety (90) days prior to the expiration of the User's existing Wastewater Discharge Permit. A permit will continue to be enforceable despite its expiration until a new permit is granted.

A Permit may be renewed if:

- A. The Industrial User has submitted a true, complete, accurate and current permit application at least ninety (90) days prior to the expiration date of its existing permit;
- B. The Industrial User is currently in compliance with its expiring permit; and
- C. No reason(s) are stated in the application, application materials, or are otherwise discovered which constitute cause to deny the renewal.

7.5 Wastewater Discharge Permit Modification

The City of Zanesville or Manager may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;
- C. A change in the Wastewater Facilities that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

- D. Verification of true, complete, accurate and current information indicating that the permitted Discharge poses a threat to Muskingum County's Wastewater Facilities, City of Zanesville POTW, Muskingum County's personnel, or the Receiving Waters;
- E. Violation of any terms or conditions of the Wastewater Discharge Permit;
- F. Misrepresentations or failure to truthfully, completely, accurately and promptly disclose any material facts in the Wastewater Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Wastewater Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new Owner or operator.

The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. Permit Modifications shall indicate effective dates.

7.6 Wastewater Discharge Permit Transfer

Wastewater Discharge Permits may be transferred to a new User only if: (1) the Person seeking to assign its permits gives at least thirty (30) days advance notice to the City of Zanesville and Manager, (2) the Person seeking to assign its permit is currently operating in compliance with its permit, and (3) the City of Zanesville and Manager approves the Wastewater Discharge Permit transfer. The notice to the City of Zanesville and Manager must include a written certification by the proposed new User which states:

- A. The new User has no immediate intent to change the facility's operations and processes;
- B. The specific date on which the transfer is to occur; and
- C. The new User acknowledges full responsibility for complying with the existing Wastewater Discharge Permit once the transfer takes place.

The notice to the City of Zanesville and Manager must also include a written certification by the existing User who wishes to assign its Wastewater Discharge Permit to another User, stating that existing User acknowledges full responsibility for complying with the existing Wastewater Discharge Permit until: (1) the City of Zanesville and Manager approves the permit transfer; and (2) the transfer of operation actually takes place.

7.7 Wastewater Discharge Permit Duration

A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the City of Zanesville or Manager. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire. A Wastewater Discharge Permit issued to a User for one manufacturing process, product, or product line does not constitute approval of, or a permit for, Discharges associated with any other manufacturing process, product, or product line of the User.

7,8 Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the City of Zanesville or Manager to prevent Bypass or Interference, protect the quality of the POTW's Receiving Waters, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the MCSD Wastewater Facilities.

A. Wastewater Discharge Permits must contain:

1. A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;
2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to City of Zanesville and Manager in accordance with Section 7.6 of this Rule (Wastewater Discharge Permit Transfer), and provisions for furnishing the new Owner or operator with a copy of the existing Wastewater Discharge Permit;
3. Indirect Discharge limits based on applicable Pretreatment Standards including Categorical and/or local limits;
4. Self monitoring (if required), sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, sampling frequency, and Sample type based on Federal, State, and local law;
5. 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; and
6. A Statement of any Control Mechanism(s) that is a part of the Permit.

B. Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

1. Best Management Practices as enforceable limits; as well as 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 Wastewater Facilities;
3. Requirements for the operation, maintenance, repair, and upkeep of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the Wastewater Facilities;
4. Requirements for the development and implementation of spill control plans or other special conditions including Best Management Practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;

5. Development and implementation of Waste minimization plans to reduce the amount of Pollutants discharged to the Wastewater Facilities;
6. The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the Wastewater Facilities;
7. Requirements for the installation and maintenance of inspection, sampling and/or flow measurement facilities and equipment;
8. A statement that compliance with the Wastewater Discharge Permit does not relieve the User of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and/or
9. Other conditions as deemed appropriate by the Manager to ensure compliance with this Rule, and State and Federal laws, rules, and regulations.

7.9 Wastewater Discharge Permit Violation or Failure to Obtain a Permit

- A. Any intentional or unintentional violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Rule and subject the User to the sanctions outlined in Administrative Enforcement Remedies (Section 11), Supplemental Enforcement Action (Section 12), Affirmative Defenses to Discharge Violations (Section 13) and Sewer Service Rate Schedule (Section 16) of this Rule. Obtaining a Wastewater Discharge Permit does not relieve a User of its obligation to comply with all Federal and State Pretreatment Standards or Pretreatment Requirements or with any other requirements of Federal, State, and local law.
- B. The Manager may impose an administrative fine of up to \$10,000.00 per violation upon any User who violates Section 7 of this Rule by failing to obtain authorization and required permit(s) prior to connecting to, altering, or disturbing a Public Sewer, Private Sewer or **Service Lateral** Line or appurtenance thereof, in addition to all other applicable fines, fees, and penalties.
- C. Once a violation is discovered and reported to a User, the User must correct that violation to the satisfaction of the City of Zanesville and Manager. It shall be the obligation of the User causing the violation to expose the work area, identify corrective actions, and/or provide satisfactory proof to the Manager that curative or corrective actions have been completed in accordance with this Rule.

7.10 Wastewater Discharge Permit Suspension or Revocation

The City of Zanesville or Manager may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure of the permit holder to notify the City of Zanesville and Manager of significant changes to the Wastewater as set forth in Section 8.3 of this Rule prior to the changed Discharge;
- B. Failure of the permit holder to provide prior notification to the City of Zanesville and Manager of changed conditions pursuant to Section 8.3 of this Rule;

- C. Misrepresentation or failure by the permit holder to fully disclose to the City of Zanesville and Manager any material fact in the Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports required by Section 8 of this Rule;
- E. Failing to conduct self-monitoring or failing to provide self-monitoring reports required by Section 8 of this Rule;
- F. Tampering with or removing, temporarily or permanently, any monitoring equipment;
- G. Refusing to allow the City of Zanesville or MCSD timely access to the User's facility premises and records;
- H. Failure to meet permit limitations;
- I. Failure to pay fines and/or penalties;
- I. Failure to pay sewer charges or Surcharges;
- J. Failure to provide City of Zanesville or Manager with true, complete, accurate and current information in a Wastewater survey or the Wastewater Discharge Permit application;
- K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; and/or
- L. Violation of any Pretreatment Standard or Pretreatment Requirement, or any terms of the Wastewater Discharge Permit or this Rule.

Revocation of permits will follow the procedures as outlined in Administrative Enforcement Remedies (Section 11) of this Rule, unless the revocation is deemed an emergency as provided in Emergency Suspensions (Section 11.6).

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership except as provided in Section 7.6 of this Rule. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

SECTION 8 - REPORTING REQUIREMENTS

8.1 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 Wastewater Collection System, any User subject to such Pretreatment Standards and Requirements shall submit to the City of Zanesville and Manager a report containing the information described in Baseline Monitoring Reports (Section 7.3 (C)(4-6)) of this Rule. Information reported shall be true, accurate, complete and current and be based on actual production activities and operational data. For Users subject to equivalent mass loading or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), 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 7.3 (C) (8) of this Rule.

8.2 Periodic Compliance Reports (Self-Monitoring Provisions)

MCSO has an agreement with the City of Zanesville for a Pretreatment Program. City of Zanesville or MCSO may perform monitoring of each SIU to accurately assess the characteristics of its waste stream, and compliance with permit limits. However, submission of documentation by an SIU to demonstrate compliance with applicable BMP limit(s) may also be required.

In the event that City of Zanesville or MCSO would modify its Pretreatment program to again require that all permitted industries perform self-monitoring, the following provisions will apply:

- A. All Significant Industrial Users shall, at a frequency determined by the City of Zanesville or Manager but in no case less than twice per year (in June and December), submit an analytical report indicating the nature and 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. Collection and analysis of Wastewater Samples shall be in accordance with Sections 8.8 and 8.9 of this Rule. All compliance reports must be signed and certified in accordance with Section 7.3 (C) (8) of this Rule;
- B. 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 not a reliable representation of its Discharge; and
- C. If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the City of Zanesville or Manager, using the procedures prescribed in Analytical Requirements (Section 8.8) and Sample Collection (Section 8.9) of this Rule, the results of this monitoring shall be provided to the City of Zanesville and Manager.

8.3 Reports of Changed Conditions

At least sixty (60) days before any planned significant changes to its operations or system which might alter the nature, quality, or volume of its Wastewater, each User must notify the City of Zanesville and Manager of such change.

- A. The City of Zanesville or Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under the provisions of Section 7 of this Rule.
- B. Due to changed conditions or anticipated changed conditions, the City of Zanesville or Manager may issue a new Wastewater Discharge Permit under Section 7 of this Rule or modify an existing Wastewater Discharge Permit under Section 7.5 of this Rule (Wastewater Discharge Permit Modification).
- C. For purposes of this requirement, significant changes include, but are not limited to, cessation of a portion of one or more, or all operations; flow increases of 20% or greater, increases in previously reported Pollutants of 10% or greater; and the Discharge of any previously unreported Pollutants.

- D. Each User must recognize that changed conditions may result in the need for additional Pretreatment equipment, thus requiring the submittal of a permit to install (PTI) application to the Ohio EPA.

8.4 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, non-customary batch Discharges, spills or a Slugload that may cause potential problems for the MCSD Wastewater Facilities or City of Zanesville POTW, the User shall immediately telephone and notify the Manager of the incident (740-452-4940). This notification shall include the time and location of the Discharge, type of Waste, concentration and volume, if known, and corrective actions taken by the User. Immediate notification to the Manager is also required for any Pretreatment equipment failure and/or malfunction. Refer to Section 6.5 of this Rule for additional information regarding accidental discharges, spills and slugloads.
- B. Within five (5) business days following such Discharge or Pretreatment failure, the User shall, unless waived by the Manager, submit a detailed written report to City of Zanesville and Manager describing the cause(s) of the Discharge or failure and the measures to be taken by the User to prevent similar future occurrences. This Report shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to other Users or the Wastewater Facilities, 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 Rule. Refer to Section 6.5 of this Rule for additional information regarding accidental discharges, spills and slugloads.
- C. Readily legible signs shall be permanently posted in prominent and readily-accessible locations advising employees who to call in the event of a Discharge as described in paragraph A, above. Employers shall ensure that all employees who may cause such a Discharge to occur are aware of and trained on the emergency notification procedure. Refer to Section 6.5 of this Rule for additional information regarding accidental discharges, spills and slugloads.

8.5 Reports from Users not Required to Obtain a Wastewater Discharge Permit

All Users not required to obtain a Wastewater Discharge Permit shall provide true, complete and accurate, and current reports to the Manager as the Manager may require and shall accommodate inspections and/or other monitoring activities as requested by the Manager.

8.6 Notice of Violation/Repeat Sampling and Reporting

If sampling or analysis performed by a User indicates a violation of any of the provisions of this Rule and/or a Wastewater Discharge Permit, the User must notify the City of Zanesville and Manager within twenty-four (24) hours of becoming aware of the violation, as well as complying with other applicable administrative requirements following a violation as described in Section 11.1. The User may also be required to repeat the sampling and analysis and submit the results of the repeat analysis to the City of Zanesville and Manager within thirty (30) days after becoming aware of the violation. The User is not required to resample if the City of Zanesville and Manager releases them from this requirement.

If sampling or analysis performed by MCSD indicates a violation of any of the provisions of this Rule and/or a Wastewater Discharge Permit, the County will notify the User and make arrangements to perform repeat sampling and analysis within thirty (30) days of becoming aware of the violation.

8.7 Notification of the Discharge of Hazardous Waste

- A. No Person shall Discharge any Hazardous Wastes to the Wastewater Facilities by truck, rail or dedicated pipeline. Any Person who commences the Discharge of Hazardous Waste shall notify the MCSD Manager and the City of Zanesville POTW, the EPA Regional Waste Management Division Manager, and State Hazardous Waste authorities, in writing, of any Discharge into the Wastewater Facilities of a substance which, if otherwise disposed of, would be a Hazardous Waste under 40 CFR Part 261. Such notification must include the name of the Hazardous Waste as set forth in 40 CFR Part 261, the EPA Hazardous Waste number, and the type of Discharge (continuous, batch, or other), as well as the time, location and quantity of the Discharge.

If the User Discharges more than one hundred (100) kilograms of Hazardous Waste per calendar month to the Wastewater Facilities, the notification also shall contain the following information to the extent such information is known and/or readily available to the User: an identification of the hazardous constituents contained in the Wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred and eighty (180) days after the Discharge commences unless the Discharge can be considered a Slug load or spill per Section 6.5 of this Rule, in which case notification is required immediately. Any notification under this paragraph need be submitted only once for each Hazardous Waste discharged. However, notifications of changed conditions must be submitted under Reports of Changed Conditions (Section 8.3) of this Rule. The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Baseline Monitoring Reports (Section 7.3), Reports on Compliance with Categorical Pretreatment Standard Deadline (Section 8.1), and Periodic Compliance Reports (Section 8.2) of this Rule.

- B. Users are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of Hazardous Wastes, unless the Wastes are acute Hazardous Wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute Hazardous Wastes in a calendar month, or of any quantity of acute Hazardous Wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any Hazardous Waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of Hazardous Waste or listing any additional substance as a Hazardous Waste, the User must notify the City of Zanesville and Manager, the EPA Regional Waste Management Waste Division Manager, and State Hazardous Waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of Hazardous Wastes generated to the degree it has determined to be economically practical.

- E. This provision does not create a right to Discharge any substance not otherwise permitted to be discharged by this Rule, a permit issued thereunder, or any applicable Federal or State law.

8.8 Analytical Requirements

All Pollutant analyses to be submitted as part of a Wastewater Discharge Permit application, report or other required document as requested by the City of Zanesville or Manager, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. All sampling and Sample preservation techniques shall be done in accordance with 40 CFR 136 as well.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

8.9 Sample Collection

- A. Except as indicated in Section B, below, the User must collect Wastewater Samples using Flow Proportional Composite collection techniques. In the event Flow Proportional Composite sampling is infeasible or unnecessary, the City of Zanesville or Manager may authorize the use of Time Proportional Composite sampling or a Composite Sample consisting of a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative Sample of the Discharge. In addition, Grab Samples may be required to show compliance with Instantaneous Discharge Limits.
- B. Samples for chlorine, Oil and Grease, temperature, pH, cyanide, phenols, sulfides, hexavalent chromium and volatile organic compounds must be obtained using Grab collection techniques. Samples shall be collected in compliance with 40 CFR 136.

8.10 Timing

Written reports from Users will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the Manager shall govern; this includes electronically-sent reports.

8.11 Record Keeping

Users subject to the reporting requirements of this Rule shall retain, and make available for inspection and copying to the City of Zanesville or Manager, all records of information obtained pursuant to any monitoring activities required by this Rule and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall be kept together in a fashion which will allow them to be researched and include the date, exact place, method, and time of sampling, and the name of the person(s) taking the Samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

These records shall remain available from the User for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Muskingum County where the User has been specifically notified of a longer retention period by the Manager.

8.12 Falsifying Information or Tampering with Process

It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City of Zanesville, MCSD or the Manager, or to tamper with or knowingly render inoperable any operation or monitoring device or method or access point required under this Rule. Falsification or tampering is an Administrative penalty and Enforcement action as outlined in Section 11 of this Rule.

SECTION 9 - COMPLIANCE MONITORING

9.1 Right of Entry and Emergency Right of Entry: Inspection and Sampling

The Manager or the Manager's authorized assistants or agents (e.g. City of Zanesville), when properly identified in writing or otherwise and after written notice is delivered to the Owner at least five (5) days in advance or is mailed at least five (5) days in advance by first class or certified mail to the Owner's tax mailing address, may enter upon any public or private property for the purpose of: (1) Carrying out an inspection, surveillance and monitoring program to determine, independent of information supplied by the User, whether or not the User has complied with Applicable Pretreatment Standards and Requirements. Representatives of MCSD shall be authorized to enter any premises of any User in which a Discharge source or treatment system is located or in which records are required to be kept under paragraph (G) (2) of rule 3745-3-06 of the Ohio Administrative Code to assure compliance with Pretreatment Standards; and/or, (2) Making surveys or inspections necessary for the laying out of and the design or evaluation of MCSD Wastewater Facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to 163.22 of the Ohio Revised Code that may be pending. No person or public agency shall forbid the Manager or the Manager's authorized assistants or agents to enter, or interfere with their entry, upon the property for that purpose or forbid or interfere with their making of surveys or inspections. If actual damage is done to property by the making of the surveys and inspections, the Board shall pay the reasonable value of the damage to the property Owner, and the cost shall be included in the cost of the facilities and may be included in any special assessments to be levied and collected to pay that cost.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall provide the MCSD Manager and representatives with suitable identification and make necessary arrangements with its security guards so that, upon presentation of such suitable identification, the Manager or authorized representatives will be permitted to enter without delay for the purposes of performing tasks which are appropriate for the facility.
- B. In consideration for being granted the opportunity to Discharge into the MCSD Wastewater Collection System, the Manager shall have the right to require the User to install, operate maintain, repair, and replace on the User's property at User's exclusive expense such facilities and devices as are necessary, in the Manager's opinion, to conduct appropriate sampling and/or metering of the User's operations. In addition to installing such devices, the User shall, at its own expense, provide a supply of power to enable such sampling and/or metering devices to function safely and properly at all times.
- C. All devices used to measure Wastewater flow shall be maintained and calibrated pursuant to Muskingum County's Industrial Wastewater Flow Metering Agreement and Requirements to ensure accuracy and reliability (see Appendix D).

- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Manager access to the User's premises shall be a violation of this Rule. In the event the User refuses or fails, for any reason, to remove any temporary or permanent obstruction to safe and easy access to any inspection or sampling point, then the Manager shall have no choice so long as conditions are unacceptable to the Manager but to: (a) charge the User for the highest potential rate for its Discharges, or (b) institute termination of service procedures as MCSD will not be able to safely and accurately monitor User's Discharges.
- F. It shall be unlawful to tamper with or knowingly render inoperable any monitoring device, measurement equipment, access point, or Pretreatment systems required by this Rule. In the event any Person tampers with or knowingly renders inoperable or inaccurate any monitoring device, measurement equipment, access point, or Pretreatment systems required by this Rule, then the Manager shall have no choice but to: (a) charge the User for the highest potential rate for its Discharges so long as monitoring conditions are not acceptable to the Manager, or (b) institute termination of service procedures as MCSD will not be able to safely and accurately monitor User's Discharges.

Under extraordinary circumstances, such as, but not limited to, an Upset, Slugload, or Significant Noncompliance, which impact or have the potential to impact MCSD Wastewater Facilities, the Manager or Manager's representatives shall also have the right to enter the premises of any User without five (5) days advance notice in order to determine whether the User is complying with all requirements of this Rule and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. During entry onto a User's premises, the Manager agrees to: (1) wear such protective clothing as User requires of its own employees; (2) to abide by reasonable rules governing the conduct of User's employees; and (3) not to disclose any User proprietary information which may be learned in the course of being present on premises.

9.2 Search Warrants

Because the commercial Discharge of Wastes into the Receiving Waters of the State of Ohio is a pervasively regulated business activity, and because MCSD has a substantial government interest in regulating the Discharge of Waste into its Wastewater Facilities, then the Manager may seek a search warrant from the appropriate Court of Muskingum County and thereby conduct an involuntary entry into a User's facilities to examine User's compliance with this Rule and/or its permit(s), assuming the Manager or Manager's representative

- A. Has been refused access to a building, structure, monitoring facility or equipment or any part thereof in which activity subject to environmental regulation by the Ohio EPA or the EPA is taking or has taken place; and
- B. Is able to demonstrate either:
 - 1. Probable cause to believe that there may be a violation of this Rule, or
 - 2. There is a need to inspect and/or sample as part of a routine inspection and sampling program of City of Zanesville or MCSD designed to further the existing regulatory scheme and verify compliance with:
 - (i) this Rule,
 - (ii) any permit or order issued hereunder, or

(iii) to protect the overall public health, safety and welfare of the community,

9.3 Control and Metering Manholes

MCSO requires that a Control Manhole be installed for any new, or changed, industrial, commercial or multi-family residential unit of more than three (3) families for purposes of sampling and/or inspection of Wastewater. Included in the definition of a multi-family residential unit are trailer home parks. Specifications for such a manhole may be obtained from the Manager. In certain situations, the Manager may require a “process Wastewater-only” sampling manhole in lieu of, or in addition to, a Control Manhole.

A Metering Manhole may be installed in place of a Control Manhole with Manager’s approval.

9.4 Sampling by MCSO

For the purpose of determining extra strength Surcharges, and ascertaining Pretreatment compliance, the Manager shall have the option of sampling and testing Wastewater Discharges and billing the User for the sampling, or requiring the User to perform regular sampling and testing. The User must make all such data available to the Manager upon request, and the Manager shall be allowed to sample the Wastewater, as necessary, to verify the User's data.

If a User disagrees with the analysis on which a Surcharge is based, he may request, in writing, additional sampling and analysis that shall be conducted in a manner and at a time acceptable to the Manager. The cost of such additional sampling and analysis shall be borne in full by the requester. Additionally, a User may request split Samples from Composite or Grab Samples collected by MCSO as part of compliance monitoring. Results of such split Samples may be averaged with all other monthly Samples collected to calculate an average for compliance and billing purposes, provided analysis of the split Samples is performed by an approved laboratory using approved methods.

SECTION 10 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, and monitoring programs, and from the Manager’s inspection and sampling activities, shall be available to the public without restriction. This general rule shall be inapplicable when the User specifically requests confidentiality, and demonstrates to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Confidentiality of User information shall extend only to the extent that it is necessary to protect the User’s trade secret. 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 City of Zanesville 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 by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Information accepted by MCSDD as being “confidential” shall not be transmitted to any governmental agency until and unless a 10-day notification is given to the Industrial User. Users are responsible for negotiating a policy regarding confidential information with the City of Zanesville.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

These rules are enforceable by civil or other actions, within any territory served by the MCSDD Wastewater Facilities regardless of whether the territory served is within the territorial boundaries of the County (See Ohio Revised Code 6111.032(B)).

The City of Zanesville Enforcement Response Plan (“the Plan”), which is hereby incorporated into this Rule as fully as if it was reprinted here, contains detailed procedures indicating how MCSDD will investigate and respond to instances of Industrial User noncompliance. The Plan describes the processes for obtaining and evaluating information on Industrial User compliance, identifying noncompliance, selecting appropriate enforcement action(s), and resolving noncompliance issues in a timely, fair and consistent manner. Below is a non-exhaustive summary of enforcement mechanisms available for use by MCSDD as outlined in the Plan:

11.1 Notice of Violation

When MCSDD has reason to believe that a User has violated or continues to violate any provision of this Rule, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, MCSDD may serve that User by certified mail with a written Notice of Violation explaining the alleged or suspected violation(s) and informing the User that unless the alleged or suspected violation(s) are remedied, the User’s ability to Discharge into the MCSDD Wastewater Collection System may be terminated until the violation(s) are corrected. Within fifteen (15) days of the receipt of this notice, a response to the Notice of Violation, which may include an explanation for/of the violation and a plan for the satisfactory correction and prevention thereof, including specific actions, shall be submitted by the User to the Manager. If the User disputes the allegation in the Notice of Violation, the Manager and User shall meet informally to decide the facts and what, if anything shall be done. If it is concluded by the Manager that one or more violations have occurred, then remedial measures are in order. All correspondence shall include the correct date and signature of an Authorized Representative. A User’s submission of a corrective or preventative 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 Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Compliance Agreements

The Manager and any User may enter into Compliance Agreements – often referred to as ‘compliance schedules’, assurances of voluntary compliance, or other similar agreements or documents. Such Agreements can include specific actions or cessation of actions agreed to be undertaken by the User in order to remedy User’s noncompliance with this Rule or other statutory or regulatory provision within a time period specified by the Agreement. If a User does not perform as promised in its Compliance Agreements, assurances of voluntary compliance, or other similar documents within the time provided, sewer service to such User may be discontinued upon reasonable notice unless and until adequate treatment facilities, devices, or other related appurtenances are installed and properly operating. Compliance Agreements, assurances of voluntary compliance, or other similar documents may also contain other requirements to address a User’s noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the MCSDD

Wastewater Collection System. A Compliance Agreement, assurance of voluntary compliance, or other similar document may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a Compliance Agreement relieve the User of liability for any violation, including any continuing violation. A Compliance Agreement shall be judicially enforceable. The signing of a Compliance Agreement shall not be a bar to, or a prerequisite for, taking any other action against the User.

A Compliance Agreement, assurance of voluntary compliance, or other similar document will generally consist of the following provisions:

- A. A schedule of 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, submitting a Permit to Install (PTI) application, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No progress increment referred to above shall exceed nine (9) months unless otherwise approved by the Manager; and/or
- C. The User shall submit a progress report to the Manager 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.

11.3 Show Cause Hearing

The Manager may order a User which has violated or continues to violate any provision of this Rule, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

11.4 Administrative Fines

- A. When the Manager finds that a User has violated or continues to violate any provision of this Rule, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such User in an amount not to exceed ten thousand dollars (\$10,000), pursuant to Ohio R.C. 6111.03 and 6111.09. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average Discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be considered delinquent, and a lien against the User's property will be sought for unpaid charges, fines, and penalties.

- C. Users desiring to dispute such fines must file a written request for the Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.5 Other Available Enforcement Remedies for Rule or Permit Violations

If a User fails to comply with any Compliance Agreement, any Pretreatment Standard or Requirement including but not limited to:

- A. The duty to allow or carry out inspections, entry, or monitoring activities; and/or
- B. Any rules, regulations, or promises or assurances made to MCSD; and/or
- C. Any requirements set forth in Control Mechanisms issued by MCSD; and/or
- D. Any reporting requirements imposed by MCSD following receipt of a Notice of Violation or other enforcement document.

Then in accordance with Ohio Administrative Code 3745-3-03(C)(1)(h), the Manager may utilize one of more of the following remedies in order to secure compliance:

1. Seek injunctive relief for noncompliance with Pretreatment Standards and Requirements along with taking such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User;
2. After reasonable notice to the User, and utilizing the procedure set forth in Section 11.6 of this Rule, effectively halt or prevent any future Discharge of Pollutants by the User to the Muskingum County Wastewater Collection System that either:
 - (i) Reasonably appear to present an imminent endangerment to the health or welfare of persons; or
 - (ii) Reasonably appear to present an endangerment to the environment or that threatens to interfere with the operation of the MCSD Wastewater Facilities.
3. After reasonable notice to the User, and utilizing the procedure set forth in Section 11.6 of this Rule; effectively terminate Muskingum County, City of Zanesville, Village of South Zanesville, or Maysville Regional Water District water service to the User. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply;
4. To the extent permitted by law, assess civil penalties in at least the amount of one thousand dollars (\$1,000) per day for each violation of Pretreatment Standards and Requirements by a User; and/or
5. To the extent allowed by law, seek criminal penalties for each violation of Pretreatment Standards and Requirements.

11.6 Emergency Suspensions

After informal notice to the User, the Manager may immediately suspend a User's Discharge when it appears such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's Discharge, after informal notice and opportunity to respond, that threatens to interfere with the operation of the Wastewater Facilities, or which presents, or may present, an endangerment to the environment. The following examples shall be considered a non-exhaustive list of instances which threaten to interfere with the operation of the Wastewater Facilities, or which presents, or may present, an endangerment to the environment or which reasonably appear to present or cause an imminent or substantial endangerment to the health or welfare of persons.

- A. Violation of Wastewater Discharge 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 volume, constituents, and characteristics prior to Discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; and/or
- E. Violation of the Pretreatment Standards in the General Sewer Use Requirements (Section 2) of this Rule.

Any User notified of MCSD' intention to immediately suspend its Discharge capability shall immediately stop or eliminate its Effluent contribution to the MCSD Wastewater Collection System. In the event of a User's failure to immediately comply voluntarily with a suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Wastewater Facilities, its Receiving Waters, or endangerment to any individuals. The Manager may allow the User to recommence its Discharge once the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed and that all operations and potential Discharges are in full compliance with the provisions of this Rule.

A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement to the Manager within fourteen (14) days of each such event, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. Should a Users Discharge be terminated on an emergency basis, the User shall be entitled to a hearing before the Manager on the justification for the suspension at which the Manager shall review whether it was necessary to suspend the Users Discharges to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons; or a Discharge that threatens to interfere with the operation of the Wastewater Facilities; or which presents, or may present, an endangerment to the environment. Should the Manager conclude emergency action was unjustified under the circumstances then known to MCSD, the User shall be entitled to reasonable compensation for lost profits for the period during which service was suspended. Should the Manager conclude emergency action was justified; the User shall be receive

nothing and shall proceed to remedy its noncompliance. If dissatisfied with the result, the User may then exercise any judicial remedies provided by ORC §307.56 in the courts of Ohio.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Bonds or Letter of Credit as Security for User Compliance

The Manager may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Rule, a previous Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond or irrevocable letter of credit, payable to Muskingum County, in a sum determined by the Manager to be necessary to assure MCSD of the User's future consistent compliance. Such bond or letter of credit shall take into account, by way of illustration and not by way of limitation, MCSD's potential financial exposure in fines or penalties from the Ohio EPA or U.S. EPA in the event the User should fail to act as the law requires, as well as any additional treatment or operating costs MCSD will incur in the event the User fails to comply with: (a) any provision of this Rule; (b) agreement, (c) a previous Wastewater Discharge Permit, (d) any order issued hereunder, or (e) any other Pretreatment Standard or Requirement.

12.2 Liability Insurance

The Manager may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Rule, a previous Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained liability insurance coverage sufficient to restore or repair damage to the MCSD Wastewater Facilities caused by its Discharge.

12.3 Charges for Prohibited Wastewater Discharges / Prohibited Waste Penalties

In addition to all the enforcement mechanisms in this section, each Industrial User found to be in noncompliance will be subject to charges provided in Appendix B for the handling, treatment, removal, and disposal of all identified, prohibited materials or conditions that are discharged to the MCSD Wastewater Collection System. Such charges do not relieve the Industrial Users of their obligation to take prompt action in achieving compliance.

12.4 Public Nuisances

No person shall cause pollution or place or cause to be placed any Sewage, sludge, sludge materials, Industrial Waste, or other Wastes in a location where they cause pollution of any Waters of the State. Whoever does so shall be subject to legal action for having created a public nuisance in accordance with O.R.C. 6111.04.

12.5 Debarred Contractor Listing

Users who have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award from Muskingum County. Existing contracts for the sale of goods or services to Muskingum County held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated.

12.6 Annual Publication of Significant Non-Compliance

The Manager shall publish, at least annually in a local daily newspaper, a description of those Industrial Users which are found to be in Significant Noncompliance as defined in Definitions (Section 1.4) of this Rule. MCS D reserves the right to recover costs associated with the annual publication of the list of users in Significant Noncompliance from those listed users.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this section, "Upset" shall be as defined in Definitions (Section 1.4).
- B. In an enforcement action brought by MCS D for noncompliance with Pretreatment Standards, the User has the burden of establishing to the satisfaction of the MCS D Manager that an Upset caused the noncompliance. In order to establish an Upset, the Manager must be persuaded that the requirements of paragraph (C), below, have been satisfied.
- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. One or more events occurred within the User's facility, which the User can identify and document, which caused an Upset to take place;
 - 2. At the time the event(s) occurred giving rise to the claimed Upset, the User's facility was being operated in an otherwise normal, prudent and workman-like manner, and in compliance with that facility's applicable operation and maintenance procedures;
 - 3. At the time the event(s) occurred giving rise to the claimed Upset, the User took steps to minimize the Discharges which were not in compliance with its Pretreatment Standards; and
 - 4. The User immediately notified the City of Zanesville and Manager of the Upset condition and has submitted a written report to the City of Zanesville and Manager containing the following information within five (5) days of the immediate notification:
 - a. A description of the Indirect Discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps that were taken at the time of noncompliance and that has since been taken or will be taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proving to the satisfaction of the Manager that an Upset occurred.
- E. The determination of whether an Upset was the cause of a User's noncompliance with Pretreatment Standards lies with the City of Zanesville.

- F. Each User shall control the Discharge(s) from its facility or facilities to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its Pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Ignorance of Prohibited Discharge Standard Violation

In an enforcement action brought by MCSD for noncompliance with Pretreatment Standards, the User has the burden of establishing to the satisfaction of the MCSD Manager that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Interference, and that either:

- A. A local limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Interference; or
- B. No local limit exists, but the User's Discharge did not change substantially in nature or constituents from the User's prior Discharge when Muskingum County was regularly in compliance with the City of Zanesville NPDES permit, and in the case of Interference, was in compliance with applicable Sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this section, "Bypass" shall be as defined in Definitions (Section 1.4).
- B. Intentional Bypass may only be used as an affirmative defense to a discharge violation if the User has met all the requirements specified in Section 6.6 (A – C) of this Rule, including securing advanced written authorization of the Manager approving the intentional Bypass.
- C. An unintentional, accidental, unplanned or inadvertent Bypass may not be used as an affirmative defense to a discharge violation.

SECTION 14 - WASTEWATER TREATMENT RATES

Standard Wastewater treatment rates, extra strength Surcharge rates, high strength classification rates and prohibited penalty calculation procedures are amended from time to time, and are attached herewith as Appendix B.

14.1 Extra Strength Wastewater Treatment Surcharges

In addition to all fixed costs and volumetric charges, any User discharging Sewage containing Wastes in higher concentrations than are considered normal for Domestic Sewage shall pay additional charges, called Surcharges, on a monthly basis, based on the average of the previous monthly sample(s) as outlined in Appendix B. While these types of Surcharges are generally applied to permitted Users, the Manager reserves the right to sample Discharges and collect Surcharges from any User discharging higher than Domestic strength Wastewater.

14.2 High Strength Rate Classification

Certain classes of commercial and light Industrial Users who are not ordinarily required to secure a permit, including Food Service Establishments and grocery markets with Garbage grinders, discharge Wastewater that is higher strength than average Domestic Wastewater and therefore costs more to treat. As such, a special “High Strength” Rate Classification has been established to account for these Users. All Users assigned to this class shall pay a predetermined “High Strength” Surcharge, per every thousand gallons discharged, in addition to the standard charges for Wastewater treatment services, as outlined in Appendix B.

14.3 Unreported Discharge

If premises are found to be discharging Wastewater to the MCSD Wastewater Facilities without payment of a sewer service charge, the Manager shall remedy the situation per the provisions of ORC 6117.01 and 6117.012.

14.4 Additional Charges Based on Sampling Results: User Objection

If a User disagrees with the analysis on which a Surcharge is based, he may request, in writing, additional sampling and analysis that shall be conducted in a manner and at a time acceptable to the Manager. The cost of such additional sampling and analysis shall be borne in full by the requester. Additionally, a User may request split Samples from Composite or Grab Samples collected by MCSD as part of compliance monitoring. Results of such split Samples may be averaged with all other monthly Samples collected to calculate an average for compliance and billing purposes, provided analysis of the split Samples is performed by an approved laboratory using approved methods.

SECTION 15 - CONTRACTS AND AGREEMENTS

15.1 Municipal Contracts or Agreements: Regulation of Waste Received from Other Jurisdictions

The primary authority to control Discharges to Muskingum County Wastewater Facilities resides with the Board, the MCSD Manager, and MCSD staff, regardless of the source of the Waste. The Board has established this Rule in accordance with applicable rules and regulations and as such is subject to the City of Zanesville Pretreatment program through the State of Ohio. The Board may revise as necessary this Rule and /or local limits to effectively maintain control and protection of this authority and the MCSD Wastewater Facilities. Before service is extended to properties within the boundaries of another governmental entity within the MCSD Wastewater Facilities service area, a service contract or agreement must be entered into between the governmental entity and the County. The terms of this contract or agreement shall include but not be limited to the following:

A. Basis of Charges

The governmental entity or direct customers of this regional facility shall pay for the services that they receive at the agreed rate. This may include a charge for the MCSD Wastewater Facilities being provided by the County.

B. Use of Public Sewers

The same conditions and restrictions governing MCSD' own use of its Wastewater Facilities shall apply to the contracting governmental entities or customers as have been promulgated for MCSD Users.

C. Acknowledgement of Control Authority

The contributing jurisdiction shall acknowledge that the County is subject to the City of Zanesville approved Industrial Pretreatment Program to effectively monitor and regulate Industrial Wastes; to ensure adequate protection and treatability of Waste without Interference with the POTW and with protection of worker safety. The contributing jurisdiction shall agree to assist in the enforcement of the County Sewer Use Rule and FOG Control Rule should assistance be warranted.

15.2 Wastewater Flow Metering and Adjustments

If the Manager finds that it is not practical to measure the quantity of a User's Wastewater by standard water meters, he shall determine the quantity of Wastewater entering the Wastewater Facilities in any manner or by any method he may find reasonable and practical. The quantity so determined shall be the quantity of Wastewater to which any and all volumetric and Surcharge fees shall be applied.

A. Sewer Deduction Meter Requirements

When a User can show to the satisfaction of the Manager that a portion of the water as measured by the primary water meter(s) does not enter the Wastewater Collection System, said User may submit a written application to the Manager for the installation of auxiliary water deduction meters, or "deduct meters". The Manager reserves the right to approve, deny, or adjust any and all requests. If a request is approved by the Manager, the applicant must then submit to MCSD all required documentation. This documentation may include, but is not limited to, site utility plans, approval from the Muskingum County Health Department, an address for the location of the meter(s), and other account information as needed for processing by MCSD. Upon submittal, this information will be reviewed and commented on as necessary. After submittals are approved, Permit fees will be due dependent on the request. Permit issuance will not take place until payment of said fees.

All approved meters shall meet minimum specification requirements and shall be installed in accordance with applicable standards, rules and regulations of the water supplier, whether that is MCSD or an adjacent jurisdiction. Meter installation shall occur after the customer has made all necessary modifications to the water lines as required. Deduct meters must register in the same units as those used for billing purposes by the billing utility. When the deduct meter is so located that it cannot be easily read by the water supplier, it shall be the responsibility of the User to make reports of meter readings for each billing period on or before the due day established by the water supplier. In the event a User fails to make timely reports of deduct meter readings for three consecutive billing periods, and has been notified of two consecutive delinquencies, the Manager may revoke approval for said deduct auxiliary meter(s) use. For the billing period that no deduct meter readings are received by the appropriate water supplier, no billing adjustments for the deduct meter will be made.

The quantity of water used to determine Wastewater treatment fees and Surcharges shall be either: the quantities of water actually entering the User's facility as metered minus any deducted volume; or, the quantities of water actually entering the User's facility as metered minus a standardized percentage of the deducted volume. No refunds, credits, or allowances shall be given covering any period prior to the date the deduct meter(s) is installed, as authorized by the Manager.

Approved auxiliary meters, for "deduct" purposes, shall not be relocated, taken out of service, or put into a different service. Any activity involving a deduct meter shall only be taken after notification to, and authorization by, the Manager. Failure to report such activity in advance may result in the cancellation of the Manager's approval for a deduct meter.

Repair and/or replacement of broken or faulty meters previously-approved by the Manager must conform to the same minimum specification requirements as the original meter(s). Meter repair, replacement, and maintenance activities and costs are the sole responsibility of the User.

B. Effluent Flow Meter Agreement

If specific design criteria are met as outlined in MCSD's 'Industrial Wastewater Flow Metering Agreement and Requirements' specification (included in this Rule as Appendix E), Industrial Users may be authorized to install a Wastewater flow measurement device for use in determining Wastewater flow Discharges and for the subsequent calculation of volumetric treatment fees and Surcharges. Purchasing or installing Wastewater flow measurement devices without written approval from the Manager is prohibited. Users that install a Wastewater flow measurement device without approval may be required to remove such devices at their own expense. If MCSD determines that a Wastewater flow measurement device(s) is acceptable, the User shall follow specific operational standards as required; failure to do so could jeopardize the future use of the Wastewater flow measurement device.

An approved Effluent flow meter is a requirement for any User requesting mass-based or loading limits in place of standard concentration-based local limits. MCSD may require an Industrial User to install and operate an Effluent flow meter as a condition of the User's Wastewater Discharge Permit, as authorized by Federal and State Pretreatment rules.

SECTION 16 - SEWER SERVICE RATE SCHEDULE

16.1 General

The Sewer Service Rate Schedule is the basis for computing the sewer service charges to all customers of the MCSD Wastewater Facilities. The revenues generated from said sewer service charges shall meet the expenses involved in the operation, maintenance and replacement of the system and the costs associated with revenue financing the regional treatment and transmission facilities and extensions or improvements thereto.

The Sewer Service Rate Schedule shall be applied uniformly to all customers of the MCSD System. Modifications to the Rate Schedule may be made periodically to reflect significant variations in quantities and/or strengths of Wastewater discharged to the system and increases or decreases in the cost of owning,

operating or maintaining the facilities. The Sewer Service Rate schedule and other pertinent information are provided in Appendix B.

SECTION 17 - MISCELLANEOUS PROVISIONS

17.1 Pretreatment Charges and Fees

The Board may adopt and revise reasonable fees for reimbursement of costs for the operation of Muskingum County's Pretreatment Program, which may include:

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental Discharges and other emergency situations;
- D. Fees for filing appeals;
- E. Other fees as Muskingum County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Rule and are separate from all other fees, fines, and penalties chargeable by Muskingum County; and
- F. Fees for the aforementioned purposes shall be amended from time to time, and shall be attached herewith as Appendix F.

17.2 Severability

If any provision of this Rule is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 18 - EFFECTIVE DATE

This Rule shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.