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BUTLER COUNTY, OHIO
WATER & SEWER DEPARTMENT

SEWER USE RULES
2025

APPROVED BY BOARD OF COUNTY COMMISSIONERS
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BUTLER COUNTY WATER AND SEWER DEPARTMENT (BCWS)
SEWER USE RULES – 2025

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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 Butler County, Ohio Wastewater Facilities. Ohio Administrative Code (OAC) 3745-3-03(A) requires Publicly Operated Treatment Works (POTW) of the size of the Butler County Water and Sewer Department (BCWS) 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 Butler 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 Butler County 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 Butler County 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 Publicly Owned Treatment Works (POTW), 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 POTW; and

F. To enable Butler County Board of Commissioners to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW 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 Butler County Wastewater Facilities and to Persons outside Butler County's jurisdiction who, by permit, contract, or agreement with Butler County, use the Butler County Wastewater Collection and Treatment System.

1.2 Administration

As owner and operator of the BCWS Wastewater Facilities, the Board of Butler County Commissioners (Board) is charged with exercising its lawful authority in order to operate the BCWS Wastewater Facilities in accordance with the Ohio Revised Code and the rules adopted by the Director 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 BCWS, 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 BCWS Wastewater Facilities by Industrial Users if such contribution does not meet applicable Pretreatment Standards and Requirements or where such contribution would cause BCWS' Wastewater Facilities to violate its 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 Director of the BCWS shall administer, implement, and enforce the provisions of this Rule by virtue of a delegation of authority to do so from the Board of Butler County Commissioners.

1.3 Abbreviations

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

· BCWS - Butler County Water and Sewer Department

- 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
- mg/L - milligrams per liter
- OAC - Ohio Administrative Code
- OEPA - Ohio Environmental Protection Agency
- ORC - Ohio Revised Code
- NPDES - National Pollutant Discharge Elimination System
- NSCIU - Non-Significant Categorical Industrial User
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Non-Compliance
- TDS - Total Dissolved Solids
- 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 Director 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 director 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 BCWS 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 BCWS 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 BCWS monitoring requirements, the Discharge shall be made in accordance with a schedule approved by

BCWS or with a 48 hour prior notice to the Director; in either case, the Director 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.

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 (^{O}C), expressed in milligrams per liter (mg/L).

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

Butler County Water and Sewer Department (BCWS) 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 Butler 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 (^{O}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 Publicly Owned Treatment Works (POTW) 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 NPDES permit if the 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 BCWS 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 Director, 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 POTW 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 Butler.

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.

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

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 BCWS' 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 BCWS' 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 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 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 Publicly Owned Treatment Works (POTW). Local limits are developed to meet Pretreatment program objectives and site-specific needs of the local POTW and the Receiving Water(s).

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.

BCWS requires Waste Manifests from its Industrial Users for the disposal of toxic and hazardous materials; chemicals; FOG; Oil; and other Wastes as needed. BCWS 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 a Control Manhole with a properly installed flow meter and primary measuring device that is maintained and calibrated routinely to provide accurate measurement for determining Discharge volume from a User for billing purposes, as well as, allow BCWS to perform flow proportional sampling. Design and installation of Metering Manholes must comply with all BCWS' 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 NDPES permit is issued to BCWS for the Discharge of Wastewater to Surface Waters of the United States as detailed in Ohio Revised Code.

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.

Non-Contact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Significant Categorical Industrial User (NSCIU) – see Appendix G

NPDES Permit shall mean the National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act.

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 Director 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 Director.

Pass Through shall mean a POTW Waste or Effluent which exits the POTW into the Receiving Waters of the State of Ohio in quantities or concentrations which constitute a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

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 and the Ohio EPA.

Pretreatment Requirements shall mean any substantive or procedural requirement that is established by the Ohio EPA or BCWS related to Pretreatment, other than a Pretreatment Standard imposed on an Industrial User by the Director in order to protect the POTW.

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

Publicly Owned Treatment Works or **POTW** shall mean that portion of the BCWS 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 issued NPDES permit.

Residential or Domestic User shall mean a premise or person whose Private Sewer or Lateral Service 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 their 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 Lateral Service Line.

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 Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

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 Director because its Effluent has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement (in accordance with 40 CFR 403.8(f)(6)).

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 Director 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 Director 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 Director 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, Interference Or Pass Through (including endangering the health of POTW personnel or the general public).

D. Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare, or to the environment as determined by the Director 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 Director will cause Interference with or Pass Through 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. Additionally, any discharge of a non- routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

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 BCWS 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 Dissolved Solids or **TDS** shall mean a measurement of inorganic salts, organic matter and other dissolved materials in water. TDS can cause toxicity to aquatic life through increases in salinity, changes in the ionic composition of the water, and the toxicity of individual ions.

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 Pass Through or 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 Director 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 or Pass Through 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^{O}F (60^{O}C) 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, 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 150 ^{O}F (66 ^{O}C), or which will inhibit biological activity resulting in Interference with the Wastewater Treatment System, or any Discharge which causes the Influent temperature in the Wastewater Treatment System to exceed 104 ^{O}F (40 ^{O}C).

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 200 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 or Pass Through.

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; 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, except at Discharge points and at times designated by the Director, and hauled to said designated points by Waste Haulers approved and permitted by the Director. Furthermore, any trucked or hauled non-hazardous Industrial Waste is prohibited, except by special permit from the Director and at designated points and times. The Director may deny Wastes generated outside Butler County.

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 Butler 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.

Furthermore, no person shall store any noxious or malodorous liquids, gases, solids, or other materials which are produced from or used in the wastewater process outside of any facilities that cause a public nuisance.

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 Butler County'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 1x10-7th 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 Director. **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 Director 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 its 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 BCWS Wastewater Facilities for the purpose of discharging Wastes except when given permission by the Director 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 Director’s management, and/or any independently-operated Pretreatment system(s). Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

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 Director.

30. No extension or modification shall be made to a Private Sewer or Lateral Service Line and/or Public Sewer within the District without the prior written approval of the Director.

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. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Director may impose an identical concentration or mass limits upon a User in accordance with 40 CFR 403.6 (c).

B. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Director shall impose an equivalent limit using the combined waste stream formula in 40 CFR 403.6 (e).

C. 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.

D. 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 BCWS 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 Pass Through, 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 Director 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 Director 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 Director, 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 BCWS Wastewater Collection System shall be subject to regulation by the Director as more fully set forth in Section 2.10.

A. All public and Private Sewers or Lateral Service Lines shall continue to be owned and operated by their respective public or private owners until such time as the owner and BCWS mutually agree to a transfer of ownership to BCWS.

B. Any connection from a Private Sewer or Lateral Service 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 BCWS as being applicable;
    2) Prior written approval of the Director; and
    3) Be made under applicable permits as issued by the Director.

C. The owner of a Private Sewer or Lateral Service Line shall be responsible for any activity necessary to prevent excessive infiltration and/or inflow (I&I) from entering its Private Sewer or Lateral Service Line. BCWS may, in certain situations, provide financial assistance to owners to help defray costs associated with projects designed to reduce I&I. Such financial assistance must be in accordance with Board-approved programs, as authorized by the Ohio Revised Code Section 6117.012, and as approved by BCWS.

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

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

A. Every User shall establish, repair, maintain and keep open its own Private Sewer or Lateral Service 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 Lateral Service 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 Lateral Service Line is the User's responsibility alone to remove. In the event of a blockage reported to BCWS, BCWS will utilize its equipment to check the Public Sewer for a

blockage and, if one is found, BCWS will 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 Lateral Service Line.

B. No person shall unearth, make a new connection with, alter, disturb, or begin a new use of a Private Sewer or Lateral Service Line, any part of the Public Sewer, or any Wastewater Facilities without first securing a Sewer Connection Permit from the Director and/or the Butler County Health Department, when appropriate.

2.10 Authority for Control of Discharges

The Director may do any of the following:

A. Reject or refuse to permit any Person to introduce into the BCWS 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 BCWS 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 BCWS' 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 BCWS 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 Director may have a deleterious effect upon the BCWS 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 Director to institute rules for regulation of Discharge or proposed Discharge.

If the Director 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 Director may 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, NH_3, 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 Director. 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 Lateral Service 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 Director shall be considered unauthorized, and the Private Sewer or Lateral Service Line which introduced the Discharge shall be subject to immediate disconnection from the BCWS Wastewater Collection System.

All disconnection costs shall be at the User's expense, with the following exception: BCWS may, in certain situations, provide financial assistance to Users to help defray costs associated with projects designed to eliminate unauthorized Discharges/Connections to the BCWS Wastewater Collection System. Such financial assistance must be in accordance with Board-approved programs, as authorized by the Ohio Revised Code Section 6117.012, and as approved by BCWS.

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 several Boards of Health and Butler County Storm Water District (BCSWD). 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 Director, no Person shall alter, block, break, damage, destroy, deface, cover, introduce obstructive or destructive foreign matter into, or tamper with the BCWS 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, BCWS 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 Director, 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 BCWS Sewer Easements

BCWS has established the following provisions regarding Public Sewer Easements within the District to ensure the integrity, accessibility, and proper function of the sewer system:

1. Prohibited Structures – No structure shall be placed within a Public Sewer Easement if it may interfere with sewer operation, access for maintenance, or repairs, or if it could impose a load or stress on the sewer infrastructure. Prohibited structures include, but are not limited to, buildings, permanent foundations, retaining walls, swimming pools, and any other improvements that could restrict access to the sewer or compromise its integrity. Any structure proposed within the easement that does not meet these criteria may only be installed with prior approval through an encroachment agreement per Item 3, at the discretion of the Director.

2. Permitted Surface Uses – Certain surface-level improvements that do not exert significant load or stress on the sewer system may be permitted within the easement. These include:
    A. Paved areas such as driveways, parking lots, and sidewalks,
    B. Recreational surfaces,
    C. Fencing, landscaping, trees, and shrubbery, provided they do not obstruct access or pose a risk to sewer infrastructure.

3. Encroachment Agreements – Any improvements within the Public Sewer Easement require prior approval from BCWS. An encroachment agreement is mandatory for any structure or surface improvement not expressly permitted in Item 2. However, routine surface improvements, such as driveways and sidewalks, may be exempt from this requirement at the discretion of the Director.

4. Access and Property Owner Responsibility – Regardless of whether a structure has been approved for installation within the Public Sewer Easement, either with or without an encroachment agreement, the property owner acknowledges that:
    A. The structure is located within BCWS' existing easement and atop sewer infrastructure,
    B. BCWS and its representatives have the unrestricted right to access the easement at any time for maintenance, repair, or replacement of sewer infrastructure,
    C. If any structure or improvement within the easement obstructs necessary work, BCWS is not responsible for its removal, replacement, or repair,
    D. Any removal or reinstallation of the structure shall be solely at the property owner's expense.

2.16 Sewer Connection Requirements and Unauthorized Connections

Sewer Connection Requirements

A. Any Person seeking to connect a Private Sewer or Lateral Service Line to the BCWS Wastewater Collection System must obtain prior written approval from the Director and comply with all applicable provisions of:

   1. BCWS Standard Specifications and Details,
   2. BCWS Developers Manual Policy and Procedures,
   3. Ohio Revised Code Section 6117, and
   4. Any other applicable local, state, or federal regulations.

B. A Sewer Connection Permit must be secured from BCWS before any construction, modification, repair, or replacement of a connection to the BCWS Wastewater Collection System.

C. All work associated with the connection to the BCWS Wastewater Collection System shall be performed by a licensed contractor, registered and approved by BCWS.

Unauthorized Connections and Enforcement

A. No Person shall make or allow an unauthorized connection to the BCWS Wastewater Collection System, including but not limited to:

   1. Connecting a Private Sewer or Lateral Service Line without a valid permit, or without an approved sewer lateral inspection from BCWS,
   2. Failing to comply with BCWS Standard Specifications, Developers Manual, or any other applicable policies and regulations,
   3. Tampering with, modifying, or bypassing an existing connection without authorization.

B. Any unauthorized connection shall be subject to immediate disconnection at the sole expense of the responsible party.

C. Violators of this section shall be subject to:

   1. Administrative fines as established by BCWS,
   2. Cost recovery for damages, inspections, and enforcement actions,
   3. Suspension or revocation of permits, and
   4. Legal action as permitted under Ohio law.

D. BCWS reserves the right to take any necessary actions, including legal proceedings, to ensure compliance with this section.

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

The Butler 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 Butler County FOG Control Rule for Food Service Establishments, 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 BCWS.

In addition to the FOG Control Rule for Food Service Establishments, BCWS regulates Oil/Water Separator operation, maintenance and monitoring, and reporting from Commercial and Industrial customers. Commercial and Industrial customers with Oil/Water separators must maintain the Oil/Water Separator in and effective manner at all times, and provide BCWS with the necessary proof of service as required. Minimum frequency for servicing an Oil/Water Separator is once per year unless approved otherwise by BCWS.

SECTION 4 – WASTE HAULER DISCHARGE REGULATIONS

4.1 Location

All trucked wastes are to be discharged only to the Septage Receiving Station at the LeSourdsville Water Reclamation Facility (WRF), located at 5260 Hamilton-Middletown Road, Hamilton, Ohio 45011, or other location(s) as may be designated in writing by BCWS.

4.2 Hours of Operation

The site will be open for discharging 24 hours a day 7 days a week. Septage is accepted on holidays recognized by Butler County W & S. Special arrangements can be made by contacting the Chief Operator or Regulatory Compliance Superintendent at LeSourdsville.

4.3 Prior to Septage Discharge

1) Once onsite all drivers will access the septage dumping station gate located directly after the railroad tracks into the plant.
2) The key card, given to the company at time of application approval, should be used at all times when accessing the gate to the septage dumping station.
3) All loads will be subject to sampling which will be performed by BCWS personnel.
4) Loads accompanied by an incomplete or invalid Waste Certificate will result in septic hauler suspension for the following certificate omissions:

    A) phone number for the generator (customer)
    B) address, city,zip code and county for the generator (customer)
    C) name of the generator (customer)
    D) signature of hauler

5) All trucks will be charged as full tank capacity with no exceptions.

6) Wastes will be accepted from generators located within Butler County, or from outside Butler County with prior written approval from the Director. To obtain approval to discharge wastes from outside Butler County, please call 513-887-3686 to make application.

7) Wastes which are non-domestic, non grease trap or non-portable toilet in nature will require prior approval by the Chief Operator at LeSourdsville. The Special Waste Evaluation Report Form (SWERF) procedure will be required. Fees for SWERF evaluation will be the same as for all other hauled wastes, plus additional costs as required for laboratory analysis.

4.4 Septage Discharge Procedures

1) All wastes will be discharged at the Septage Receiving Station.

2) Each driver will be responsible for cleaning the discharge area when finished. Potable water will be available at the site for this purpose.

3) BCWS will provide a discharge hose with a 4 in female Cam Lock fitting. Any damages to the discharge hose and fitting will result in the hauler being charged for the damage.

4.5 Sampling

1) Each load will be subject to sampling.
2) Some samples will be analyzed to verify content and classification.
3) Any findings of illegal or unauthorized content will cause the hauler to be charged analysis costs, and will result in revocation of permit.

4.6 Rates

Rates shall be charged in accordance with those rates approved by Resolution of the Butler County Board of Commissioners.

4.7 Trucked Waste Discharge Permit

A) A Trucked Waste Discharge Permit (TWDP) from the Director shall be required for each vehicle which is to be used for deliver of waste materials to the LeSourdsville Water Reclamation Facility Septage Receiving Facility. A TWDP may be issued to an applicant who complies with the terms and conditions of the Section. The Director may deny an applicant a permit where the applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.

B) An application for a TWDP shall be submitted to the Director on an approved form, and shall contain the following information.

(1) Vehicle owner's name, address and phone numbers
(2) Vehicle operator's name, address and phone number (if not the same as owner);

(3) If the vehicle owner or operator is a corporation or partnership, the names, addresses and phone numbers of all corporate officers or partners;
(4) Motor vehicle serial number and valid, permanent Ohio vehicle license number, make and year of vehicle and tank capacity;
(5) A listing of all other governmental licenses and permits issued to the vehicle or for the use of the vehicle;
(6) Color photographs clearly showing rear, passenger side and tank capacity placard views of the vehicle;
(7) Any other information as shall be required by the Director.

C) An application fee of $25.00 shall be submitted with each application for each vehicle for which a Permit is requested. Application fee shall be submitted by check or money order made payable to "Butler County Water and Sewer."

D) Any applicant denied a TWDP will be sent written notice of the reason for the denial within (30) days after submission of the application. Any applicant who is denied a TWDP may appeal to the Director in writing within (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted 10 day period shall be

deemed as acceptance of the denial of permit on the part of the applicant, and they shall not be eligible for further administrative appeal.

E) A TWDP shall be valid for (1) year from its date of issuance, unless otherwise suspended or revoked.

F) TWDP's are not transferable to other vehicles, operators or owners.

G) Permit Reissuance: The holder of a TWDP shall apply for Permit reissuance by submitting a completed Permit application on a form approved by the Director and a $25.00 application fee sent to **Butler County Water and Sewer, 130 High Street, Hamilton, OH 45011** a minimum of (30) days prior to the expiration of the Hauler's existing Permit.

4.8 Trucked Waste Hauler's License

A) Any individual wishing to operate any vehicle which is permitted to discharge trucked waste in to the BCWS Septage Receiving Station shall obtain a Trucked Waste Operator's License from the Director. No individual shall discharge, or assist in discharging and trucked waste to the sewer system without having a valid Trucked Waste Operator's License. A Trucked Waste Operator's License may be issued to an applicant who complies with the terms and conditions of this Section. The Director may deny an applicant a license where applicant has falsified or omitted required information, is delinquent in paying sewer use fees and charges, or is a previous violator of waste disposal regulations.

B) All individuals requesting a Trucked Waste Operator's License shall submit an application to the Director on a approved form, which shall include the following information:
1) applicant's name, home address and home phone number;
2) present employer (other than applicant);
3) name and address of all employers for the previous (5) years;

4) any and all civil and/or administrative actions taken against the applicant for violation of any waste disposal regulations in the last (5) years;
5) Any other information required by the Director.

C) A non-refundable application fee of ($10) shall be submitted with each application. Application fee shall be submitted by check or money order made payable to "Butler County Water and Sewer."

D) Any applicant denied a Trucked Waste Operator's License will be sent written notice of the reason for the denial within (30) days after submission of the application. Any applicant who is denied a Trucked Waste Operator's License may appeal to the Director in writing within (10) days after receipt of the written notice. Failure on the part of an applicant to file a written appeal within the allotted 10 day period shall be deemed as acceptance of the denial of permit on the part of the applicant, and they shall not be eligible for further administrative appeal.

E) Each Trucked Waste Operator's License shall be valid for one (1) year from its date of issuance, unless otherwise suspended or revoked. A licensee must reapply for a new l

license at least (60) days prior to the expiration of their current license. Application shall be made on a form approved by the Director, and shall be accompanied by a $10.00 application fee.

F) Any individual changing employers during the term of their Trucked Waste Operator's License must notify the Director, in writing, of the change in the employer within two (2) weeks after the change, but need not apply for a new license.

4.9 Revocation

Non-compliance with any part of this Section, or subsequent regulations or orders as issued by the Director, or other sections of this Ordinance, shall subject the Licensee and/ or Permit Holder to revocation of the License and/or Permit to utilize the services of the BCWS Septage Receiving Station for the disposal of trucked wastes. The Permit and / or License holder shall be provided written notice of any revocation. The Permit and or License holder may appeal the revocation to the Director in writing within (10) days of receipt of the notice of revocation. Failure to appeal revocation with (10) days of notification of the revocation shall be deemed agreement upon the part of the License or Permit holder to the revocation of that License or Permit. Reissuance of any license or permit, after revocation, shall be at the discretion of the Director, and may be made subject to such conditions as the Director deems appropriate.

4.10 Suspension

A) In lieu of revocation of any license or permit, the Director may, at his discretion, suspend any license or permit for non-compliance with any part of this Section, or pursuant regulations or orders, for a period not to exceed (60) days. The permit and or license holder shall be provided with the written notification of the suspension. The Permit and or License holder may appeal the suspension to the Director in writing within (10) days of receipt of the notice of suspension. Failure on the part of the License of Permit holder to appeal the suspension within (10) days of receipt of the notice of suspension shall be

deemed agreement on the part of the License or Permit holder to the conditions of the suspension.

B) No person shall use any truck under a Permit suspension to discharge waste to the BCWS Septage Receiving Station during the period of the suspension, even if the truck is sold or leased to another party during the period of the suspension.

C) No trucked waste operator shall operate any vehicle discharging waste to the BCWS Septage Receiving Station while under suspension even if the trucked waste operator changes employer and/or applies for a new Trucked Waste Operator's License.

4.11 Regulations

The Director may establish such regulations as he deems necessary to control the discharge of trucked wastes to the BCWS sewer system. The Director shall restrict, or prohibit, the discharge of trucked wastes to the BCWS sewer system which originate from sources outside Butler County. The provisions of the regulations may include, but are not limited to:

A) provisions requiring the display of vehicle permit number and tank capacity in gallons;
B) minimum equipment and maintenance standards for permitted vehicles;
C) standards and procedures for use of the County's septage receiving station;
D) training requirements for license holders;
E) additional record keeping requirements for license holders.

4.12 Restrictions and Prohibitions

The Director may restrict or prohibit discharge of any trucked waste to the Butler County Septage Receiving Station at his discretion. No trucked waste may be discharged to the Butler County Septage Receiving Station without the express, written permission of the Director, or his designee, on a manifest form as approved by the Director. The discharge of trucked wastes shall be permitted only at locations and during such hours, as shall be established by the Director. Discharge of trucked waste to the sewer system at any other location or at any other time, is a violation of these rules and regulations. No trucked waste shall be discharged to the sewer system which has any of the following components:

A) Material not readily biodegradable or not known to be compatible with the treatment process or equipment utilized in the WRF;
B) Material deleterious to treatment plant operations or plant operators, such as: oils and greases of a mineral origin; gasoline; toxic materials; flammable materials: solvents; paint materials; sand; or other materials capable of causing physical damage to the WRF
C) Materials which would cause unusual expense in handling and/or treatment, unless prior arrangements have been made at the discretion of the Director for payment of additional cost of services.
D) Any material regulated under Federal Categorical Pretreatment Standard, or any sludges or wastes resulting from treatment of materials under Federal Categorical Pretreatment Standards
E) Any materials which violate, or could violate any prohibitions or restrictive provisions of Butler County Water and Sewer or which violates any Federal or State or local industrial discharge standards, regulations, and/or laws.

No materials other than those from household sources or restaurant grease traps or portable toilet systems may be discharged to the Butler County Septage Receiving Station as a trucked waste unless prior approval has been received by the hauler from the Director. Application for such approval, called a "Special Waste Evaluation Request" shall be made on a form approved by the Director.

4.13 Prohibited Activities

No trucked waste hauler shall access the sewer system or WRF for any activity including discharge or withdrawal of material, except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system at times and/or places other than those designated by the Director, or without express permission of the Director shall be considered a violation of the conditions of this Article, and subject the violator to revocation of his Trucked Waste Discharge Permit and or Operator's License, and/or other enforcement activity as indicated in these rules and regulations, and in the Butler County Sewer Use Rule.

4.14 Enforceability

Any and all conditions in any permit or license issued pursuant to this section are specifically and independently enforceable regardless of whether they are expressly required by or set out in these rules and regulations.

SECTION 5 – SPECIAL DISCHARGES

BCWS' 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 Director, be discharged to the BCWS 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 BCWS 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, Pass Through, and/or violations of NPDES limits).

A User wishing to discharge through the Special Wastewater Discharge Program must submit a completed application form and processing fee to BCWS. The application form will 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 BCWS. Fees and charges related to Special Discharges are established by the Butler County Board of Commissioners and are included here as Appendix D.

Approved Special Wastewater Discharges are either hauled to the LeSourdsville Regional Water Reclamation Facility and discharged to the septic receiving station, or – more commonly – are discharged to an on-site sewer connection.

SECTION 6 - PRETREATMENT OF WASTEWATER

6.1 Necessity for Pretreatment 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, or the Director, whichever is most stringent, an 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 BCWS Director, the EPA, or the Ohio EPA determine that Pretreatment facilities are necessary, the Industrial User shall, within a reasonable period of time, create and submit to the BCWS Director 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 Director. Similarly, the Director 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.

BCWS Director, 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 Director 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 BCWS upon request.

6.4 Additional Pretreatment Measures

Whenever the Director 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 Director 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 Director solely for flow Equalization.

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

6.5 Accidental or Inadvertent Discharges, Spills, Slug Loads 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 Director for review in accordance with 6.5 (A-E) of this Rule, and shall be approved by the Director before construction of a facility and implementation of any protective measure. Review and approval of such plans and operating procedures by the Director 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 Process Changes Potential Affecting Slug Load Discharges

Consistent with OAC 3745-3-06, All Industrial Users shall notify the BCWS Director in advance when any new or known process changes (i.e substantial change in volume or character of pollutants) could cause an increased potential for slug load discharges. All Industrial Users are required to provide at a minimum:

a. Written documentation detailing the new or known process changes (>30 days);
b. Date and timeline of new or known process changes at the Industrial User facility;
c. Listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p)
d. Character of Pollutants in slug load that would reach POTW;
e. Maximum Volume of Pollutants for Slug Load;
f. Concentration of Waste;
g. Any internal safety measures to notify Industrial User's management of slug load occurrence;
h. and any other information important

B. Notification Requirements for Accidental Discharges, Spills, or Slugloads:

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

1. <u>Immediate Telephone Notification:</u>
   An Industrial User shall immediately notify the Director during business hours and the Wastewater Treatment Plant during non-business hours by telephone (513-887-3686) 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;
g. and any other information outlined on the "Known Spill and Slug Notification Form". This form as available on the Butler County Water and Sewer Website. http://des.butlercountyohio.org

2. Post-Event Written Notification:
An Industrial User shall submit to the Director 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 POTW, fish kills, or any other damage to person or property. Nor shall such submission of written notification to the Director 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 Director shall evaluate whether each Significant Industrial User needs an accidental Discharge/Spill/Slug control plan. The Director may require any Industrial User to develop, submit for approval, and implement such a plan. Alternatively, the Director 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 BCWS Director 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 Accidental Discharge/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, BCWS, 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 Director; 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 Director at least ten (10) days before the proposed date of the Bypass. The Director may approve the Bypass in advance after considering its adverse effects, and provided the Director 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 Director'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 Director (513-887-3686) 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 BCWS Director's Right to Establish More or Less Stringent User Duties

Ohio Administrative Code 3745-2-03 (C)(1)(c) requires the Director to impose Control Mechanisms on each Industrial User's Discharges to the BCWS 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 BCWS;
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 BCWS concerning the User's Discharges;

    (3) Keep Records; and

    (4) Establish a User duty to notify BCWS in the event an event or condition occurs.

The BCWS Director 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 Dischrge Industrial Wastewater into the Wastewater Collection System without first applying for a Wastewater Discharge Permit from the Director and receiving notification of acceptance by the Director.

B. The Director 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 POTW shall submit to the Director 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 Director 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 or by the Director, 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 will provide such additional Pretreatment and/or O&M must be submitted to BCWS, in written format as part of the Baseline Monitoring Report. If the User does not provide such a plan, BCWS will create one for the User. 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.

D. The Director 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 Director 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 Director's decision shall be mailed to the applicant by certified mail. In making a decision, the Director may take into account the applicant's previous record of compliance or noncompliance with this Rule or similar rules in other jurisdictions. The Director 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.

E. Any person, including the User, shall have the right to further review the Director's decision by filing an appeal to the County Administrator, who shall exercise the power of the Board to approve or deny the permit pursuant to R.C. 305.30. This right of appeal shall be exercised by filing a notice of appeal within 30 days after the issuance or denial of said permit.

1. Failure to submit a timely notice of appeal or request for reconsideration shall be deemed an abandonment of the administrative appeal process.

2. In its notice of appeal to the County Administrator, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.

3. The denial of a Wastewater Discharge Permit or implementation of conditions contained in a permit shall not be stayed pending appeal or reconsideration.

4. Should the County Administrator deny a Wastewater Discharge Permit after the appeal, the applicant may seek such judicial review as allowed by Ohio Revised Code §307.56.

F. The Director 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 effective and enforceable despite its expiration date until a new permit is issued.

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 Director 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 Butler County's POTW, Butler 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 Director, (2) the Person seeking to assign its permit is currently operating in compliance with its permit, and (3) the Director approves the Wastewater Discharge Permit transfer. The notice to the Director 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 Director 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 Director 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 Director. 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 Director 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 BCWS 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 Butler County 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 Director 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 Director 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 Lateral Service 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 Director. 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 Director that curative or corrective actions have been completed in accordance with this Rule.

7.10 Wastewater Discharge Permit Suspension or Revocation

The Director 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 Director 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 Director of changed conditions pursuant to Section 8.3 of this Rule;

C. Misrepresentation or failure by the permit holder to fully disclose to the Director 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 Director 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 BCWS 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 Director 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)

Butler County received Ohio EPA approval on June 1, 1999 to remove self monitoring provisions from all industrial permits. BCWS shall perform sufficient 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 Butler County 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 Director 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 Director, 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 Director.

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 Director of such change.

A. The Director 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 Director 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 POTW, the User shall immediately telephone and notify the Director of the incident (513-887-3686). 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 Director 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 Director, submit a detailed written report 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, including Questionnaires to the Director as the Director may require and shall accommodate inspections and/or other monitoring activities as requested by the Director.

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 Director 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 Director within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director releases them from this requirement.

If sampling or analysis performed by Butler County 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 BCWS Director and the POTW, the EPA Regional Waste Management Division Director, 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 Director, the EPA Regional Waste Management Waste Division Director, 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 Director, 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 Director 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 Director 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 Director, 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 Butler County where the User has been specifically notified of a longer retention period by the Director.

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 BCWS or the Director, 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 Director or the Director's authorized assistants or agents, 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 BCWS 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 BCWS 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 Director or the Director'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 BCWS Director and representatives with suitable identification and make necessary arrangements with its security guards so that, upon presentation of such suitable identification, the Director 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 BCWS Wastewater Collection System, the Director 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 Director’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 Butler 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 Director and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing the Director 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 Director shall have no choice so long as conditions are unacceptable to the Director but to: (a) charge the User for the highest potential rate for its Discharges, or (b) institute termination of service procedures as BCWS 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 Director 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 Director, or (b) institute termination of service procedures as BCWS 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 BCWS Wastewater Facilities, the Director 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 Director 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 Director 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 BCWS has a substantial government interest in regulating the Discharge of Waste into its Wastewater Facilities, then the Director may seek a search warrant from the appropriate Court of Butler 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 Director:

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 Butler County 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

BCWS requires that a Control Manhole be installed for any new, or changed, industrial/commercial building. The director may require a Control Manhole for a multi-family residential unit of more than three (3) families or mobile home parks for purposes of sampling and/or inspection of Wastewater. A

Control Manhole shall also be required for any existing industrial or commercial user that does not currently have a Control Manhole if the Director finds it necessary for sampling and or inspection of Wastewater. Specifications for such a manhole shall be obtained from the Director. In certain situations, the Director 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 Director's approval.

9.4 Sampling by BCWS

For the purpose of determining extra strength Surcharges, and ascertaining Pretreatment compliance, the Director 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 Director upon request, and the Director 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 Director. 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 BCWS 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 Director'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 Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. 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 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 Butler County as being "confidential" shall not be transmitted to any governmental agency until and unless a 10-day notification is given to the Industrial User.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

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

The Butler County 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 BCWS 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 BCWS as outlined in the Plan:

11.1 Notice of Violation

When BCWS 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, BCWS 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 BCWS 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 Director. If the User disputes the allegation in the Notice of Violation, the Director and User shall meet informally to decide the facts and what, if anything shall be done. If it is concluded by the Director 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Compliance Agreements

The Director 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 BCWS 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 Director; and/or

C. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

11.3 Show Cause Hearing

The Director 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 Director 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 Director 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 Director 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 Director 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 Director 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 Director 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 BCWS; and/or
C. Any requirements set forth in Control Mechanisms issued by BCWS; and/or
D. Any reporting requirements imposed by BCWS 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 Director 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 Butler 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 BCWS Wastewater Facilities.

3. After reasonable notice to the User, and utilizing the procedure set forth in Section 11.6 of this Rule; effectively terminate BCWS 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 Director 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 Director may also immediately suspend a User's Discharge, after informal notice and opportunity to respond, that threatens to interfere with the operation of the POTW, 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 POTW, 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 BCWS' intention to immediately suspend its Discharge capability shall immediately stop or eliminate its Effluent contribution to the BCWS Wastewater Collection System. In the event of a User's failure to immediately comply voluntarily with a suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its Receiving Waters, or endangerment to any individuals. The Director may allow the User to recommence its Discharge once the User has demonstrated to the satisfaction of the Director 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 Director 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 Director.

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 Director on the justification for the suspension at which the Director 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 POTW; or which presents, or may present, an endangerment to the environment. Should the Director conclude emergency action was unjustified under the circumstances then known to BCWS, the User shall be entitled to reasonable compensation for lost profits for the period during which service was suspended. Should the Director conclude emergency action was justified; the User shall be receive nothing and shall proceed to remedy its noncompliance. Within ten (10) days of the Director's decision the User may appeal the Director's decision to the County Administrator pursuant to R.C. 305.30 upon the same questions as the Director decided. The County Administrator's decision shall be considered the final administrative decision by the County and, if dissatisfied with the result, the User may then exercise any judicial remedies provided by Ohio Revised Code §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 Director 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 Butler County, in a sum determined by the Director to be necessary to assure BCWS 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, BCWS' 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 BCWS 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 Director 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 BCWS 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 BCWS 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 Butler County. Existing contracts for the sale of goods or services to Butler 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 Director 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. BCWS 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 BCWS for noncompliance with Pretreatment Standards, the User has the burden of establishing to the satisfaction of the BCWS Director that an Upset caused the noncompliance. In order to establish an Upset, the Director 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 Director of the Upset condition and has submitted a written report to the Director 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 Director that an Upset occurred.

E. The initial determination of whether an Upset was the cause of a User's noncompliance with Pretreatment Standards lies with the BCWS Director. If a User is dissatisfied with the Director's determination that an Upset did not occur, it may seek a judicial determination on that claim as a part of its defense to the enforcement action brought for noncompliance with Pretreatment Standards.

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 BCWS for noncompliance with Pretreatment Standards, the User has the burden of establishing to the satisfaction of the BCWS Director that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or 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 Pass Through or 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 Butler County was regularly in compliance with its 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 Director 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 Director reserves the right to sample Discharges and collect Surcharges from any User discharging higher than Domestic strength Wastewater.

14.2 Surcharge Credits

Surcharge credits may be earned by Industrial Users whose investment in their Pretreatment system(s) have enabled them to achieve Discharge of Pollutants to the Butler County Sewerage system which fall below 80 percent of the allowable Surcharge levels while meeting all other applicable local limits and having no violations. Surcharge Credits are calculated on a month to month basis and are applied to the monthly conventional surcharges (excluding total phosphorus) and may not be carried over to the following month. Credits are available on the following conventional Pollutants:

i. Total Suspended Solids; and
ii. Biochemical Oxygen Demand or Chemical Oxygen Demand.

14.3 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" rate, per every thousand gallons discharged. The "High Strength" rate is included on BCWS rate table.

14.4 Unreported Discharge

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

14.5 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 Director. 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 BCWS 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 Butler County Wastewater Facilities resides with the Board, the BCWS Director, and BCWS staff, regardless of the source of the Waste. The Board has established this Rule in accordance with applicable rules and regulations and as such has an approved 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 BCWS Wastewater Facilities. Before service is extended to properties within the boundaries of another governmental entity within the BCWS 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 BCWS Wastewater Facilities being provided by the County.

B. Use of Public Sewers

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

C. Acknowledgement of Control Authority

The contributing jurisdiction shall acknowledge that the County has an approved Industrial Pretreatment Program to effectively monitor and regulate Industrial Wastes; to ensure adequate protection and treatability of Waste without Pass Through to the Receiving Waters; and 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 Director 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 Director 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 Director for the installation of auxiliary water deduction meters, or "deduct meters". As a general criteria, no more than 5% of the water through a deduct meter can be discharged to the Sanitary Sewer System (15% can be allowed for Boiler blow down or cooling tower operations only); otherwise, the request will be denied unless alternative arrangements are made to the satisfaction and approval of the Director. The Director reserves the right to approve, deny, or adjust any and all requests. If a request is approved by the Director, the applicant must then submit to BCWS all required documentation. This documentation may include, but is not limited to, site utility plans, approval from the Butler County Health Department, an address for the location of the meter(s), and other account information as needed for processing by BCWS. 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 take place upon the collection 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 BCWS or an adjacent jurisdiction. For sewer deduction meters installed in BCWS' water service district, BCWS staff shall install the meters, unless otherwise authorized by the Director. 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 Director 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 Director.

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 Director. Failure to report such activity in advance may result in the cancellation of the Director's approval for a deduct meter. Repair and/or replacement of broken or faulty meters previously-approved by the Director 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

BCWS has developed minimum design criteria for Industrial Users who wish to explore the possibility of metering Wastewater flow, where water supply deduct meters are not feasible. If specific design criteria are met as outlined in BCWS' '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 Director is prohibited. Users that install a Wastewater flow measurement device without approval will be required to remove such devices at their own expense, and will be billed off water usage. If BCWS 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. BCWS 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 BCWS 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 BCWS 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.

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 Butler County's Pretreatment Program, which may include:

A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;

B. Annual Permit Fees;

C. 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;

D. Fees for reviewing and responding to accidental Discharges and other emergency situations;

E. Fees for filing appeals;

F. Other fees as Butler 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 Butler County; and

G. 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 the approval of the authorizing resolution by the Board of County Commissioners of Butler County..

APPENDIX A

BCWS LOCAL LIMITS

Local Limits for Dischargers to the LeSourdsville Regional Water Reclamation Facility

Parameter	Local Limit, mg/L
Cadmium	1.14
Chromium, Total	3.71
Copper	4.58
Lead	5.15
Mercury	0.00055
Nickel	3.26
Selenium	1.29
Zinc	11.01
Chlorine	100
Oil & Grease, Total	200
pH	5.5-10 S.U.

Local Limits for Dischargers to the Upper Mill Creek Regional Water Reclamation Facility

Parameter	Local Limit, mg/L
Cadmium	0.24
Chromium, Total	4.76
Chromium Hex.	0.63
Copper	2.08
Lead	0.74
Mercury	0.00090
Nickel	3.57
Selenium	0.07
Silver	1.51
Zinc	1.44
TDS*	5655
Phosphorus, Total**	34
Chlorine	100
Oil & Grease, Total	200
pH	5.5-10 S.U.
*TDS Limits will only be implemented by BCWS if deemed necessary. Should BCWS determine further action is necessary to optimize the reduction of TDS loading on the LeSourdsville WRF, BCWS will consider imposing a TDS surcharge or revising the necessary SIU permits to include a TDS limit. **Total Phosphorus limits are only for SIU's deemed as significant sources of Total Phosphorus loading. This will be determined by BCWS on a case-by-case basis.	

APPENDIX B

BCWS WATER & SEWER RATES & SURCHARGE RATES & PROHIBITED WASTE FINE SCHEDULE

BCWS WATER & SEWER RATES

As approved by the Board of Butler County Commissioners, and updated as needed to accurately reflect costs of service.
Contact BCWS for a copy of the most current rates.

BCWS SURCHARGE RATES

Industrial Extra-Strength Surcharge Structure for BCWS						
	BOD**	COD**	TSS**	Ammonia	O&G	TP
Limits (mg/l)	> 200	> 500	> 200	> 20	> 50	> 15
Surcharge ($/lb) Effective: June 1, 2022	0.27	0.12	0.31	1.55	0.78	2.00
Surcharge ($/lb) Effective: January 1, 2023	0.28	0.13	0.32	1.59	0.81	2.06

* Industrial extra-strength surcharge rates as approved by the Board of Butler County Commissioners and updated as needed to accurately reflect costs of service; contact BCWS for a copy of the most current rates.

** To the extent the strength of a pollutant (TSS; BOD or COD) is less than eighty percent (80%) of the corresponding value for acceptable strength sewage, a credit will be allowed as an offset against surcharge otherwise due when there is no prohibited violations for any parameter during the billing period. The credit shall be calculated by multiplying the herein above specified surcharge rate for the pollutant in question times the difference between actual pollutant concentration in mg/l and eighty percent (80%) of the corresponding value for normal sewage. For BOD/COD, the surcharge credit will be based on the greater allowable credit for the individual pollutant, not both. No credit will be allowed in excess of the surcharges otherwise due. No credit will be allowed to offset surcharge due for total phosphorus.

BCWS PROHIBITED WASTE FINE SCHEDULE

Parameter	Range	Charge Factor
pH	**Acceptable 5.5 – 10.0 S.U.**	
Minor Violation	4.0-5.4 (or) 10.1-11.5	$250
Major Violation	2.5-3.9 (or) 11.6-12.5	$500
Acute Violation	<2.5 (or) >12.5	$1000

Heavy Metals and Toxic or Untreatable Chemicals		
	1.0-1.5 x Allowable	0.25 x base rate
	1.6-2.0 x Allowable	0.50 x base rate
	2.1-2.5 x Allowable	1.00 x base rate
	Over 2.5 x Allowable	2.00 x base rate

1. The above prohibited waste penalty factors will be multiplied times the base sewer rate as established for normal strength wastewater and applied against the measured volume of wastewater discharged for the month that the noncompliant condition existed.
2. The fine shall be based on the highest recorded violation for each month unless multiple violations occur whereupon higher fines can be applied, if deemed appropriate by the Director.
3. In the event that the cost of treatment, disposal and/or cleanup resulting from the noncompliant discharge exceeds the calculated fine, the additional charges shall be based on the actual costs incurred by the Department.
4. Failure to take appropriate actions to correct the causes of the noncompliant discharge in a timely manner will be subject to possible administrative fines, penalties and discontinuance of service as stipulated in the BCWS Sewer Use Rule and Enforcement Response Plan.

APPENDIX C

SEPTAGE RECEIVING (HAULED WASTEWATER) RATES & FEES

BCWS SEPTAGE RECEIVING (HAULED WASTEWATER) RATES & FEES

Trucked Waste Discharge Permit	$25.00 / vehicle (annually)
Trucked Waste Haulers License	$10.00 / driver (annually)
Treatment Charges	$60.00 / 1000 gallons (Charge based on full truck capacity)
Service Charge	$25.00 / load
Waste originated Outside Butler County	$90.00 / 1000 gallons (Charge based on full truck capacity)

APPENDIX D

SPECIAL WASTEWATER DISCHARGE RATES & FEES

BCWS SPECIAL WASTEWATER DISCHARGE RATES & FEES

Special Wastewater Discharge Application Fee	$25.00
Treatment Charges	$60.00 / 1000 gallons if discharged to sewer*
Service Charges	$25.00 per incident or load

* Standard septage receiving rates apply if wastewater is delivered to BCWS' LeSourdsville WRF as hauled wastewater (see Appendix C)

APPENDIX E

INDUSTRIAL WASTEWATER FLOW METERING AGREEMENT & REQUIREMENTS

Butler County Water and Sewer Department (BCWS)

Industrial Wastewater Flow Metering Agreement and Requirements

Summary
BCWS has developed minimum design criteria for industrial users who wish to explore the possibility of metering wastewater flow. If specific design criteria are met, industrial Users (IUs) may be authorized to install a wastewater flow measurement device for use in determining wastewater flow discharges. Purchasing or installing wastewater flow measurement devices without written approval from the Director is prohibited. Users that install a wastewater flow measurement device without approval will be required to remove such devices, will be billed off water usage and do so at their own expense. If BCWS 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.

The wastewater flow measurement device or flow meter system shall include all flow meters used throughout the wastewater discharge process. The system may include a single flow meter or a number of flow meters. It is the IUs responsibility to identify all flow meters and components of the system and ensure compliance with this agreement. Failure to do so could jeopardize the future use of the wastewater flow measurement device.

BCWS periodically monitors industrial wastewater discharge quality by collecting representative samples using flow or time proportional sampling techniques for each permitted IU. BCWS may perform this monitoring 24 hours a day, seven (7) days a week with automated equipment for the purpose of determining compliance with local pretreatment limits.

A. Wastewater Flow Measurement Device Criteria

1. A request to install a wastewater flow meter system shall be made in writing to the Director of BCWS. No wastewater flow meter system shall be purchased, installed or placed in service unless and until written approval is granted by the Director of BCWS. In preparing the request, the user shall consider the industrial user's (IU) operations, plumbing network, all unique and typical wastewater characteristics and anything that may change or influence the measurement of wastewater flow. The user shall consider how its operations, plumbing network or wastewater characteristics have the potential to damage or deflect the accuracy of the flow meter system, and propose a system that is properly suited for the discharge. All requests shall be prepared and approved by a registered Professional Engineer in the State of Ohio prior to submission.

2. For billing purposes, BCWS needs a high degree of accuracy of wastewater flows. For that reason, BCWS prefers highly-accurate devices such as water meters (both primary and deduct) or closed-pipe magnetic meters over open-channel flow devices whenever possible. For the purposes of design criteria, when it has been determined that accurate wastewater flows can not be measured solely by the use of primary and deduct water meters, BCWS has identified the following performance specifications that must be demonstrated in order to have a wastewater flow meter approved. The applicant shall

design a flow metering system that meets the following requirements:

a) Closed-pipe measurement systems shall be used when appropriate and whenever possible. For closed-pipe systems:
   i) Systems must be able to measure wastewater flows at minimum flows as low as 1.5 gpm with +/- 3% accuracy unless it can be demonstrated or documented to BCWS that the flows will be consistently greater than 1.5 gpm;
   ii) and maintain 1% accuracy at all other flow rates.
b) Open-channel measurement systems shall only be used when closed-pipe designs are not feasible due to building and/or plumbing configurations, and/or when open-channel flow measurement is desired for legitimate purposes such as flow-proportional sampling and mass limit allocations.
   For open-channel Systems must be able to maintain accuracy within +/- 5%.
c) Existing users shall conduct a 30 day wastewater flow study or other study as approved by the Director to determine minimum and maximum gpm flows to design the system properly.
d) New users shall submit documentation of plans for approval based on anticipated low flows as low as 1.5 gpm and conduct a 30 day flow study if and after a flow system is approved and installed to confirm projected minimum and maximum flow patterns.
e) Installation of flow metering device must be installed as specified by the engineer and manufacturer. The flume installation shall also be inspected and certified by the manufacturer's representative.
f) For open channel flow meters, users shall reference "ISCO Open Channel Flow Measurement Handbook" to assess suitability of proposed open channel flow systems.
g) Flow meter device shall be calibrated and certified annually, unless otherwise specified by manufacturer.
h) Metering manhole specifications shall be per in BCWS Standard Specifications.

3. Additional design specifications shall be as follows:

a) Power requirements shall be matched to the flow transmitter/ converter.
b) For magnetic meters, the flow meter liner shall be suitable for operations in process liquid temperatures up to 95º C or higher to accommodate a facility's process discharge characteristics.
c) RFI protection shall be provided when appropriate.
d) Closed pipe flow meters shall be capable of operations under pressures of 1 ½ times the operating psi of the facility's discharge scenario.
e) The flow meter shall be capable of running under no-flow conditions without damage to any component.
f) If flow can or may occur at the metering device during a power outage, then the flow meter shall have back-up power provided to it.
g) All flow meters shall be calibrated at the factory prior to shipment to the site. The contractor shall be responsible for the complete installation.
h) The flow meter enclosure must be installed with a clear front in order to get totalizer readings without opening the enclosure.
i) The flow meter system shall be sized appropriately to handle the minimum and maximum daily flows and be operated and maintained in accordance with the manufacturer's procedures and specifications.

j) Effluent discharge piping shall be configured with a straight run of pipe with no valves, tees or reducers upstream of the flow meter equal in length to at least twenty-five pipe diameters and downstream of the flow meter equal in length to at least six pipe diameters - or as otherwise recommended by the flow meter manufacturer, to provide an acceptable flow pattern through the flow meter.

4. It is the responsibility of the IUs to ensure that the system is engineered properly and is adequate to handle the peak and minimum flow of the IU discharge characteristics. BCWS has the right to modify these and other policies at any time which may result in a modification to the IUs flow measurement system. This criterion in no way circumvents any additional requirements that may follow as a result of new requirements, regulations, programs or initiatives.

5. Two complete copies of the following documents must accompany a request for installation and operation of a flow meter system: demonstration of need, plans and specifications of the flow measurement device prepared and approved by a registered Professional Engineer in the State of Ohio, including but not limited to flow study, meters, manholes, pipe configurations, and flumes. The submittal shall be made to BCWS' Engineering Section, 130 High Street, Hamilton, OH, 45011.

6. Upon approval to proceed, the IU shall notify BCWS Engineering Section seven (7) days before the date and time of installation so that BCWS can have an inspector on site during the installation. The IU should speak directly to an Engineering Aide to establish the time of installation and inspection.

B. Flow Meter System Operation and Maintenance

1. The flow meter system shall be operated in accordance with these requirements now and as it may be amended to read in the future. The flow meter system shall comply with all BCWS construction specifications. Any physical and/or operational modifications are subject to review and approval by BCWS.

2. Industrial Users shall keep meters up to date and properly calibrated and installed. The IU shall have the flow meter system calibrated and certified annually by a qualified instrumentation technician.

3. The IU shall conduct preventative and maintenance measures to insure the flow meter system is working properly. IUs shall inspect the flow meter system to ensure proper operation. The weekly inspection shall be conducted in accordance with Section C of this agreement. A log of the records documenting the inspection shall be kept on-site and made available to BCWS upon request. Problems with the flow meter shall be reported to BCWS Industrial Services at 513-887-5573 or Customer Care at 513-887-3066 within 24 hours of becoming aware.

4. The IU shall provide the annual calibration report to BCWS - Industrial Services in accordance with Section C of the flow meter agreement. Additionally, semi-annual inspection reports may be required. Failure to provide correct data and/or operation could result in revocation of the Industrial Users (IUs) discharge permit, administrative fines and/or abandonment of the flow meter system for calculating wastewater rates.

5. Upon request, the IU shall provide BCWS with their standard operating procedures for operating and monitoring the flow monitoring system, both in their original form and their form as they are subsequently amended.

6. The IU is responsible for immediately remediating flow meter system blockages, defects, failures, or malfunctions so as to not cause damage to the wastewater system or the environment and notifying BCWS of the same

7. The IU shall locate the flow meter in an area that is accessible for BCWS meter readers. The meter shall be accessible to BCWS 24 hours a day, 7 days a week to read, periodically inspect, and/or calibrate. The location of the meter system must be pre-approved by BCWS prior to installation.

C. Flow Meter System Monitoring, Inspection and Reporting

1. It shall be the IUs responsibility to conduct all monitoring, inspection and reporting requirements in accordance herein for the flow meter system. The IU shall install all necessary equipment to conduct the monitoring and provide BCWS with the following documentation of the system's performance:

   a. Annual Calibration and Certification Statement - provided to BCWS at start up and by end of each subsequent year. A calibration certification form must be signed by the qualified instrumentation technician. BCWS reserves the right to periodically inspect the unit for calibration as often as deemed necessary. It may be deemed necessary for BCWS to conduct the inspection or calibration based on flow data, the observance of poor operation and maintenance practices of any part of the pretreatment system. BCWS shall use certified control system technicians, who may be BCWS staff or technician from an outside firm, for the calibration and inspection. If an outside firm is used, the IU will be charged for the calibration and inspection at the cost incurred by Butler County. BCWS assumes no responsibility for damage to persons or property caused by a malfunctioning of user's flow monitoring equipment.

   b. Weekly inspection - IU shall keep a log documenting the time, date, instantaneous flow to verify operation, proper function and that the flow meter is not blocked or otherwise malfunctioning. The log shall be provided to BCWS upon request. The first six (6) months of flow meter system operation shall be logged weekly and provided to BCWS as part of the initial performance review period.

   c. Semi-annual inspection report - upon request by BCWS, inspection report shall be provided every April 15th and November 15th to BCWS. If required, the IU shall conduct semi-annual manual inspection of the flow meter and the manhole flume to verify the operational performance.

   d. Any overflow or back-up in a manhole shall be reported to BCWS within six (6) hours of such knowledge. If a back-up causes the flow meter system to misread flow, notification shall be made to BCWS and alternative wastewater calculation shall be performed for the given month and subsequent months until problem has been remedied and BCWS is notified in writing.

e. Any physical or operational modifications to the flow meter system requires written notification to BCWS seven (7) days before installation unless the change is related to an emergency response system/improvement. If a change is required for emergency purposes, the seven (7) day requirement may be waived upon written notification to and approval by BCWS.

f. A failure of the flow meter system will automatically trigger BCWS to use an alternative wastewater calculation to be used for determining wastewater charges.

g. The IU shall operate and maintain the flow meter system in conformance with manufacturer's operation and maintenance procedures. The IU shall provide BCWS with the manufacturer's operation and maintenance procedures in addition to any additional procedures followed by the IU. BCWS assumes no responsibility for damage to persons or property caused by a malfunctioning of user's flow monitoring equipment.

D. Falsification of data

1. Should the flow meter be tampered with, BCWS may recalculate wastewater flows by an alternate method as determined by the Director and back bill the user. Accordingly, the IU may face potential revocation of discharge permit, administrative fines, and/or criminal and/or civil penalties for the falsification of data.

E. Special Conditions (if applicable):

F. Agreement of the above terms and conditions.

1. Because use of the wastewater flow meter described in this Agreement will likely continue beyond the use and occupancy of the present owner/occupier/signatory, it is important that future owner/occupiers of this property be able to find its terms and conditions. Accordingly, in the interest of notifying future owners/occupiers/users of this site of the terms of this Agreement should they choose to continue flow monitoring, this Agreement shall be considered to be one which runs with the land and it may be recorded so that future owners will be aware of it.

2. By signing this Agreement, both the applicant/responsible party for the wastewater bill and the owner of the property agree to all the standards and requirements established herein. When the applicant is different from the owner of the property, both signatures are required. If the owner and responsible party are the same we can have them sign once in both capacities.

IN WITNESS WHEREOF AND IN AGREEMENT THERETO the undersigned has set its hand this __ day of _____, 20__.

Party Responsible for Wastewater Service:

_____	_____
Witness	Company
_____	_____
Witness	Authorized Representative

Notary Certificate

Before me, a Notary Public in and for the State of Ohio, personally came the above named person, who acknowledged he did sign the same on behalf of himself personally (or if so identified, on behalf of the named legal entity under authority of the entity's governing body) and that the same was his free act and deed in such capacity.

_____

Notary Public

IN WITNESS WHEREOF AND IN AGREEMENT THERETO the undersigned has set its hand this __ day of _____, 20__.

Owner of Property Being Served (If different from Responsible Party Above):

_____	_____
Witness	Company
_____	_____
Witness	Authorized Representative

Notary Certificate

Before me, a Notary Public in and for the State of Ohio, personally came the above named person, who acknowledged he did sign the same on behalf of himself personally (or if so identified, on behalf of the named legal entity under authority of the entity's governing body) and that the same was his free act and deed in such capacity.

_____

Notary Public

IN WITNESS WHEREOF AND IN AGREEMENT THERETO the undersigned has set its hand this __ day of _____, 20__.

Butler County Water and Sewer Department:

_____ Butler County W&S

Witness

_____

_____ Director, BCWS

Witness

Notary Certificate

Before me, a Notary Public in and for the State of Ohio, personally came the above named person, who acknowledged he did sign the same on behalf of Butler County Water and Sewer Department and that the same was his free act and deed in such capacity.

_____

Notary Public

APPENDIX F

MISCELLANEOUS PRETREATMENT CHARGES AND FEES

MISCELLANEOUS PRETREATMENT CHARGES AND FEES

Annual Significant Industrial User Permit Fee	
3 sampling events/year or less	$300.00
4 sampling events/year or more	$600.00
Sampling Charge / Event	Billed at cost
Laboratory / Analysis Charges	Billed at cost

APPENDIX G

NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU) DESIGNATION

NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU) –

1. Non-Significant Categorical Industrial User (NSCIU) – BCWS may designate a categorical discharger as a NSCIU if the following criteria from 40 CFR 403.3(v)(2) are met:
    a. User must be designated by BCWS as "non-significant"
    b. User must never discharge more than 100 GPD of categorical wastewater
    c. User must have consistently complied with all applicable Pretreatment Standards
    d. User must annually submit a certification statement to BCWS (40 CFR 403.12(q)); and,
    e. User must never discharge untreated concentrated wastewater.

    BCWS may reduce sampling and reporting requirements for each NSCIU as it deems appropriate. BCWS must annually evaluate each NSCIU to verify each user still meets applicable non-significant criteria.