

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in these Rules and Regulations shall be as follows:

"Acreage Charge - (associated with Trunk Sewers)" shall mean a charge established by resolution of the Board pertaining to sewer assessment projects. These charges are on file at the District's office.

"Act" or "the Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

"Analytical Testing" shall mean all methods of sample collection, preservation, and analysis as prescribed in 40 CFR -136, "Test Procedures for the Analysis of Pollutants."

"Approval Authority" For the Pretreatment Program is the Ohio EPA

"Authorized" or "Duly Authorized Representative" of the User.

(1) If the User is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater or general discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

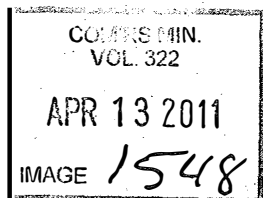
(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

"Auxiliary Sewage Meter" shall mean a meter used by commercial and industrial customers to measure water that reduces and/or increases the consumption on which to base sewer and effluent charges using a combination of measurements. Customers must receive approval to install meters through an application and review process by the Metropolitan Sewer District.

"Base Flood" shall mean that flood having a one (1) percent chance of being equaled or exceeded in any given year.



"Base Flood Level" shall mean the elevation in feet above mean sea level (NGVD) of the base flood discharge.

"Batch Discharge" shall mean a discrete quantifiable discharge of a quantity of wastewater that is a homogeneous mixture, such that a grab sample taken at any time during discharge shall be representative, that is it has all the same characteristics of any other portion of the batch. The Director shall have approval of the allowable volumetric flow rate. To satisfy the MSD monitoring requirements, the discharge shall be made in accordance with a schedule approved by MSD or with a 48 hour prior notice to the Division of Industrial Waste.

"Beneficial Uses" shall mean uses of the waters of the State that may be protected against quality degradation, including but not limited to, domestic, municipal, agricultural and industrial water supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State Law.

"Best Management Practices" (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in MSD R&R Section 1502. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Biochemical Oxygen Demand (BOD)" shall mean oxygen utilized in the biochemical oxidation of organic matter in five days at 20 deg. C., expressed in milligrams per liter. The values shall be as determined by the methods of Analytical Testing, except that when the BOD value is to be used in determining wastewater treatment system charges, and the BOD test does not produce an accurate measure of the oxygen demand actually exerted by the waste when undergoing treatment, then for use in determining said charges the BOD shall be calculated by whichever of the following formulae gives the more accurate measure of oxygen demand actually exerted.

$$\text{BOD} = (F1) (\text{COD})$$

or

$$\text{BOD} = (F2) (\text{TVR})$$

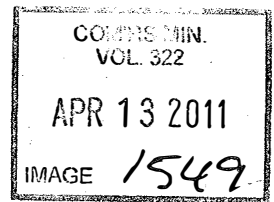
Wherein F1 and F2 are constants to be determined for each wastewater treatment plant and TVR is the Total Volatile Residue in milligrams per liter as determined by the methods of Analytical Testing.

"Board" shall mean the Board of County Commissioners of Hamilton County, Ohio.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer. The building drain shall extend to three (3) feet outside the building wall.

"Building Drain - Combined." A building drain which conveys both sewage and storm water or other drainage.

"Building Drain - Sanitary." A building drain which conveys sewage only.



"Building Drain - Storm." A building drain which conveys storm water or other drainage, but no sewage.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Sewer - Combined." A building sewer which conveys both sewage and storm water, or other drainage.

"Building Sewer - Sanitary." A building sewer which conveys sewage only.

"Building Sewer - Storm." A building sewer which conveys storm water or other drainage, but no sewage.

"Bypass" means the intentional diversion of a waste stream from any portion of an Industrial User's treatment facility.

"Categorical Pretreatment Standards"-Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Categorical Industrial User" (CIU) any Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

"CFR" shall mean the Code of Federal Regulations.

"Chemical Oxygen Demand - COD" shall mean the oxygen equivalent of that portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant. The values shall be as determined by the methods of Analytical Testing.

"City" shall mean the City of Cincinnati, Ohio.

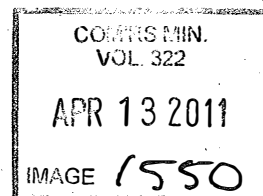
"City Manager" shall mean the City Manager of Cincinnati, Ohio.

"Cleaned Waste Waters" shall mean those liquid wastes which meet the criteria established by the NPDES Permit issued by the Ohio Environmental Protection Agency for effluents discharged to the particular watercourse receiving the discharge.

"Combined Sewer" shall mean a sewer that is intended to serve as a storm sewer and a sanitary sewer.

"Commercial User" shall mean any and all users of the wastewater treatment system not otherwise classified.

"Compatible Pollutant" shall mean: biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria plus additional pollutants identified by the Director if the treatment works, in fact, does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional



pollutants that may be considered compatible include:

- ▶ Chemical oxygen demand
- ▶ Total organic carbon
- ▶ Phosphorus and phosphorus compounds
- ▶ Nitrogen and nitrogen compounds
- ▶ Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the wastewater treatment works.)

"Connection Charge - (Also referred to as tap-in charge)" shall mean a charge established by resolution of the Board pertaining to sewer assessment projects. These charges are on file at the District's office.

"Contamination" shall mean an impairment of the quality of the Waters of the State by waste to a degree that creates a hazard to the public health, e.g., through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not Waters of the State are affected.

"Control Authority" shall mean the Board.

"Cooling Water" shall mean the cleaned wastewater discharged from any system of heat transfer such as condensation, air conditioning, cooling or refrigeration.

"County" shall mean Hamilton County, Ohio.

"Days" shall mean calendar days in reference to time period requirements.

"Daily Maximum" The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

"Daily Maximum Limit" The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"Degree of Protection from Flooding" shall mean the extent of protection from flooding designed and achieved.

"Department" shall mean the District established by the City of Cincinnati for the purpose of managing and operating The Metropolitan Sewer District of Greater Cincinnati for the Board of County Commissioners of Hamilton County, Ohio, and its authorized employees.

"Department of Water Works" shall mean the Department of Water Works of the City of Cincinnati.

"Development" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.



"Director" shall mean the Director of the District, or his authorized agent.

"District" shall mean The Metropolitan Sewer District of Greater Cincinnati.

"EPA" shall mean The United States Environmental Protection Agency (Distinguished from the Ohio EPA).

"Existing Source" Any source of discharge that is not a "New Source."

"Family Units" shall mean the number of single-family residential equivalent units served as one customer. Such equivalents are determined and are to be as assigned by the District. One single-family residential unit equals 400 g.p.d. of sanitary sewage.

"Federal Act" shall mean The Federal Water Pollution Control Act (PL 92-500), the Clean Water Act of 1977 (PL 95-217), the Water Quality Act of 1987, and any amendments thereto; as well as the guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"Flood" or "Flooding" shall mean a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; and the usual and rapid accumulations or runoff of surface waters from any source.

"Flood Plain" shall mean any land susceptible to being inundated by water from any source.

"Floodway" shall mean that portion of any flood plain area which is needed to carry the flow of water during a base (100 year) flood without causing an increase in the base flood level of more than one (1) foot NGVD (mean sea level).

"Floodway Fringe" shall mean that part of any flood plain that is outside of the floodway area.

"Foundation Drain" shall mean any subsurface drain used to collect subsurface water from a footer or substructure of a building.

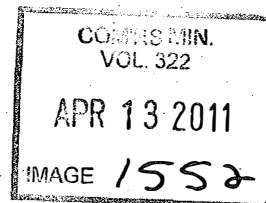
"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage, or sale of produce. (Distinguished from Shredded Garbage).

"General Wastewater Discharge Permit" shall mean a single Wastewater Discharge Permit that covers facilities with similar and types of discharge. Categorical Industrial Users are not eligible for a General Wastewater Discharge Permit.

"Grab Sample" A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

"Holding Tank Waste" shall mean any sanitary waste from holding tanks or chambers such as are used in connection with boats, chemical toilets, campers, trailers, or other isolated facilities from which sanitary wastes emanate. This definition includes sanitary wastes from septic tanks.

"Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant as defined in this



section.

"Indirect Discharge or Discharge" The introduction of pollutants into the POTW from any nondomestic source.

"Industrial Plant" shall mean any facility that discharges industrial wastes.

"Industrial User" ("IU") shall be any user that discharges industrial wastes.

"Industrial Wastes" shall mean the wastes admissible to the wastewater treatment system from industrial manufacturing processes, trade or business; or from the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

"Instantaneous Limit" The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permits or of the prevention of 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); any 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.

"Kjeldahl Nitrogen" shall mean the sum of free-ammonia and organic nitrogen compounds that are converted to ammonium sulfate $(\text{NH}_4)_2\text{SO}_4$, under test conditions. The values shall be as determined by the methods of Analytical Testing.

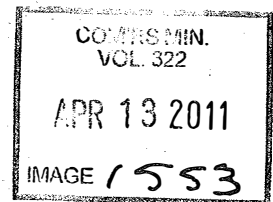
"Local Limits" specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

"Long Term Discharge" shall mean the discharge of industrial waste or contaminated stormwater/groundwater for a continuous, non-discrete period.

"Maintenance" shall mean keeping the wastewater treatment works in a state of repair and shall include expenditures necessary during the service life of the treatment works to maintain the capacity (capability) for which said works were designed and constructed.

"Mass Emission Rate" shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean kilograms per day of a particular constituent or combination of constituents.

"Medical Waste" 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.



“Mid-Tier Categorical Industrial User” is a significant Industrial User subject to categorical pretreatment standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N that the Director has determined is subject to a reduction in the user’s reporting requirements and the District’s monitoring and inspection requirements, upon satisfaction of the conditions as provided in paragraphs 1 to 4 of this definition:

- (1) The Industrial User’s total categorical wastewater flow does not exceed any of the following:
 - a. Zero point zero one per cent of the design dry weather hydraulic capacity of the POTW, or five thousand gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
 - b. Zero point zero one per cent of the design dry weather organic treatment capacity of the POTW; and
 - c. Zero point zero one per cent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which approved local limits were developed by the District in accordance with paragraph (C)(4) of rule 3745-3-03 of the Ohio Administrative Code;
- (2) The Industrial User has not been in significant noncompliance, as defined in Section 1509 of these Rules and Regulations, for any time in the past two years;
- (3) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period pursuant to Sections 1506.1 and 1506.3 of these Rules and Regulations;
- (4) The Industrial User is not located upstream of a combined sewer overflow or sanitary sewer overflow, unless the procedures for the categorization of such a user as a mid-tier categorical Industrial User and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in:
 - a. The District’s approved long term control plan;
 - b. The District’s approved combined sewer system operation plan implementing the nine minimum controls; or
 - c. The District’s program modification request submitted to the director.

"mg/l" shall mean milligrams per liter.

“Monitoring Waiver” shall mean a statement certifying that there has been no increase in a pollutant concentration in a wastestream due to the activities of an Industrial User. Where granted by the Director, a monitoring waiver shall fulfill the requirements of monitoring for the approved pollutants.

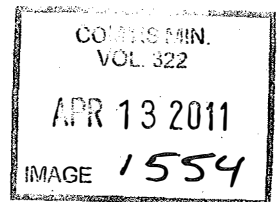
“Monthly Average” The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“Monthly Average Limit” The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

"MSD" shall mean the Metropolitan Sewer District of Greater Cincinnati.

"MSD R & R" shall mean these Rules and Regulations where cited as such.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.



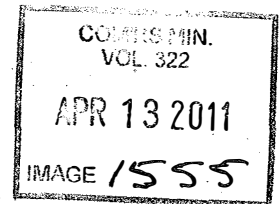
"New Source"

- (1) 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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) 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 Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
- (4) any placement, assembly, or installation of facilities or equipment; or
- (5) 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; or
 - a. Entered into a binding contractual obligation for the purchase of facilities or equipment which are 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

"Non-contact Cooling Water" 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) is an Industrial User subject to 40 C.F.R. chapter I, subchapter N that the District may determine is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User does not discharge more than one hundred gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard) and the conditions in paragraphs (1) to (4) of this definition are met:

- (1) The Industrial User, prior to the District's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) The Industrial User annually submits the certification statement required in Section 1506.14.B of these Rules and Regulations [See 40 CFR 403.12(q)] together with any additional information necessary to support the certification statement;
- (3) The Industrial User never discharges any untreated concentrated wastewater; and
- (4) The Industrial User is not located upstream of a combined sewer overflow or a sanitary sewer overflow, unless the following conditions are met:



- a. The Industrial User does not discharge wastewater regulated by categorical pretreatment standards at any time; or
- b. The Industrial User has not been in significant noncompliance, as defined in Section 1509 of these Rules and Regulations, for any time in the past two years; and
- c. The procedures for the categorization of such a user as a non-significant categorical Industrial User and issues related to combined sewer overflows or sanitary sewer overflows are specifically addressed in:
 - i. The control authority's approved long term control plan;
 - ii. The control authority's approved combined sewer system operation plan implementing the nine minimum controls; or
 - iii. The control authority's program modification request submitted to the director.

"Non Significant Industrial User" ("NIU") An Industrial User that discharges LESS THAN an average of twenty-five thousand (25,000) gallons per day (gpd) of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); AND/OR is designated as such by the District on the basis that it does NOT have a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

"Normal Strength Sewage" shall mean sewage having average concentration values of not more than the following in the pollutant categories indicated:

Biochemical Oxygen Demand	240 mg/l
Suspended Solids	300 mg/l
Total Phosphorus as P	20 mg/l
Total Kjeldahl Nitrogen as N	25 mg/l
Biodegradable oils and greases	in less than floating amounts.

"NPDES Permit" shall mean National Pollutant Discharge Elimination System Permit.

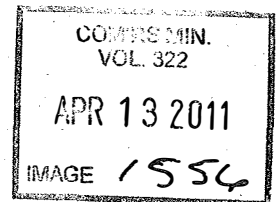
"Nuisance" shall mean anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with human comfort or enjoyment of life or property, whether affecting individual interests per se or affecting at the same time 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.

"OEPA" shall mean The Ohio Environmental Protection Agency.

"Operation" shall mean causing the wastewater treatment works to function for its intended purposes and shall include expenditures necessary during the service life of the wastewater treatment works to maintain the performance for which said works were designed and constructed.

"Pass Through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of a District permit, including an increase in the magnitude or duration of a violation.

"Person" Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.



"pH" A measure of the acidity or alkalinity of a solution, expressed in standard units.

"Phosphorus" shall mean total phosphorus content in wastewater as determined by the methods of Analytical Testing.

"Pollutant" Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

"Pollution" shall mean an alteration of the quality of the Water of the State by waste to a degree that affects such waters for beneficial use or facilities that serve such beneficial uses. Pollution may include contamination.

"Publicly Owned Treatment Works" (POTW) shall mean the same as "Wastewater Treatment System" ("WTS"). A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Control Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

"Pretreatment" The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

"Pretreatment Requirements" Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

"Pretreatment Standards or Standards" Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

"Premises" shall mean a parcel of real estate including any improvements thereon that is determined by the District to be a single user for purposes of using the services of the wastewater treatment system.

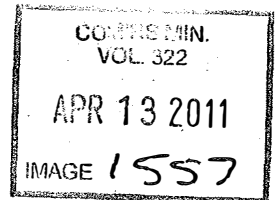
"Private Sewer" shall mean a sewer that is owned, operated, and maintained by a person other than a public authority.

"Prohibited Discharge Standards or Prohibited Discharges" Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 1502.1 of this ordinance.

"Public Authority" shall mean any government entity having jurisdiction.

"Public Sewer" shall mean a sewer that is controlled, owned, operated, and maintained by a public authority.

"Regional Administrator" shall mean the Regional Administrator of the United States Environmental



Protection Agency for Region V.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which said works were designed and constructed. Operation and maintenance includes replacement.

"Residential User" shall mean any single- or two-family housing unit.

"Sanitary Sewage" shall mean sewage containing water-carried wastes contributed from premises by reason of human occupancy.

"Sanitary Sewer" shall mean a sewer that carries sanitary sewage and industrial wastes and to which storm, surface and groundwaters are not intentionally admitted.

"Scheduled Monitoring" shall mean monitoring performed by MSD.

"Self-monitoring" shall mean monitoring performed by the User.

"Septic Tank Waste" Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and household sewage treatment systems or small flow on-site sewage treatment systems (as defined in ORC 3718.01).

"Service Area" shall mean the local jurisdictions designated by the Board to which the services of the wastewater treatment system are provided by MSD.

"Severe Property Damage" in connection with a bypass means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" shall mean a combination of the liquid and water-carried waste discharged from premises.

"Sewer" shall mean any pipe or conduit for conveying wastewater or drainage water.

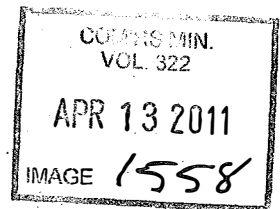
"Sewer System" shall mean all facilities for collecting, pumping, and transporting wastewater to the treatment facilities.

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

"Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 2 inch in dimension (Distinguished from "Garbage").

"Significant Industrial User" (SIU) Except as provided in paragraph (3) of this definition a Significant Industrial User is:

- (1) Industrial Users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, except the Industrial Users considered Non-Significant Categorical Industrial Users (NSCIU), as defined in these Rules and Regulations; and



(2) Any other Industrial User that:

- a. Discharges an average of twenty-five thousand gallons per day or more of process wastewater to the POTW (process wastewater excludes sanitary, non-contact cooling and boiler blowdown wastewaters);
- b. Contributes a process wastestream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- c. Is designated as such by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with paragraph (C)(6) of rule 3745-3-03 of the Administrative Code or 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

"Significant Non Compliance" (SNC) see Article XV, Section 1509, Publication of Users in Significant Non Compliance.

"Single-family Residence" shall mean one room, or a suite of two or more rooms, with sanitary facilities in a dwelling, designed for or used by a family for living and sleeping purposes. "Family" is defined as an individual or any number of individuals who live together in a single household unit.

"Slug Load" or "Slug Discharge" Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article XV, Section 1502.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

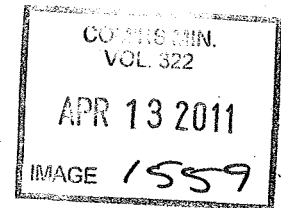
"Special Flood Hazard Areas" shall mean all that area within Zones A1-30 and unnumbered A Zones on the Flood Insurance Rate Maps of any community within the jurisdiction of the Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio; and all that area within said jurisdiction which is designated as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

"Special Permit" shall mean a permit issued for special conditions as directed by the District.

"Standard Industrial Classification" shall mean the classification of users based on the 1972 Standard Industrial Classification Manual (SIC), Office of Manpower and Budget of the United States of America.

"Standard Methods" shall mean the publication: STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER, latest edition, American Public Health Association, American Water Works Association, Water Pollution Control Federation.

"Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm waters, surface runoff, street wash waters and drainage, foundation drains, ground water, roof runoff, subsoil drains, subsurface drainage, swimming pool water, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water and unpolluted industrial process water.



"Storm Water" Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Tap-in-Fee" shall mean a fee established by the Board for the benefit of connecting to the sewage treatment system operated by the District. The fee is the proportionate share of the capitalized cost of the facilities (refer to Section 1215 of these Rules and Regulations).

"Total Solids" shall mean solids that remain after all liquid has been evaporated, expressed in milligrams per liter. The values shall be as determined by the methods of Analytical Testing.

"Total Suspended Solids or Suspended Solids" The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

"Toxic Pollutant" shall mean any pollutant which is identified as such by the U.S. EPA or which is designated as toxic by the Director.

"Unpolluted Water" shall mean water to which no constituent has been added either intentionally or accidentally or which is designated as unpolluted by the Director.

"User" shall mean any person that discharges, causes, or permits the discharge of wastewater into a public sewer.

"User Charge" shall mean the amount levied on users of a treatment works for the cost of operation, maintenance and interim replacement of such works. Expenditures for obtaining and installing replacement equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance of such works for their normal life expectancy may be termed as interim replacements and are items to be included in the user charge.

"User Classification" shall mean the identification of a user as to the type of premises from which wastewater is discharged. Such classification shall be assigned by the District and shall include residential, industrial, public and commercial user.

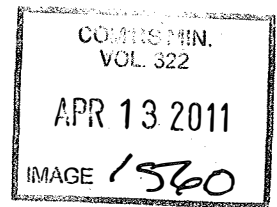
"Viscous" shall mean the characterization of a physical property of a fluid or semi-fluid which can result in detrimental resistance to wastewater flow from the fluid or semi-fluid itself or in combination with other substances.

"Waste" shall mean sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation; or of human or animal origin; or from any production, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature prior to, and for purposes of disposal.

"Wastewater" shall mean a combination of the liquid and water-carried wastes from premises together with any groundwater, surface water, or storm water that may be present.

"Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological and radiological parameters including volume and flow rate; and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

"Wastewater Treatment Plant" (WWTP) shall mean any arrangement of devices and structures used



for treatment of wastewater.

"Wastewater Treatment System" (WTS) shall mean the same as "POTW," and shall mean all of the connected treatment works necessary to meet the requirements of Title III of the Federal Act and involved in: (a) the transport of wastewater from premises to a plant or facility wherein treatment of the wastewater is accomplished; (b) the treatment of the wastewater to remove pollutants; and (c) the ultimate disposal, including recycling or reuse, of the treated wastewater and residues resulting from the treatment process. One wastewater treatment system normally would include one wastewater treatment plant or facility, but in instances where two or more wastewater treatment plants are interconnected, all of the interconnected wastewater treatment works thereof shall be considered as one wastewater treatment system.

"Wastewater Treatment System (WTS) Service Charge" shall mean the charge levied against users to recover the costs of rendering wastewater treatment system service for normal strength sewage. This charge is a combination of the user charge and a charge for the local share of the capital cost of rendering such service.

"Wastewater Treatment System (WTS) Surcharge" shall mean the charge, over and above the WTS Service Charge, levied against users to recover the costs of rendering wastewater treatment system service for discharges whose strength is in excess of that of normal strength.

"Wastewater Treatment Works" shall mean any devices and systems used to develop and implement wastewater treatment management plans and practices which will achieve the goals of the Federal Act and the Board of County Commissioners of Hamilton County, Ohio. Wastewater Treatment Works include intercepting sewers, or outfall sewers; sewage collection systems; pumping, power, and other equipment and their appurtenances; and any other works which will be an integral part of the wastewater treatment process or treatment residue disposal system.

"Waterway or Watercourse" shall mean a channel in which Waters of the State flow either continuously or intermittently.

"Waters of the State" shall mean any water, surface or underground, including saline waters within the boundaries of the State, except those private waters which do not combine or effect a junction with natural surface or underground waters.