Ohio Administrative Code

Rule 3745-33-09 Best management practices.

Effective: October 31, 2025

[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 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 towardthe goal.

(b) Implementation of appropriate cost-effective controlmeasures, 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 tothe wastewater treatment facility and semi-annual monitoring of potentialsources of the pollutant.

(d) An annual status report that shall be sent to Ohio EPAincluding the following information:

(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 will not be necessary 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 frommodeling the destruction or removal of the pollutant in the treatmentprocess.

(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 acceptance. The TOMP shall include the following information, or an explanation of 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 thewastewater regulated by TTO limits. This does include identification of chemical constituents of trade name products

(b) Best estimates of approximate maximum quantities for toxicorganic pollutants used in and discharged in wastewaters regulated by TTOlimits. Compounds present in the wastestreams that are discharged may be aresult of process wastewater, spills, leaks, rinse water carryover, airpollution control devices and other sources.

(c) A pollution prevention assessment for TTOs. This includes anassessment of pollution prevention options that could be implemented tominimize or eliminate the discharge of toxic organics introduced into thewastewater 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) A technical and economic evaluation of viable pollution prevention options or projects. As necessary, develop and revise a schedule and a measurement system to track the implementation

progress of the selected pollution prevention options.

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

(e) The procedures for ensuring that the regulated toxic organicpollutants do not spill or routinely leak into process wastewaters, floordrains, non-contact cooling water, groundwater, surface waters or otherlocation that allows the discharge of the compounds. These procedures shallinclude, 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 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 is to 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 includes 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 as defined in rule 3745-33-01 of the Administrative Code 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 shows compliance with the appropriateTTO standards.

(b) An acceptable TOMP is submitted.

(c) The following certification statement is signed by an officerof the company or manager responsible for overall plant operations, andsubmitted with the TOMP and each subsequent periodic compliance report orincluded as a "comment" on electronic discharge monitoring reports(or in the case of indirect dischargers included as a comment to the periodicreports):

"Based on my inquiry of the person orpersons directly responsible for managing compliance with the permit limitation[or pretreatment standard] for total toxic organics (TTO), I certify that, tothe best of my knowledge and belief, no discharge or dumping of concentratedtoxic organics into wastewater has occurred since filing the last dischargemonitoring report. I further certify that this facility is implementing thetoxic organic management plan submitted to the Ohio EPA, or in the case of indirect dischargers, 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 sampled and analyzed for TTO, or those toxic organic compounds expected to be present.