Ohio Administrative Code

Rule 3745-33-09 Best management practices.

Effective: June 1, 2018

[Comment: For dates of non-regulatory governmentpublications, publications of recognized organizations and associations,federal rules and federal statutory provisions referenced in this rule, seerule 3745-33-01 of the Administrative Code.]

(A) Best management practices (BMPs) may be included in NPDES permits according to the requirements of 40 C.F.R. 122.44(k).

(B) Pollutant minimization programs. When pollutant minimization programs are required under Chapter 3745-1, 3745-2, or 3745-33 of the Administrative Code, the pollutant minimization program shall be developed in accordance with this rule.

(1) The pollutant minimization program shall examine all potential sources of the pollutant with the goal of maintaining the effluent at or below the water quality-based effluent limit (WQBEL). The pollutant minimization program shall include, but is not limited to, all of the following:

(a) Submission of a control strategy designed to proceed toward the goal.

(b) Implementation of appropriate cost-effective control measures, consistent with the control strategy.

(c) Monitoring necessary to measure the progress toward the goal, including at least quarterly monitoring for the pollutant in the influent to the wastewater treatment facility and semi-annual monitoring of potential sources of the pollutant.

(d) An annual status report that shall be sent to Ohio EPA including the following information. The report shall be submitted before March first of the following year, or, for discharges with approved pretreatment programs under Chapter 3745-3 of the Administrative Code, all of the following information shall be submitted with annual reports required under that chapter:

(i) All minimization program monitoring results for the previous year.

(ii) A list of potential sources of the pollutant.

(iii) A summary of all actions taken to meet the WQBEL for the pollutant.

(2) A pollutant minimization program may include the submittal of pollution prevention strategies that use changes in production process technology, materials, processes, operations, or procedures to reduce or eliminate the source of the pollutant.

(3) A pollutant minimization program shall not be required if the permittee demonstrates that the discharge of a pollutant with a WQBEL below the quantification level (QL) is reasonably expected to be in compliance with the WQBEL at the point of discharge into the receiving water. The demonstration may include, but is not limited to, all of the following:

(a) Treatment information, including information derived from modeling the destruction or removal of the pollutant in the treatment process.

(b) Mass balance information.

(c) Fish tissue studies or other biological studies.

(4) In determining appropriate cost-effective control measures to be implemented in a pollutant minimization program, the permittee shall consider all of the following factors:

(a) Significance of sources.

(b) Economic and technical feasibility.

(c) Treatability.

(5) The permit shall contain a reopener clause stating that the director may modify or revoke the

permit to revise or remove the requirements of this rule if supported by information generated as a result of implementing the requirements of this rule.

(C) Toxic organic management plans (TOMPs). For NPDES permits that contain limits for total toxic organics (TTO), the director may allow the implementation of a certified TOMP, in lieu of requiring monitoring for TTO.

(1) To implement this option, a TOMP shall be submitted to Ohio EPA for review and approval. The TOMP shall include the following information, or the plan shall explain why the information is not included:

(a) A complete inventory of all toxic organic chemicals used, generated, stored or identified through sampling and analysis of the wastewater regulated by TTO limits. Chemical constituents of trade name products must be identified.

(b) Best estimates of approximate maximum quantities for toxic organic pollutants used in and discharged in wastewaters regulated by TTO limits. Estimates must include toxic organic chemicals discharges via process wastewater discharges, spills, leaks, rinse water carryover, air pollution control devices and other sources.

(c) A pollution prevention assessment for TTOs. This includes an assessment of pollution prevention options that could be implemented to minimize or eliminate the discharge of toxic organics introduced into the wastewater under current and future conditions.

(i) Pollution prevention options include, but are not limited to, all of the following:

(a) Material substitution.

(b) Improved operating practices.

(c) Technology changes.

(d) Recycling.

(ii) Once pollution prevention options are identified, a technical and economic evaluation of viable options shall be conducted to select options or projects. A schedule shall be developed and a measurement system to track the implementation progress of the selected pollution prevention options shall be developed and revised as necessary.

(d) A description of the methods of disposal other than discharge to surface water, such as reclamation, contract hauling or incineration. A detailed description for each waste shall be included with information on how the waste is stored prior to disposal.

(e) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, non-contact cooling water, groundwater, surface waters or other location that allows the discharge of the compounds. These procedures shall include, but are not limited to the following:

(i) A description of the practices to be followed, including housekeeping procedures, during the use, collection and storage of organics. These practices shall include, but are not limited to the following:

(a) Proper labeling and handling of containers of toxic organics.

(b) Storing a minimal amount of toxic organics at the site.

(c) A centralized storage area designed and maintained to prevent leakage.

(d) Sealing floor drains in the area where toxic organics are used or stored.

(e) Overflow control equipment.

(f) Secondary containment capable of holding one hundred ten per cent of the total volume stored or the volume of the largest container, whichever is greater. The containment system shall be designed and maintained to prevent leakage.

(ii) A description of the procedures for routine and detailed visual inspections to ensure the absence

of leaking storage containers. Visual inspections shall be conducted at least once per week.

(iii) A description of how all employees are trained in the proper use, collection and storage of all chemicals they work with.

(iv) A simple but complete floor plan showing the storage location of toxic organics prior to use, in use, or awaiting disposal. This plan shall include all floor drains, dikes and containment areas in the storage facility.

(2) Initial sampling. The permittee shall sample the discharge for all toxic organic pollutants included in the TTO definition at the point where the TTO limit applies.

(3) Certification eligibility. In order to qualify for the alternative in paragraph (C) of this rule, the following criteria shall be met:

(a) The baseline analysis must show compliance with the appropriate TTO standards.

(b) An acceptable TOMP must be submitted.

(c) The following certification statement must be signed by an officer of the company or manager responsible for overall plant operations, and submitted with the TOMP and each subsequent periodic compliance report:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no discharge or dumping of concentrated toxic organics into wastewater has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."

(4) Certification re-evaluation. Once every permit cycle, but no less frequently than once every five years, the TOMP shall be updated and the waste stream subject to TTO limits shall be sampled and analyzed for TTO, or those toxic organic compounds expected to be present.