

Sponsor: Brown/Elliott

ORDINANCE NO.07-14

**AN ORDINANCE AMENDING AND REVISING SECTIONS 926.02, 926.13, 926.16, 926.18, 926.20 AND 926.24 OF THE CITY OF JACKSON CODIFIED ORDINANCES, AS ADOPTED BY ORDINANCE 10-24, AS REQUIRED BY THE CITY'S NPDES PERMIT AND THE OHIO EPA AND DECLARING AN EMERGENCY.**

WHEREAS, the legislative authority of the City of Jackson has found it necessary to revise the Codified Ordinances of the City of Jackson, specifically sections 926.02, 926.13, 926.16, 926.18, 926.20 and 926.24, as a result of State changes to the rules pertaining to the City's pre-treatment program; and

WHEREAS, the proposed changes have been submitted to and approved by the Ohio EPA; and

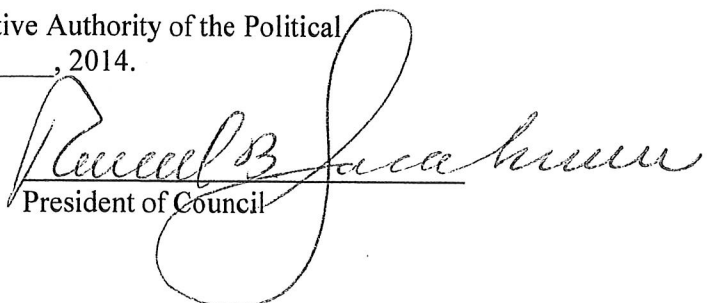
WHEREAS, the current language in Sections 926.02, 926.13, 926.16, 926.18, 926.20 and 926.24 of the Jackson City Code must be amended to remove that language which is stricken, as shown, and to include that language which is underlined, as contained in Exhibit A, attached hereto, and that immediate adoption of the changes is necessary to preserve the health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO, THAT CHAPTER 926 OF THE JACKSON CODIFIED ORDINANCES, WITH THOSE PORTIONS SHOWING THE AMENDMENTS TO THE ORIGINAL LANGUAGE, BE NUMBERED AS SECTIONS 926.02, 926.13, 926.16, 926.18, 926.20 AND 926.24 AND REPLACED WITHIN THE JACKSON CITY CODE, IN REGULAR TEXT, AS ATTACHED HERETO AS EXHIBIT A AND DECLARING AN EMERGENCY:

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 13<sup>th</sup> day of January, 2014.

  
President of Council

ATTEST:

Sherry Barr  
Clerk of the Legislative Authority

Approved this 13<sup>th</sup> day of January, 2014.

Randy R. Heath  
Mayor

## EXHIBIT A

### 926.02 DEFINITIONS.

The meaning of terms used in this chapter shall be as follows:

- (1) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.) as amended.
- (2) "Approval Authority" refers to the State of Ohio as the Approval Authority.
- (3) "Authorized representative" means responsible corporate officer, such as a president, secretary, treasurer, or vice president of a corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for a corporation; a manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which 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, and can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements, and where authority to sign documents has been assigned and delegated to the manager in accordance with corporate procedures; a general partner or proprietor and/or designee appointed in writing by a duly authorized representative specifying either an individual or a position having the responsibility for the overall operation of the facility from the industrial discharge originates, such as a plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, with the written authorization being submitted to the Control Authority. If an authorization of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying these requirements must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.
- (4) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in OAC 3745-3-04. BMPs also include treatment requirements, operating procedure, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (5) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in as a concentration. (e.g., mg/l)
- (6) "Building drain" means 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 the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (7) "Building sewer" means the extension from the building drain to the POTW or other place of disposal.
- (8) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

- (9) "Categorical pretreatment standards" means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial discharges.
- (10) "Dilution" means increased use of potable or process water or mixing of separate waste streams.
- (11) "Director" means the Safety-Service Director or his authorized deputy, agent or representative.
- (12) "Environmental Protection Agency or EPA" refers to the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (13) "Existing Source" means any sources of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (14) "Grab Sample" means a sample which 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.
- (15) "Indirect Discharge or Discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (16) "Industrial User" means a source of indirect discharge of any user who discharges an Industrial waste into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.
- (17) "Industrial waste" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.
- (18) "Instantaneous Maximum Allowable Discharge Limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (19) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources; both, 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 any requirement of the POTW's NPDES permit or of prevention of sewage sludge use or disposal in compliance with all State and Federal regulations.
- (20) "Medical Wastes" refers 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.
- (21) "New Source" is any facility from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards, provided that the facility is constructed at a site at which no other source is located; or the facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.
- (22) "Noncontact Cooling Water" refers to water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (23) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the U.S. Environmental Protection Agency (U.S.EPA) or State.



- (24) "O&M" means Operation and Maintenance.
- (25) "Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and other substances except sewage and industrial wastes.
- (26) "Pass through" means 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 the POTW's NPDES.
- (27) "Person" means any individual, firm, company, association, society, corporation or group.
- (28) "pH" is a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (29) "POTW" (Publicly-owned treatment works) means the sewage treatment works and the sewer and conveyance appurtenances discharging there to, owned and operated by the Authority.
- (30) "Pollutant" means any 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).
- (31) "Pretreatment" means 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.
- (32) "Pretreatment Requirements" refers to any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (33) "Pretreatment Standards or Standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (34) "Prohibited Discharge Standards or Prohibited Discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 926.03 of this chapter.
- (35) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particulars will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (36) "Residuals" means any material (liquid, sludge, slurry, ash, solid) which shall be disposed of after use in or removal from an industrial activity, including pretreatment, but not discharged to the POTW. Residuals shall not include noncontact cooling waters.
- (37) "Sanitary sewer" means a conduit which carries wastewater to a wastewater treatment facility and in which storm, surface and groundwaters are not intentionally admitted.
- (38) "Septic Tank Waste" refers to any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (39) "Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- (40) "Sewage" means the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
- (41) "Sewage treatment works" means an arrangement of devices and structures for treating municipal sewage, sludge, and industrial waste.

(42) "Shall" is mandatory and not merely directory.

(43) "Significant Industrial User" means:

A. Except as provided in part B., of this section, the term Significant Industrial User includes:

1. All industrial users subject to categorical pretreatment standards; and
2. Any other industrial user that: discharges an average of twenty- five thousand 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater; contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment plant; or has a reasonable potential, in the opinion of the ~~Director~~ Superintendent, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

B. The ~~Director~~ Superintendent may at any time, on his own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a Significant Industrial User if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirements.

(44) "Significant Noncompliance" occurs if an industrial user's violations meet one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 926.03, the daily maximum limit or the average limit for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 926.03 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); ~~of all the measurements for each pollutant parameter taken during a six-month period 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, oil and grease, and 1.2 for all other pollutants except PH);~~

C. Any other violation of a Pretreatment Standard or Requirement as defined by 926.03 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) ~~that the Superintendent~~ pretreatment effluent limit (daily maximum or longer-term average) that the Director 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 of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority 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 wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide, within ~~30~~ 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;

H. Any other violation or group of violations which the ~~Director~~ Superintendent determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(45) "Slugload" means any pollutant, including oxygen-demanding pollutants, released in a discharge at an extraordinary rate and/or concentration which causes interference to the POTW, or pass through to receiving stream; also any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 926.03 of this Chapter.

(46) "Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(47) "Storm Water" refers to any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(48) "Superintendent" refers to the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

(49) "Suspended solids" means solids that float on the surface of, or are in suspension in, water, wastewater or other liquids and are quantified by laboratory procedures set forth in "Standard Methods for the Examination of Water and Wastewater."

(50) "Toxic pollutant" means any substance or combination of substances, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the ~~Director~~ Superintendent, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions including malfunctions in reproduction or physical deformation, in such organism or its offspring. These substances include, but are not limited to, those listed in Appendix A of this chapter.

(51) "Upset" means an exceptional incident in which an industrial user's treatment system is unintentionally and temporarily in noncompliance with pretreatment standards. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(52) "User" means any person, residence or establishment that discharges an effluent to the POTW.

(53) "Wastewater". See "sewage."

(54) "Wastewater treatment plant." See "sewage treatment works."

### 926.13 ADMINISTRATIVE ORDERS.

The ~~Director~~ Superintendent shall issue, at any time deemed necessary, an administrative order to any user to control the user's discharge to the sewerage system and ensure compliance with any regulation established by this chapter including, but not limited to, the following:

- (a) The general and specific discharge prohibition;
- (b) Compliance with specific local discharge limits;
- (c) The applicable federal categorical pretreatment standards;
- (d) Compliance with applicable reporting requirements.
- (e) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

An administrative order shall be in the form of a written notice from the ~~Director~~ Superintendent and may be served upon any user by a duly authorized representative of the ~~Director~~ Superintendent by certified mail with return receipt requested.

An administrative order shall be issued for a specified time period, not to exceed five (5) years from the effective date of the order. Each administrative order will indicate a specified date upon which it will expire.

An administrative order shall include such conditions as are deemed reasonably necessary by the ~~Director~~ Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Any person, including the user, may petition the ~~Director~~ Superintendent to reconsider the terms of an administrative order within thirty (30) days of notice of its issuance.

The ~~Director~~ Superintendent may modify an administrative order for good cause.

The ~~Director~~ Superintendent may revoke an administrative order for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the ~~Director~~ Superintendent of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the ~~Director~~ Superintendent of changed conditions pursuant to Section 926.16 of this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge disclosure form;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the ~~Director~~ Superintendent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or wastewater discharge disclosure form;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the administrative order or this chapter.

Wastewater administrative orders shall be voidable upon cessation of operations or transfer of business ownership. All wastewater administrative orders issued to a particular user are void upon the issuance of a new administrative order to that user.

A user with an expiring wastewater administrative order shall submit an updated Wastewater Discharger Disclosure Form, in accordance with Section 926.14 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater administrative orders.

#### **926.16 ANTICIPATED CHANGES IN DISCHARGE.**

All industrial users tributary to the POTW who anticipate significant changes in the quantity or characteristics of their discharge to the POTW shall promptly notify the ~~Director~~ Superintendent in advance of these substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). All industrial users must contact the POTW ~~twenty~~ thirty days prior to any changes in their discharge.

Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **926.18 SAMPLE COLLECTION.**

~~The user must collect wastewater samples using flow-proportional composite collection techniques, except samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.~~

Reporting required must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. 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 oil & 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 City, as appropriate.



All analyses shall be performed in accordance with procedures established by the USEPA pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the USEPA. ( See, §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the USEPA. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the USEPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the USEPA.

For sampling required in support of baseline monitoring and 90-day compliance reports required in 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 does not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by and with applicable Pretreatment Standards and Requirements.

In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

Samples collected by the City for the purpose of determining compliance by industrial users shall be split and a portion given to the industrial user upon request. The City will bill the user appropriately for the cost of sampling and analyses performed to determine compliance.

The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as needed to ensure their accuracy.

## 926.20 DISCHARGE REPORTING REQUIREMENTS.

(a) Compliance Date Report. Within ninety days following the date for final compliance by the discharger with applicable categorical pretreatment standards set forth in this chapter or ninety days following commencement on the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City a report including new production, the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons, and information as described in Section 926.14 of this chapter. Also required is the production data from industrial users subject to production based standards, and long term production rate data for industrial users with equivalent limits. The report shall state whether the applicable categorical pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable categorical pretreatment standards or requirements. If needed, a compliance schedule shall be prepared according to requirements in Section 926.25. All reports shall be signed by an authorized representative of the discharger or his designee, in accordance with Part (d) of this Section.

(b) Periodic Compliance Reports. All industrial users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. All Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December) reports indicating the nature, 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 Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. The frequency of monitoring and reporting shall be as prescribed in the Industrial User's Wastewater Administrative Orders. This report shall include a record of all measured or estimated average and maximum daily flows, including the nature and concentration, or production and mass information where required by the City; the report shall also contain all results of sampling and analysis of the discharge. In addition, this report shall include a description of the type and amount of residuals generated by the user during the reporting period and a description of how and where these residuals were disposed of.

If sampling performed by any Industrial User indicates a violation, the User shall notify the City within twenty-four hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User. Results of sampling above the minimum required shall be reported if analysis were conducted according to methodology in Section 926.17 of this chapter.

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 orders 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.



These reports shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in Part (d) of this Section.

(c) Baseline Monitoring Report Deadline for New Sources. New sources and existing sources that become industrial users subsequent to promulgation of categorical standards are required to submit baseline monitoring reports at least 90 days prior to the commencement of discharge. Elements to be contained in the baseline monitoring report are listed in Section 926.14 of this Chapter. New Sources are required to install and start-up technology prior to discharge and to achieve compliance within the shortest time feasible, not to exceed 90 days after commencement of discharge. If needed, a compliance schedule shall be prepared according to requirements in Section 926.25. All reports shall be signed by an authorized representative of the discharger or his designee, in accordance with Part (d) of this Section

(d) Reporting Signatories and Certification. All wastewater discharge applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation."

#### **926.24 RECORDS RETENTION.**

All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment plant shall maintain such records of production and related factors, effluent flows and pollutant amounts and concentrations of such pollutants that are necessary to demonstrate compliance with the requirements of this chapter and any applicable State or Federal pretreatment standards or requirements. Such records shall be made available upon request by the City.

Records shall 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. Any additional records of information obtained pursuant to monitoring activities undertaken by Management Practices shall also be maintained. All records shall be retained by the industry for at least three years. This period shall be automatically extended for the duration of any litigation concerning the User of the City, or where the User has been specifically notified of a longer retention period by the Superintendent.