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Article X — Reporting Requirements

§ 65-1001 Baseline Monitoring Reports.

(a) **Existing Users.** Within one hundred eighty (180) days after either the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Borough and the City Director of Public Works a report which contains the information listed in subsection (c).

(b) **New Sources and New Categorical Users.** At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become categorical Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Borough and the City Director of Public Works a report which contains the information listed in subsection (c). A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards, and give estimates of its anticipated flow and the quantity of Pollutants to be discharged.

(c) **Required Information.** Users described in subsections (a) and (b) shall submit the following information:

- (1) **Identifying Information.** All information required in § 65-903(a)(1)(A).
- (2) **Environmental Permits.** All information required in § 65-903(a)(2).
- (3) **Description of Operations.** All information required in § 65-903(a)(3)(A).
- (4) **Flow Measurement.** All information required in § 65-903(a)(6).
- (5) **Measurement of Pollutants.**

(A) The User shall provide the information required in subparagraphs (A) through (D) of § 65-903(a)(7).

(B) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph (5).

(C) Samples should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastewater formula in 40 CFR 403.6(e) (*see* § 65-602(i)) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Borough and the City.

(D) Sampling and analysis shall be performed in accordance with § 65-1011.

(E) The Borough and the City Director of Public Works may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(F) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(6) Compliance Certification. A statement, reviewed by an Authorized Representative of the User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall contain 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. No increment shall exceed nine (9) months. Major events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with § 65-903(b).

§ 65-1002 Compliance Schedule Progress Reports.

Every User who submits a compliance schedule under § 65-1001(c)(7) shall submit a progress report to the Borough and the City Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance. The progress report shall include, at a minimum, whether or not the User has 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. In no event shall more than nine (9) months elapse between progress reports. All such progress reports must be signed and certified in accordance with § 65-903(b).

§ 65-1003 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 POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Borough and the City Director of Public Works a report containing the information described in §§ 65-903(a)(6) (relating to flow measurement), 65-903(a)(7) (relating to measurement of pollutants), and 65-1001(b)(5) (relating to measurement of pollutants). For Users subject to equivalent mass or concentration limits established in accordance with the procedures in § 65-602, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards ex-

pressed 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 sampling will be done in conformance with § 65-1011. All compliance reports must be signed and certified in accordance with § 65-903(b).

§ 65-1004 Periodic Compliance Reports.

(a) **In General.** All Significant Industrial Users shall, at a frequency determined by the Borough and the City Director of Public Works but in no case less than twice per year (in June and December), or on dates specified, submit a 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or Pollution prevention alternative, the User must submit documentation required by the City Director of Public Works or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with § 65-903(b).

(b) **Representative Samples.** 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 unrepresentative of its discharge.

(c) **Reporting of Additional Voluntary Monitoring.** If a User subject to the reporting requirement in this Section monitors any Pollutant at the appropriate sampling location more frequently than required by the Borough and the City Director of Public Works, using the procedures prescribed in §§ 65-1010 and 65-1011, the results of this monitoring shall be included in the report.

§ 65-1005 Reports of Changed Conditions.

(a) **Notification.** Each User must notify the Borough and the City Director of Public Works of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least ninety (90) days before the change.

(b) **Submission of Information.** The Borough or the City Director of Public Works 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 § 65-903.

(c) **New or Modified Permits.** The Borough and the City Director of Public Works may issue a Wastewater Discharge Permit under § 65-910 or modify an existing Wastewater Discharge Permit under § 65-907 in response to changed conditions or anticipated changed conditions.

(d) **“Significant” Changes.** For purposes of this Section, “significant” changes include, but are not limited to, flow increases of twenty percent (20%) or greater, loading increases of twenty percent (20%) or greater, and the discharge of any previously unreported Pollutants.

§ 65-1006 Reports of Potential Problems.

(a) **Initial Notification.** In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Borough and the City Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) **Written Report.** Within five (5) days following such discharge, the User shall, unless waived by the Borough and the City Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 Chapter.

(c) **Notice to Employees.** A notice shall be permanently posted on the User’s bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a). Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(d) **Potential Slug Discharge.** Each Significant Industrial User is required to notify the Borough and the City Director of Public Works immediately of any changes at its facility affecting the potential for a Slug Discharge.

§ 65-1007 Reports and Certifications from Users Not Required to Obtain a Permit.

(a) **Reports.** All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Borough and the City Director of Public Works as the Borough or the City Director of Public Works may require from time to time. All such reports must be accompanied by a certification statement in accordance with subsection (c), signed by an Authorized Representative of the User.

(b) **Annual Certification.** A facility determined to be a Non-Significant Categorical Industrial User by the Borough and the City Director of Public Works pursuant to § 65-260(b) must annually submit the certification statement set forth in subsection (c), signed by an Authorized Representative of the User. Such a signed certification statement must also accompany an alternative report required by the Borough or the City Director of Public Works.

(c) **Form of Certification Statement.** The certification statements required by this Section shall be in the following form:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify, to the best of my knowledge and belief, that during the period from _____ to _____ {months, days, year}:

(a) The facility described as _____ {facility name} met the definition of a Non-Significant Categorical Industrial User as described in Albury Codified Ordinances § 65-260(b);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical Wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

_____.

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. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I make this certification subject to the penalties of 18 PA. CONS. STAT. § 4904 (relating to unsworn falsification to authorities).

§ 65-1008 Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a User indicates a violation, the User must notify the Borough and the City Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Borough and the City Director of Public Works within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Borough or the City performs sampling at the User's facility at least once a month, if the Borough or the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User, the Borough, or the City receives the results of this sampling, or if the Borough or the City has performed the sampling an analysis in lieu of the User.

§ 65-1009 Notification of the Discharge of Hazardous Waste.

Although discharges of hazardous wastes are specifically prohibited in § 65-601(c)(22), if any User accidentally discharges a hazardous waste, the User shall adhere to the reporting requirements set forth in 40 CFR 403.12(p)(1).

§ 65-1010 Analytical Requirements.

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City Director of Public Works or other parties, approved by the EPA.

§ 65-1011 Sample Collection.

(a) **In General.** Samples collected to satisfy reporting requirements under this Chapter must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) **Flow Proportional Compositing.** Except as otherwise provided in this Section, the User must collect Wastewater samples using 24-hour flow proportional composite collection techniques.

(c) **Authorized Alternatives.** The Borough and the City Director of Public Works may authorize the use of time proportional sampling or grab sampling rather than flow proportional sampling, but the samples must be representative of the User's Discharge.

(d) **Compositing.** Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and fats, oils and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Borough and the City, as appropriate.

(e) **Instantaneous Limits.** Grab Samples may be required to show compliance with Instantaneous Limits.

(f) Required Grab Samples.

(1) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(2) For sampling required in support of baseline monitoring and 90-day compliance reports required in § 65-1001 and § 65-1003 (*see* 40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Borough and the City Director of Public Works may authorize a lower minimum.

(3) For reports required by § 65-1004 (relating to periodic compliance reports; *see* 40 CFR 403.12(e) and 403.12(h)), the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

§ 65-1012 Timing.

Written reports required under this Chapter 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 shall govern.

§ 65-1013 Record Keeping.

Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under § 65-604(c). Records shall include the date, exact place, method, and time of sampling; the name(s) of the person(s) taking the samples; the dates analyses were performed; the person(s) performing the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, the City, or the Borough, or where the User has been specifically notified of a longer retention period by the Borough or the City Director of Public Works.