



March 22, 2016

Alan Anderson  
Enforcement Analyst  
Office of Water Quality  
Arkansas Department of Environmental Quality  
5301 North Drive, North Little Rock, Arkansas 72118-5317

RE: NPDES Permit No. : AR0020273, AFIN: 04-00106, Post Upset Review

Dear Mr. Anderson:

This letter is in response to your request for information associated to the City of Siloam Springs Municipal Wastewater Treatment Facility upset September 28, 2015. The responses below are in the same order as the requests in your March 7, 2016 letter.

- Two Slug Control Plans from Sager Creek Foods are attached. The first is dated April 1, 2015 and is prior to the upset. The second is dated March 15, 2016 has a sentence added that requires additional testing and flow monitoring. The second slug control plan was modified after the upset.

Additional attachments include excerpts from the industrial pretreatment section of our City Code Book that reference the need for slug control plans. There is also a copy of an industrial inspection conducted on June 30, 2015 by city staff at Sager Creek Foods' Pretreatment Facility and an inspection conducted by ADEQ on September 17, 2015 of Sager Creek Foods. Both inspection checklists indicate that Sager Creek Foods had adequate spill prevention at the time of their respective inspections.

- Plant processes are monitored daily on the headworks and each treatment process. Wastewater treatment plant operators begin each day at 7:30 am. The facility is not staffed after 3:30 pm. Operators began checking the plant operation the morning of September 28, 2015 and noticed the effluent was discolored and Biological Nutrient Removal (BNR) train was black in color. Dissolved oxygen (DO) measured zero in the BNR process. Staff immediately shut down flow to the plant and diverted flow to the stormwater basin. ADEQ was notified and staff began calling all permitted industrial dischargers. Staff increased DO to the BNR process, began pumping sludge from the youngest aerobic digester to the BNR, and started an additional BNR train.

- A copy of the results from Sager Creek Foods' discharge on September 22, 23, and 24 was received on September 30, 2015. Since Sager Creek Foods is a permitted industry, sample results are typically not received until the following month. If the results are over the permit limit, a notice of violation is sent to the industry. In this case, results were requested for sampling that would have been conducted prior to September 28, 2015 to determine if Sager Creek Foods was the cause of the upset.
- Attached are the daily operational logs/reports from September 18-30, 2015.
- The root cause of the upset that occurred on September 28, 2015 was due to exceptionally high organic loading from Sager Creek Foods. Industrial dischargers were asked to provide monitoring data for the days leading up to the upset. Sager Creek Foods is the largest discharger and would have the biggest impact on any changes in the City's wastewater plant operations. As it turned out, Sager Creek Foods' discharge was as much as five times what is allowed in their discharge permit.
- Better communication from Sager Creek Foods would have prevented the upset at the City's wastewater treatment plant. As a result, Sager Creek Foods now has daily contact with wastewater plant staff and provides staff with daily flow and COD data.

The City of Siloam Springs values the working relationship with ADEQ and its representatives. If you need any additional information, please do not hesitate to contact me.

Sincerely,



Phillip Patterson  
City Administrator

Enclosures

cc: Steve Gorszcyk, Public Works Director  
Tom Myers, Wastewater Superintendent  
Renea Ellis, City Clerk



**Slug Control Plan  
Country Plant  
April 1, 2015**

This Slug Control Plan has been prepared to meet requirements of the City of Siloam Springs for the protection of the City of Siloam Springs Wastewater Treatment Plant (WWTP). A "slug discharge" is any discharge of a non-routine, episodic nature, including 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 ordinances or permit conditions. A Slug Control Plan is prepared to identify systems, practices, or procedures to prevent or mitigate the effects of slug discharges.

In general, wastewater from the facility is discharged to a 12+ million gallon wastewater lagoon which will serve to mitigate any slug discharges to the City of Siloam Springs WWTP. Bulk tanks for sanitation chemicals are double-walled tanks. The caustic tank (sodium hydroxide) is located within a containment structure. Containment pallets are used in many locations, but not all, for chemical drums.

The other mitigating feature to control slug discharges is that treated wastewater from the facility must be pumped to the City of Siloam Springs WWTP; it does not flow by gravity from the Country Plant. Therefore, the first option to contain a slug discharge on-site would be to stop pumping wastewater to the City of Siloam Springs WWTP. DAF-treated wastewater is temporarily stored in an above-ground stainless tank. This tank also serves as the reservoir to supply the pumps to the City of Siloam Springs. In an event that some upset, slug discharge, or contamination has occurred, this tank can be drained back to the wastewater lagoon or special waste handling can be used. Some examples of circumstances in which the tank should be drained back to the lagoon or special waste handling should be implemented include:

- Carry-over of DAF solids/sludge into the treated wastewater
- pH control issues (wastewater outside of the acceptable range of 6-9 standard units due to over-correction or a spill of some sort)
- Mis-feeding or over-feeding of DAF chemicals that results in unacceptable treated wastewater quality
- Contamination of some sort, such as from a spill of hydraulic fluid from an equipment reservoir in the plant.

The Wastewater Manager for the Country Plant (Nathan Florer) must be contacted in the event of any upset or slug discharge. External contacts are as follows in the event of a slug discharge or concern:

<b>Agency Name</b>	<b>Agency Phone Number</b>
City of Siloam Wastewater Treatment Plant (for discharges that could affect POTW)	(479) 524-5623
Arkansas Department of Emergency Management (ADEM) – equivalent to the State Emergency Response Commission under EPCRA	(800) 322-4012
National Response Center	(800) 424-8802
Local Emergency Planning Committee (LEPC)	911 or (479) 271-1004

**Slug Control Plan  
Country Plant  
March 15, 2016**

This Slug Control Plan has been prepared to meet requirements of the City of Siloam Springs for the protection of the City of Siloam Springs Wastewater Treatment Plant (WWTP). A "slug discharge" is any discharge of a non-routine, episodic nature, including 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 ordinances or permit conditions. A Slug Control Plan is prepared to identify systems, practices, or procedures to prevent or mitigate the effects of slug discharges.

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- Mis-feeding or over-feeding of DAF chemicals that results in unacceptable treated wastewater quality
- Contamination of some sort, such as from a spill of hydraulic fluid from an equipment reservoir in the plant.

During discharging to the WWTP, CODs are taken approximately every two hours and the WWTP's Wastewater Superintendent is sent an e-mail with the approximate average of the CODs and volume of wastewater being discharged. The Wastewater Manager for the Country Plant (Nathan Florer) must be contacted in the event of any upset or slug discharge and he will immediately contact the WWTP. External contacts are as follows in the event of a slug discharge or concern:

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Arkansas Department of Emergency Management (ADEM) - equivalent to the State Emergency Response Commission under EPCRA	(800) 322-4012
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Nathan Florer  
Wastewater Manager/Environmental Coordinator  
14961 Reading Road  
Siloam Springs, AR 72761  
Country Plant  
479-373-6748 - P  
479-586-4295 - C  
nathan.florer@delmonte.com

Sec. 98-532. - Accidental discharge/slug control plans.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance as generally described in section 98-503. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's cost. Detailed plans showing such facilities and operating procedures to prevent accidental discharge shall be maintained on the premises of the user and produced to the city upon request. Users shall report all accidental discharges as required by section 98-622 of this ordinance.

At least once every two years, the city shall evaluate whether each significant industrial user needs a slug control plan. The city may require any user to develop, submit for approval, and implement such a plan. Alternatively, the city may develop such a plan for any user. A slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the city administrator of any accidental or slug discharge, as required by section 98-622 of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 12-05, § 3(3.2), 6-19-2012)

## Sec. 98-503. - Prohibited discharge standards.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or pretreatment requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celcius) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.0 or more than ten, or otherwise causing corrosive structural damage to the POTW or equipment except that the city may authorize the discharge of wastewater having a pH that is greater than ten but lower than 12.5 if such discharge will not damage the POTW or equipment and will not cause pass through or interference;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch;
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
  - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celcius);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Trucked or hauled wastewater, except as authorized pursuant to division 10 of this ordinance;
  - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent;
  - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  - (12) Sludges, screenings, or other residues from the pretreatment of wastewater;
  - (13) Medical wastes, except as specifically authorized by the city in a wastewater discharge permit;
  - (14) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a

toxicity test;

- (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; or
- (17) Any pollutant which may cause the POTW to be in noncompliance with any sludge use or disposal criteria or standards.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. No. 12-05, § 2(2.3), 6-19-2012)

## Sec. 98-622. - Reports of potential problems.

- (a) 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 city administrator 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) The city may require that the user 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 ordinance.
- (c) 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) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) SIUs are required to notify the city administrator immediately of any changes at its facility affecting potential for a slug discharge. If the city administrator decides that a slug control plan is needed, the plan shall contain the elements in section 98-532.

(Ord. No. 12-05, § 6(6.6), 6-19-2012)



City of Siloam Springs  
INDUSTRIAL WASTEWATER  
SLUG/SPILL EVALUATION CHECKLIST

SIU NAME: Sager Creek Vegetable Co.

PERMIT NO.: 009

CONTACT: Nathan Flower  
6/30/15

1. SLUG CONTROL PLAN

a. Evaluated for need for slug discharge control plan: Yes  No

Result: Slug Discharge Control Plan: Required  Required

b. If Slug Discharge Control Plan is required has it been submitted? Yes  No

c. If Slug Discharge Control Plan is required has it been reviewed for sufficiency?

Yes  No  Result: Sufficient  Not Sufficient

2. SPILL PLAN

a. Type on file: (PIPP, SPCC, TOMP, Contingency): SPCC Date: \_\_\_\_\_

b. Number of Spills in last 3 years: N/A

3. CHEMICAL STORAGE

a. Attach chemical list, including location of chemical, quantity stored, and container size.

b. Containment: Yes  No  Describe: Poly mers all drain to  
Activated Sludge Lagoon

Condition: Good  Fair  Poor  N/A

c. Drains/Trenches: Yes  No  Routed to: \_\_\_\_\_

Distance from storage tanks or drums (in feet): \_\_\_\_\_

d. Spill Potential (High, Medium, Low): Low

4. MANUFACTURING PROCESSES

a. Process solutions in tanks

K. Accidental Spill and Discharge Control

Are floor drains/manholes in proximity to: (if yes, where discharge to)

	YES	NO	DISCHARGE	VERIFIED
Chemical storage area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Acid use area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Caustic use area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Raw materials storage area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Maintenance shop area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Paint application area(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

Are there spill facilities?  Yes  No

Where discharged to? \_\_\_\_\_

Does User have an approved ASPP?  Yes  No

Reviewed prior to inspection?  Yes  No

Is there a need for an ASPP?  Yes  No

If no, explain why. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Is a Slug Control Plan currently required?  Yes  No

If a Slug Control Plan is currently required, does the plan adequately:

Describe discharge practices?  Yes  No

Identify and locate chemicals stored at the facility?  Yes  No

Provide procedures for immediately notifying the City of a slug discharge or threatened slug discharge?  Yes  No

Provide procedures for preventing adverse impacts from accidental spills (e.g., inspection and maintenance of chemical storage areas)?  Yes  No

Comments:

*All flow goes to Activated Sludge Pretreatment Facility, Screen Roll - Activated Sludge DAF - Discharge to field application or to municipal wastewater Dept.*

L. Defined Pollutants

List pollutants coming into direct contact with waste stream that discharges into POTW.

*None*

List pollutants that have the potential to access the POTW collection system by spill, accidental discharge, machinery malfunction, etc.

*None*

<h1 style="margin: 0;">ADEQ</h1> <p style="margin: 0; font-size: small;">A R K A N S A S Department of Environmental Quality</p>		<b>WATER DIVISION INSPECTION REPORT</b>	
		AFIN: 04-00106	PERMIT #: AR0020273
COUNTY: 04 Benton		PDS #: 086919	MEDIA: WN
GPS LAT: N36.20340 LONG: W-94.42905 LOCATION: Entrance			
<b>FACILITY INFORMATION</b>		<b>INSPECTION INFORMATION</b>	
NAME: <b>Sager Creek Foods, Inc.</b>		FACILITY TYPE: <b>2 - Industrial</b>	INSPECTOR ID#: <b>14939 S - State</b>
LOCATION: <b>14961 Readings Road</b>		FACILITY EVALUATION RATING: <b>***</b>	
CITY: <b>Siloam Springs</b>		INSPECTION TYPE: <b>Industrial User</b>	
<b>RESPONSIBLE OFFICIAL</b>		DATE(S): <b>9/17/2015</b>	ENTRY TIME: <b>09:29</b>
NAME / TITLE: <b>James Phillips / Chief Administrative Officer</b>		EXIT TIME: <b>10:59</b>	PERMIT EFFECTIVE DATE:
COMPANY: <b>Sager Creek Foods, Inc. (d/b/a Sager Creek Vegetable Company)</b>		PERMIT EXPIRATION DATE:	
MAILING ADDRESS: <b>P.O. Box 250</b>		FAYETTEVILLE SHALE RELATED: <b>N</b>	
CITY, STATE, ZIP: <b>Siloam Springs AR 72761</b>		FAYETTEVILLE SHALE VIOLATIONS: <b>N</b>	
PHONE & EXT. / FAX: <b>479.524.6431 /</b>		<b>INSPECTION PARTICIPANTS</b>	
EMAIL:		NAME/TITLE/PHONE/FAX/EMAIL/ETC.: <b>Tom Myers/City of Siloam Springs Wastewater Superintendent/479.524.5623</b>	
CONTACTED DURING INSPECTION: <b>No</b>		<b>Nathan Florer/Sager Creek Foods, Inc. Wastewater Manager/479.586.4295</b>	
<b>AREA EVALUATIONS</b> <small>(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)</small>			
** PERMIT	** FLOW MEASUREMENT	** STORMWATER	
** RECORDS/REPORTS	** LABORATORY	** FACILITY SITE REVIEW	
** OPERATION & MAINTENANCE	** EFFLUENT/RECEIVING WATER	** SELF-MONITORING PROGRAM	
** SAMPLING	** SLUDGE HANDLING/DISPOSAL	** PRETREATMENT	
** OTHER:			
<b>SUMMARY OF FINDINGS</b>			
No violations at the time of the inspection.			
<b>GENERAL COMMENTS</b>			
Industrial User Inspection was conducted at Sager Creek Foods as part of a Pretreatment Inspection with the City of Siloam Springs. Effluent is not sampled at Outfall 001. Effluent is sampled off of DAF prior to the 20,000 gallon storage tank at the facility's wastewater facility. City stated that they would update the facility's sampling location.			
INSPECTOR'S SIGNATURE: <i>Joy Alison West</i>		-Alison West	DATE: 9-28-2015
SUPERVISOR'S SIGNATURE: <i>Jason R. Bolenbaugh</i>		Jason Bolenbaugh	DATE: 10/1/2015

### POTW Pretreatment Program

#### Industrial Site Visit

Name of Industry: Sager Creek Foods, Inc.

Industry Contacts: Nathan Florer, Wastewater Manager

Type of Industry: SIC No 2032, SIC 2033, NAICS 311421, NAICS 311422

Date of Visit: 9-17-2015

- |     |   |   |                             |   |
|-----|---|---|-----------------------------|---|
| 1.  | Significant industrial user:                          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 2.  | Pretreatment equipment or procedures?                 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 3.  | Pretreatment equipment maintained<br>and operational? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 4.  | Hazardous waste generated or stored?                  | <input type="checkbox"/> Yes            | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| 5.  | Proper solid waste disposal?                          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 6.  | Solvent management/TTO control?                       | <input type="checkbox"/> Yes            | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| 7.  | Suitable sampling location?                           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 8.  | Appropriate self-monitoring<br>procedures/equipment?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 9.  | Adequate spill prevention?                            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| 10. | Industry familiar with limits<br>and requirements?    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |

Additional Comments: Effluent is not sampled at Outfall 001. Effluent is sampled off of DAF prior to the 20,000 gallon storage tank at the facility's wastewater pretreatment.

Visit Conducted By: Alison West

Date of Report: 9-28-2015



CITY OF SILOAM SPRINGS WASTEWATER FACILITY  
UPSET INCIDENT REPORT  
INCLUDING STAFF TIME SPENT TO ADDRESS UPSET

Date	Time
9/20/2015	9:05

Daily Observation(s)

Jon McKain brought to the attention to Tom Myers a odor at headworks. Tom and Jon checked out laboratory data to determine anything out of normal. Nothing indicated any problems.

9/23/2015	7:30
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Daily Observation(s)

Conducted normal NPDES testing 9/22 set up sampler 10:00 am removed 9/23 removed 9:00 am. Sample is refrigerated and flow porportional. BNR went from brown to light gray. D.O. was 2.0 in aerobic units D.O. in Chlorine Contact Chamber of 9.0. Increased D.O. because of light gray color was noticed in BNR Train 3.

Daily logs were normal other than color change in BNR Train 3. Only one BNR train was in operation

9/24/2015	8:15
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Daily Observation(s)

BNR Train 3 the only one in operation of three units visually you could see the brown color returning to system. Kept one big blower and smaller blower in operation. Process control data indicated no unusual problems and showed low ammonia nitrogen and phosphorus readings up stream of effluent discharge in Chlorine Contract Chamber.

9/25/2015	7:45
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Daily Observation(s)

BNR Train 3 visually you could see the browner color returning. Plant running well.

9/27/2015	10:45
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Daily Observation(s)

Hector was working the weekend. Tom called Hector to check on plant at 10:45 am. Plant was running fine in the morning. Decided to go back to one centrifugal blower because D.O. was 5 ppm in aerobic BNR Train 3. Process controls showed good readings on Ammonia Nitrogen and Phosphorus in Chlorine Contact Chamber. Operator Hector said things running well still at 15:30 (3:30 pm) prior to leave for day.

9/28/2015	7:35
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Daily Observation(s)

Effluent had a milk color appearance. Immediately begun sending flow to storm basin to reduce loadings

to BNR Train 3. Immediately contacted all industrial discharges to determine if they could be a source. Simmons said they forgot to report low pH, Gates said they had a high Oil and Grease reading. Sager Creek said they had high COD. BNR Train 3 turned black and was depleted of oxygen 0.01 ppm. Staff immediately put large centrifugal blower on line. Put BNR Train I into service and determined more bacteria was needed. Hurried up and brought emergency plant 6' diesel pump to digester #2 to pump needed aerobic bacteria into system. Commenced pumping 30,000 gallons of bacteria to BNR system to help recover system. Worked until 19:00 (7:00 pm) on reviving system. Throughout day super wasted BNR Train solids direct to digesters in addition two waste pumps on continue run to Waste Activated Sludge Settling tank. Thickend WAS then set to digester too. Nothing else could be done other than let the bacteria work with additional air added. Increased air into Chlorine Contact Chamber. Ammonia and Phosphorus readings within guidelines.

9/29/2015 6:39

Daily Observation(s)

Bad Odor at plant when coming to work. Complaints of bad odor from John Brown University and surrounding residents. Effluent still milky color. Commenced pumping another 15,000 gallons of bacteria to BNR system to help recover system. Called Sager Creek Foods and ordered them to shut all flows off to municipal system. They already pumped 181,000 gallons that night into morning. Nathan Florer stopped all flow as directed by Tom Myers. Tom told Nathan they would not be allowed to discharge any more flow until approved. Tom told Nathan he needed all their reports and data. Called Simmons Foods and told Seth Walters he needed all their reports and data. At 7:30 a.m. Von Helmer ODEQ Grove Oklahoma Office called regarding fish kill in Oklahoma .5 miles west of plant. Called to ask Tom Myers to meet him at bridge .5 miles west and down stream of plant discharge. Mr. Myers responded saw 19 dead fish minnow size. Saw more small fish struggling tested D.O. 3.14 ppm. Oklahoma Game and Fish were at site too. There D.O. reading was .95 ppm. Gates and Simmons emailed to notify they failed to report violations of their permit standards. Simmons said they forgot to report low pH 5.7, Gates said they had a high Oil reading 338 on 9/19. Weekly flow porportional sampler was started at 10:00 am. D.O. 5.5 in stream by plant discharge. Plant monitoring processes milky color D.O. 9 ppm. ADEQ arrived at POTW 1:00 pm Allison West she check D.O. effluent 5.5 and 5.7 ppm and 7.7 pH readings. 3:00 ADEQ representative went to Bridge in Oklahoma .5 miles down stream of plant. Ms. West D.O. reading was 0.95 ppm. Still bypass influent flow to Storm Basin now .75 full continued to add aerobic bacteria from Digester #2.

9/30/2015

Plant effluent no unusual color however, down stream slight milky color still present. Fish and minnows were observed swimming from Oklahoma bridge down stream. All POTW checks are ok

and Storm Basin 90%. BNR starting to turn back to brown color. Added 15,000 gallons bacteria from aerobic digester #2 to BNR. ADEQ called 8:39 am requested D.O. data Sept 28 to 30 in addition Sager Creek Foods and estimated time city discovered issue. Continued to monitor and make adjustments to process systems.

10/1/2015

Plant BNR turning back to normal. Effluent looking clear and normal. Processes are back to normal.

STAFF TIME SPENT ASSOCIATED TO UPSET:

28-Sep-15	Time Spent	
Jack Harrison	8 Operations/Controls	Setting up transfer pump with Hector-Process testing
Hector Aranda	8 Operations/Controls	Setting up transfer pump with Jack-Process Adjustments
Tom Myers	10 Operations/Controls	Managing Response and Corrective Action
29-Sep-15		
Jack Harrison	8 Operations/Controls	Running test and adjustments
Hector Aranda	8 Operations/Controls	Running test and adjustments managing transfer pump
Tom Myers	9 Operations/Controls	Managing Response and Corrective Action working with ADEQ and ODEQ
30-Sep-15		
Jack Harrison	8 Operations/Controls	Running test and adjustments
Hector Aranda	8 Operations/Controls	Running test and adjustments managing transfer pump
Tom Myers	8 Operations/Controls	Managing Response and Corrective Action
1-Oct-15		
Jack Harrison	8 Operations/Controls	Running test and adjustments
Hector Aranda	8 Operations/Controls	Running test and adjustments managing transfer pump
Tom Myers	8 Operations/Controls	Managing Response and Corrective Action monitoring stream.
2-Oct-15		
Jack Harrison	8 Operations/Controls	Running test and adjustments working with State Inspectors
Hector Aranda	8 Operations/Controls	Running test and adjustments managing transfer pump
Tom Myers	8 Operations/Controls	Managing Response and Corrective Action monitoring stream.
10/7/2015		
Tom Myers	9 Parthy	
10/8/2015		
Tom Myers	9 Parthy	
9-Oct-15		
Tom Myers	8 Working with ADEQ Data	Gathering Data for ADEQ Request



Jack Harrison

6 Working with ADEQ Data

Gathering Data for ADEQ Request

**CITY OF SILOAM SPRINGS**

**PO BOX 80**

**SILOAM SPRINGS, ARKANSAS 72761-0080**

**WASTEWATER DISCHARGE PERMIT**

Company Name      Sager Creek Foods, Inc.

Mailing Address    P.O. Box 250  
  
                            Siloam Springs, AR 72761

Facility Address    14961 Readings Road  
  
                            Siloam Springs, AR 72761

Permit Number     009

Pursuant to all terms and conditions of Ordinance No. 1084, City of Siloam Springs, Arkansas, and subject to any applicable provision of Federal or State Law or regulation; permission is hereby granted to Sager Creek Foods Inc., classified by SIC No. 2032, 2033, NAICS 311421, 311422 for the contribution of industrial wastewater into the City of Siloam Springs sewer lines at the plant site at 14961 Readings Road, Siloam Springs, AR 72761.

This permit is granted in accordance with the application filed on April 2, 2015 in conformity with all data submitted in support of the application, all of which are filed with and considered as part of this permit.

This permit is granted subject to conditions, requirements, or limitations attached hereto. Further, this permit is subject to modification, upon review, should the volume, flow, character or content of the industrial wastewater materially change.

Effective Date: April 10, 2015

Expiration Date: April 9, 2016

Name: Thomas A. Myers

A handwritten signature in black ink, appearing to read "Thomas A. Myers", is written over a horizontal line. The signature is cursive and somewhat stylized.

Pretreatment Coordinator

**PART I. SPECIFIC CONDITIONS**

## SECTION A - DISCHARGE LIMITATIONS

SAGER CREEK FOODS, INC:

<b><u>Pollutant</u></b>	<b><u>Daily Maximum (mg/l)</u></b>	<b><u>Maximum Monthly Average (mg/l)</u></b>
Oil and Grease	100 mg/l	100 mg/l
pH	Between 6 – 9	N/A
Total Suspended Solids	900 mg/l	305 mg/l
BOD	900 mg/l	375 mg/l
COD	Report Only mg/l	Report Only mg/l
Maximum Discharge	1,500,000 MGD	1,500,000 MGD
Phosphorus (T)	15 mg/l	10 mg/l
Ammonia (NH <sub>3</sub> -N)	20 mg/l	10 mg/l
Nitrate-Nitrogen (NO <sub>3</sub> )	10 mg/l	7 mg/l
Cyanide	Report only mg/l	Report only mg/l
Zinc	Report only mg/l	Report only mg/l
Copper	1.4 lbs/day	1.1660 lbs/day
Mercury	Report Only mg/l	Report Only mg/l
TKN	50 mg/l	45 mg/l

These limits (except Oil and Grease) are to be applied to the regulated process waste streams prior to any dilution from non-regulated or dilution waste streams. If the point at which samples are collected from this facility is subsequent to any dilution by non-regulated or dilution waste systems, then it shall be the permittee's responsibility to furnish to the City all information necessary to calculate combined waste stream limits.

SECTION B - SELF-MONITORING REQUIREMENTS

Sample Monitoring Requirements

<u>Pollutant</u>	<u>Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow*	(1)	Daily	Record on Log (Daily)
TSS	(1)	3 times/week	24 hr. time composite
Oil & Grease	(1)	Monthly	Preserved Grab
pH	(1)	3 times/week	Grab
BOD	(1)	3 times/week	24 hr. time composite
Copper (T)	(1)	Monthly	24 hr. time composite
Cyanide (T)	(1)	Quarterly	Grab
Phosphorus (T)	(1)	3 times/week	24 hr. time composite
Ammonia (NH <sub>3</sub> -N)	(1)	3 times/week	24 hr. time composite
Nitrate-Nitrogen (NO <sub>3</sub> -N)	(1)	3 times/week	24 hr. time composite
Zinc (T)	(1)	Quarterly	24 hr. time composite
Mercury	(1)	Quarterly	24 hr. time composite
TKN	(1)	3 times/week	24 hr. time composite
COD	(1)	Weekly	Grab

\*Calibration of flow monitoring equipment must be verified on an annual basis. Documentation of this verification must be available to City representatives upon request. Any time the calibration is more than 5% off, the flow equipment must be recalibrated, and this recalibration documented.

The reporting period for this permit shall be monthly.

In addition to meeting the stated specific discharge limitations, the permittee is required to meet all the general discharge limitations as set forth in City Ordinance 1084, 98-503. Section 98-503 is attached hereto and incorporated herein by this reference for all purposes.

During the afore stated period the permittee is authorized to discharge process wastewater to the City of Siloam Springs sewer system from the Outfall listed below.

Description of outfall:

<b>Outfall</b>	<b>Description</b>
001	Twelve-inch force main beginning at the Country Plant and terminating at the manhole prior to the City of Siloam Springs' twenty-one inch gravity sewer located at the SW corner of the NE quarter of Section 4, Township 17 north Range 33 west.

#### SECTION C – BEST MANAGEMENT PRACTICES (BMPs)

1. BMP's include schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.3. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. Applicable BMPs: None at this time.

**PART II. STANDARD CONDITIONS**

SECTION A - General Conditions

1. Duty to Comply

The permittee must comply with all conditions of this permit and all applicable provisions of the Federal Clean Water Act, 33 U.S.C. sections 1251 et seq., the Arkansas Water and Air Pollution Control Act, Ark. State. Ann. sections 82-1901 et seq., City Ordinance No. 1084, and all orders, rules, and regulations issued pursuant to those laws. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action, for permit termination, revocation and re-issuance, or modification, or for denial of a permit renewal application.

2. Penalties for Violation of Permit Conditions

City Ordinance 1084, 98-792 provides that any industrial user who violates an order of the City Board of Directors or who willfully or negligently fails to comply with any provision of City Ordinance 1084 and the orders, rules, regulations, and permits issued thereunder shall be fined not less than \$100.00 nor more than \$1000.00 per day of violation.

In addition, section 82-1909 of the Arkansas Water and Air Pollution Control Act provides that any person who violates any condition of a permit may be assessed a civil penalty of up to \$5000.00 per day of violation.

Further, pursuant to section 1319 (a)(3) of the Federal Clean Water Act, industrial users of publicly-owned treatment works are subject to Federal enforcement action including civil penalties of up to \$50,000.00 per day of violation and/or three years imprisonment for the first conviction.

### 3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- A. Violation of any terms or conditions of this permit including violation of any provision of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, (City Ordinance 1084, 98-792), and any rules, regulations, or orders issued under those laws. This makes clear the permittee's obligation under federal, state, and local laws;
- B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. A change in or promulgation of national categorical pretreatment standards, state standards, technically based local limits or city standards applicable to the discharge authorized under this permit;
- E. A determination that the permitted activity endangers human health, the environment, or threatens disruption of the wastewater treatment plant and can only be regulated to acceptable levels by permit modification or termination;
- F. Failure of the permittee to comply with the provisions of City Ordinance 1084, 98-841 (Fees) as required by condition II A. 10 herein; or

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes or anticipated noncompliance, does not stay any permit condition.



4. Toxic Pollutants

Notwithstanding Part II A.3, if an effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under ADPC&E Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than the current limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

A compliance schedule may be appended to the reissued permit.

5. Civil and Criminal Liability

Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, City Ordinance 1084, 98-792 and any rules, regulations, or orders issued under those laws or from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under any other federal, state, or local law, or the common law, including private cause of action, including private causes of action.

6. Property Rights

The issuance of this permit does not convey property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

7. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to a specific circumstance is held invalid, the application of such provisions to other circumstances, and the remainder of this permit, shall not be affected thereby.

8. Permit Fees

The permittee shall comply with all applicable fee requirements for wastewater discharge permits as described in Section III of City Ordinance 1084, 98-841 (Fees). Failure to promptly remit all required fees shall be grounds for the City to initiate action to terminate this permit or to take any other action authorized by City Ordinance 1084, 98- 792.

SECTION B - OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and City Ordinance 1084, 98-792. Proper operation and maintenance includes Best Management Practices (BMPs). Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures (which may be met by third party laboratories). This provision includes a requirement for the installation and the operation of backup or auxiliary facilities or similar systems when the operation of such facilities or systems is necessary to achieve compliance with the conditions of this permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health, the environment or the wastewater treatment plant. Adverse effects on the wastewater treatment plant include:

- A. Biological upset of the plant;
- B. Pollutant loadings to the plant causing pass through to the receiving stream;
- C. Pollutant loadings which interfere with normal sludge disposal; or
- D. Any discharge which directly or indirectly causes the plant to violate its NPDES permit.

4. Bypass of Treatment Facilities

- A. Bypass not exceeding limitation. The permittee may allow any bypass to occur which does not cause effluent limitations, or other permit conditions, to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II B.4.b and 4.c

B. Notice of bypass

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II D.6 (24 hour notice).

C. Prohibition of bypass

- (1) Bypass is prohibited and the City may take enforcement action against a permittee for bypass, unless:
  - (a) Pass was unavoidable to prevent loss of life, personal injury, or severe property damage (this does not include economic loss caused by delays in production);
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The permittee submitted notices as required by Part II B.4.b.

5. Notification of Slug Loading

In accordance with 40 CFR, Section 403.12 (f), permittee shall notify the POTW (Phone No. 524-5623) immediately of any slug loading of any pollutant, including oxygen demanding

pollutants (BOD, etc.) released to the POTW system at a flow rate and/or pollutant concentration which has the potential to cause interference with the POTW. If the City decides that a slug control plan is needed, the plan shall contain the elements in City Ordinance 1084, 98-532 and such other requirements as the City may specify.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials (or runoff from such materials) from entering the wastewater collection system or navigable waterways or their tributaries. The permittee is responsible for obtaining the appropriate state permits required for disposal of these materials. This permit shall not be construed to authorize the generation, treatment, transport, or disposal of any materials removed during pretreatment.

7. Power Failure

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure by such means as alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C - MONITORING AND RECORDS

1. Monitoring

All monitoring and the installation and maintenance of all monitoring facilities and equipment shall be at the sole expense of the permittee. Monitoring facilities and equipment shall be constructed and maintained in accordance with the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, City Ordinance 1084, 98-507 and any rules, orders or regulations issued thereunder.

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream. Monitoring points shall not be changed without notification to and the approval of the City.

3. Automatic Resampling

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

- A. Inform the City of Siloam Springs of the violation within 24 hours; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.

4. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- A. "A Guide to Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, NBS Special

Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10.421).

- B. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No.127.19/2:w29/2, Stock No. S/N 24003-0027).
- C. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273535/5ST).
- D. "NPDES Compliance Sampling Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977 140 pp. (Available from the General Services Administration (8FFS). Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225).

5. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall document both calibration and maintenance activities. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. Penalties for Tampering

City Ordinance 1084, 98-793 authorizes a fine in the amount of \$1000.00 and/or not more than six (6) months imprisonment upon conviction for falsifying, tampering, or knowingly rendering inaccurate any required monitoring device or method.

In addition, Section 82-1909 (a) of the Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Arkansas act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year and/or a fine of not more than \$10,000.00 per day of violation.

Section 1319(c)(4) of the Federal Clean Water Act establishes first offense penalties of up to \$10,000.00 per day of violation and/or up to two (2) years imprisonment for falsifying, tampering, with, or rendering inaccurate any required monitoring device or method.

7. Reporting of Results

Monitoring results must be submitted in Self-Monitoring Compliance Report. Monitoring results obtained during the previous reporting period shall be summarized and reported no later than the 25th day of the month following the completed reporting period to begin on the effective date of the permit. The report shall include information required to demonstrate compliance with Best Management Practices imposed on the permittee. Signed and certified reports as required by Part II d.11 and all other reports required by Part II D. (Reporting requirements), shall be submitted to the City at the following address:

Pretreatment Coordinator  
PO Box 80  
Siloam Springs, AR 72761-0080

See PART I - SPECIFIC CONDITIONS for the frequency of the reporting period for this permit.



8. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Compliance Report. Such increased frequency shall also be indicated in the Compliance Report.

9. Special Monitoring Requirements

The control authority reserves the right to require the permittee to conduct additional monitoring for the following reasons:

- A. One time monitoring for specific pollutants to verify their presence;
- B. Acute or chronic bio monitoring to determine the toxicity of the industrial users discharge;
- C. Development of sludge disposal plans, slug loading control plans, or other industrial user management plans that might be required by the control authority;  
or
- D. In response to noncompliance, additional monitoring of regulated and nonregulated pollutants may be necessary.

10. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip charts, recordings for continuous monitoring instrumentation, records of all documentation associated with Best Management Practices, and copies of all reports required by this permit, for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the City at any time.

11. Record Contents

Records and monitoring information shall include, as a minimum, a signature and certification sheet (see Section D, Subpart 11c), a laboratory summary sheet, and a chain of custody sheet.

These documents shall contain, as a minimum, the following information:

- A. The date, exact place, time and methods of sampling or measurements;
- B. The individual(s) who performed the sampling or measurements;
- C. The date(s) analyses were performed;
- D. The individual(s) who performed the analyses;
- E. The analytical techniques or methods used;
- F. The measurements and results of such analyses; and
- G. Any additional information the City deems necessary.

12. Inspection and Entry

The permittee shall allow an authorized representative of the City, upon the presentation of credentials and other documents as may be required by law, to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

D. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

13. Best Management Practices

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the permittee shall prepare and submit documentation necessary to demonstrate the permittee's compliance status with the Best Management Practice or pollution prevention alternative.

SECTION D - REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice and provide plans and specifications to the City for review and approval prior to any planned physical alterations or additions to the permitted facility meeting the following criteria:

Any change in the facility discharge (including the introduction of any new source of discharge or changes in the quantity or quality of discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes permitted that will cause violation of the discharge limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the City of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute any defense in any enforcement action.

3. Transfers

The permit is nontransferable to any person except after notice to the City. The City may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and City Ordinance 1084, 98-589.

4. Monitoring Reports and Best management Practices Documentation

Monitoring results shall be reported at the intervals and in the form specified as Part II.C.7 (Reporting of Results). Documentation of compliance with Best Management Practices as required in this permit shall be submitted in the form specified in this permit.

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. Twenty-four Hour Reporting

The permittee shall report any noncompliance which may endanger health or adversely affect the wastewater treatment facility. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce,

eliminate, and prevent reoccurrence of the noncompliance. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

- A. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- B. Any upset which exceeds any effluent limitation in the permit;
- C. Violation of a maximum daily discharge limitation for any of the pollutants listed by the City in Part I of the permit; and
- D. Any act or event which may endanger public health or adversely affect the wastewater treatment facility.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part II D.4, 5 and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part II D.6.

8. Changes in Discharge of Toxic Substances

The permittee shall notify the City as soon as he/she knows or has reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a)(1) (48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984); or
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels"

described in 40 CFR Part 122.42(a)(2) (48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984).

9. Duty to Provide Information

The permittee shall furnish to the City, within a reasonable time, any information which the City may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the City, upon request, copies of records required to be kept by this permit.

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The City may grant permission to submit an application less than 180 days in advance but no later than 30 days prior to the permit expiration date.

11. Satisfactory Requirements

All applications, reports or information submitted to the City shall be signed and certified.

A. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or 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 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; 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 to or delegated to the manager in accordance with corporate procedures..

(2) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively.

B. All reports required by the permit and other information requested by the City shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, superintendent, or position of equivalent responsibility for environmental matters for the company.

(A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The written authorization is submitted to the City.

C. Certification. Any person signing a document under this section shall make the following certification: "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 violations."

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the City Administration offices. The name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

City Ordinance 1084, 98-793 of the City Code provides that any person who knowingly makes any false statements, representations, or certifications on any document filed or required under the ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 and/or imprisonment of not more than six (6) months.



In addition, Section 32-1909(a) of the Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Arkansas law shall be subject to civil and/or criminal penalties specified in Part II, Section A.2 of this permit.

Section 1319(c)(4) of the Federal Clean Water Act provides that any person who knowingly makes any false material statement, representations, or certification in any required report or document can be subject for a first offense to up to two (2) years imprisonment and/or a fine of up to \$10,000 per day of violation

### **PART III. INDUSTRIAL COMPLIANCE PLAN**

NOT USED

Hasler

FIRST-CLASS MAIL

03/23/2016

US POSTAGE

\$02.52<sup>0</sup>



ZIP 72761  
011D11628725



P.O. Box 80  
Siloam Springs, AR 72761

Alan Anderson  
Arkansas Dept of Env. Qual.  
5301 N. Drive, North LR  
Arkansas  
72118-5317

