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Paragould Light, Water & Cable

NPDES #AR0033766

Industrial Pretreatment Program

2013

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INDUSTRIAL PRETREATMENT PROGRAM

FOR

PARAGOULD, ARKANSAS

NPDES Permit No. AR0033766

Administered By
CITY OF PARAGOULD
PARAGOULD LIGHT AND WATER COMMISSION

October 2012

APR 9 2013
By 10834 HP

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SECTION 1

INTRODUCTION

This document summarizes the activities which have brought the development of the Paragould Industrial Pretreatment Program to its present state.

The Paragould Industrial Pretreatment Program was originally approved by EPA Region VI and delegated to the Paragould Light and Water Commission of the City of Paragould in March 1984. The Program was modified and approved on November 19, 1989 and in May 2000 by the Arkansas Department of Environmental Quality (ADEQ). The Paragould Light and Water Commission administers the Program, by Permit Control Mechanism, since its adoption.

The purposes of the Paragould Industrial Pretreatment Program and of this modification are to continue to:

- A) provide a mechanism for preventing the introduction of pollutants into the POTW which would interfere with the operation of the POTW;
- B) prevent the introduction of pollutants into the POTW which might pass through the POTW inadequately treated, into the receiving waters or otherwise be incompatible with the POTW;
- C) ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D) protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E) improve the opportunity to recycle and reclaim wastewater or sludge from the POTW;
- F) provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;
- G) enable the Paragould Light and Water Commission to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other Federal or State Laws to which the POTW is subject;
- H) incorporate into the program revisions of the General Pretreatment Regulations to include requirements of the Streamlining Rule – 40 CFR 403;
- I) assess the need for and develop Technically Based Local Limits. The required assessment and development of needed Technically Based Local Limits is included in Appendix G; and
- J) To encourage industrial user waste minimization, recycling/reuse, best management practices, energy and water conservations through Pollution Prevention (P2) Activities.

Industrial Users (IUs) which discharge wastewater into the Paragould Light, Water and Cable (PLWC) Publicly Owned Treatment Works (POTW) may be required to obtain Industrial Wastewater Discharge Permits. The discharge of certain pollutants into the PLWC POTW by such IUs may either be prohibited or regulated (limited) in accord with limits or prohibitions established by PLWC, Paragould City Ordinances, Arkansas State Laws or Regulations, National Pretreatment Regulations or National Categorical Standards in order to continue to discharge wastewaters to the PLWC POTW.

The Paragould Industrial Pretreatment Program must be responsive to changes in wastewater treatment plant influent quality which could interfere with the treatment system, and be sufficiently flexible to accommodate the addition of IUs to the PLWC POTW.

SECTION 2

PARAGOULD WASTEWATER TREATMENT PLANT

Paragould Light, Water and Cable (PLWC) discharges effluent from its wastewater treatment plant to an unnamed ditch, then to Eight Mile Creek in Segment 5C of the St. Francis River Basin under authority of PLWC's NPDES Permit No. AR0033766.

The PLWC wastewater treatment plant, in its present configuration, utilizes preliminary treatment in the form of an automatic bar screen and grit removal basin, followed by secondary biological treatment in the form of the Eimco Carrousel Oxidation Ditch System and four final clarifiers. The effluent from the final clarifiers is disinfected using chlorination – dechlorination prior to discharging to Eight Mile Creek.

Waste activated sludge is further processed in the biosolids facility using a gravity thickening table, a belt filter press, an aerobic digester and a dryer to produce Class A, Exceptional Quality biosolids which is sold to area farmers.

A schematic of the PLWC wastewater treatment plant is included in Appendix A.

PLWC's NPDES permit can be located on ADEQ's website at the following web address. http://www.adeg.state.ar.us/water/branch_permits/individual_permits/finalpermits/finalpermits.asp#Display.

The design daily average flow is 6.0 MGD. The plant is designed to accommodate the following daily organic pollutant loadings.

	<u>Concentration, mg/L</u>	<u>Mass Loading, lbs.</u>
BOD ₅	200	10,008
TSS	100	5,004
TKN	30	1,501

The monthly average influent loading of the treatment plant for the period from January 2011 to December 2011 was as follows:

<u>Month</u>	<u>Avg. Flow, MGD</u>	<u>Avg. BOD₅, lb/day</u>	<u>Avg. TSS, lb/day</u>
January	2.59	3348	1738
February	3.07	3204	1763
March	3.46	2754	1907
April	3.54	2378	1189
May	3.80	2133	929
June	2.84	3202	735
July	2.93	2207	749
August	2.82	2237	937
September	2.72	2046	788
October	2.61	2350	823
November	3.51	2212	1670
December	3.81	3108	2707
<hr/>			
Average	3.14	2598	1328

Based on loading data and design capacity of the PLWC POTW, no design average daily parameters were exceeded during 2011. The influent data for 2011 indicates the POTW is at approximately 52 percent of the design capacity flow.

The influent data of the past year indicates an organic pollutant loading of approximately 26 percent of the design capacity of 10,008 lbs per day of BOD₅. The design average daily flow of 6.0 MGD was not exceeded during 2011.

Table 2.1 gives the average influent concentrations for pollutants of concern from 2008 to 2011 show no major increase in any parameter.

Average effluent concentrations for pollutants of concern from 2008 to 2011 show no major increase in any parameter as shown in Table 2.2.

Table 2.3 provides average biosolids concentrations for pollutants of concern from 2008 to 2011. Slight increases for Arsenic and Zinc are seen, while there are no major increases in other parameters. The concentrations for Arsenic and Zinc in biosolids are well below the requirements in 40 CFR Part 503 Regulations. PLWC will continue to monitor pollutant levels in biosolids to ensure no major increases.

PLWC has been administering an Industrial Pretreatment Program since 1984, and Industrials Users have generally attained very good compliance with permit limits. Therefore, major shifts in pollutant trends are not expected.

The Paragould Light and Water Commission annually conducts an Awards day during which they host the Paragould Industrial Users and honor those who are in compliance with their permit requirements. The Commission's Awards is a significantly positive outreach event toward the Paragould industrial community.

Table 2.1
Average Influent Concentrations (mg/L) for Pollutants of Concern
2008 to 2011

Pollutant	2008	2009	2010	2011	Percent Change from 2008 to 2011
Antimony	<0.060	<0.060	<0.060	<0.060	No Change
Arsenic	0.0009	0.0014	0.0009	0.0008	11.1% Decrease
Beryllium	<0.0005	<0.0005	<0.0005	<0.0005	No Change
Cadmium	0.00051	<0.0005	<0.0005	<0.0005	1.96% Decrease
Chromium	0.009	0.010	0.010	0.010	11.1% Increase
Copper	0.064	0.030	0.041	0.035	46.3% Decrease
Lead	0.0030	0.0016	0.0024	0.0013	56.7% Decrease
Mercury	0.0002000	0.0000143	0.0001505	<0.0002000	No Change
Molybdenum	0.013	0.015	0.008	0.009	30.8% Decrease
Nickel	0.0063	0.0038	0.0033	0.0041	34.9% Decrease
Selenium	<0.005	<0.005	<0.005	<0.005	No Change
Silver	0.00137	0.00063	0.00065	0.00064	53.3% Decrease
Thallium	0.00071	<0.00050	0.00053	<0.00050	29.6% Decrease
Zinc	0.097	0.075	0.066	0.076	21.6% Decrease
Cyanide	<0.010	<0.010	<0.010	<0.010	No Change
Phenols	0.080	0.022	0.075	0.052	35.0% Decrease

Table 2.2
Average Effluent Concentrations (mg/L) for Pollutants of Concern
2008 to 2011

Pollutant	2008	2009	2010	2011	Percent Change from 2008 to 2011
Antimony	<0.060	<0.060	<0.060	<0.060	No Change
Arsenic	0.00063	0.00085	0.00060	0.00066	4.8% Increase
Beryllium	<0.0005	<0.0005	<0.0005	<0.0005	No Change
Cadmium	<0.0005	<0.0005	<0.0005	<0.0005	No Change
Chromium	<0.010	<0.010	<0.010	<0.010	No Change
Copper	0.0077	0.0068	0.0063	0.0072	6.5% Decrease
Lead	0.0006	<0.0005	<0.0005	<0.0005	16.7% Decrease
Mercury	<0.0000023	<0.0000027	<0.0000031	<0.0000020	13.0% Decrease
Molybdenum	<0.008	<0.008	<0.008	<0.008	No Change
Nickel	0.0054	0.0033	0.0032	0.0030	44.4% Decrease
Selenium	<0.005	<0.005	<0.005	<0.005	No Change
Silver	0.0006	<0.0005	<0.0005	<0.0005	16.7% Decrease
Thallium	<0.0005	<0.0005	<0.0005	<0.0005	No Change
Zinc	0.054	0.035	0.041	0.047	13.0% Decrease
Cyanide	<0.010	<0.010	<0.010	<0.010	No Change
Phenols	<0.005	<0.005	0.006	<0.005	No Change

Table 2.3
Average Biosolids Concentrations (mg/kg) for Pollutants of Concern
2008 to 2011

Pollutant	2008	2009	2010	2011	Percent Change from 2008 to 2011
Arsenic	<5.0	<5.0	<5.0	<6.2	No Change
Cadmium	<0.8	<0.75	<0.40	<0.80	No Change
Copper	375	393	397	400	6.7% Increase
Lead	32	28	28	30	6.3% Decrease
Mercury	0.90	0.80	0.70	0.50	44.4% Decrease
Molybdenum	17	18	13	16	5.9% Decrease
Nickel	34	37	32	36	5.9% Increase
Selenium	<7	<7	<7	<7	No Change
Zinc	420	503	907	543	29.3% Increase

SECTION 3

INDUSTRIAL USER SURVEYS

PLWC shall identify and locate all possible Users which might be subject to the Pretreatment Program and identify the character and volume of pollutants contributed to the POTW by those Industrial Users. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to ADEQ or EPA upon request.

3.1 SOURCES

The Paragould Light and Water Commission uses the following listed sources for identifying non-domestic users of the Paragould POTW who may require regulation under the authority of the Paragould Industrial Pretreatment Program:

- A. Paragould electrical customer listing, particularly new service accounts;
- B. Paragould telephone directory;
- C. Paragould area Chamber of Commerce industrial listing; and
- D. Arkansas Industrial Development Commission's Directory of Arkansas Manufacturers listed for Paragould; and
- E. An annual printout of ADEQ's hazardous waste generators list for the City located at http://www.adeq.state.ar.us/hazwaste/rcra2/facil_sum.asp#Display.

3.2 UPDATED SURVEY

PLWC regularly completes a survey of selected non-domestic electric customers to determine if there are additional Industrial Users (IUs) discharging wastewaters to the PLWC POTW who may require regulation under authority of the Paragould Industrial Pretreatment Program either as Categorical Industries, or as Significant Industrial Users, as defined in Section 1.4 FFF of the Paragould Sewer Use – Pretreatment Ordinance. The current non-domestic survey will also serve to identify those sewer users who operate, or should operate, grease interceptors. These surveys are completed at least once every three (3) years.

The current procedure used for surveys is initiated by the PLWC Manager of Environmental Services/Pretreatment Coordinator (PC), first mailing the survey form which is included in Appendix B to the selected non-domestic electric customer with a letter requesting the recipient's response within thirty (30) days.

The PLWC PC, or authorized representative, follows up by telephone contact with those recipients who failed to respond within thirty (30) days to assure that the recipient has received the survey form and remains cooperative with apparent intent to complete and return it per the PLWC request. The PLWC PC follows with additional mailings to those recipients who fail to respond. Those non-domestic wastewater system users who continue

to be nonresponsive to industrial survey requests may then be served a Notification of Violation of the Paragould Sewer Use – Pretreatment Ordinance, followed by appropriate progressive enforcement remedies as provided for in Sections 10, 11 and 12 of the Paragould Sewer Use – Pretreatment Ordinance.

3.3 NON-DOMESTIC, NON-SIGNIFICANT USERS

Surveillance of non-domestic users of the PLWC POTW is completed at least once every three (3) years to ensure no changes in processes or wastewater characteristics have occurred which might cause them to be considered Significant Industrial Users (SIUs), and to assure their compliance with requirements of the Paragould Sewer Use – Pretreatment Ordinance. A list is compiled after the completion of each survey.

3.4 SIGNIFICANT INDUSTRIAL USERS

PLWC currently has a total of seven (7) non-domestic dischargers to the POTW which are currently are identified as Significant Industrial Users as defined by Section 1.4 FFF, of the Paragould Sewer Use – Pretreatment Ordinance, and which have been issued permits and are regulated by the Paragould Industrial Pretreatment Program.

Arkansas Methodist Medical Center
P.O. Box 339
Paragould, AR 72451

Permit No. 06-01
NAICS 622110

Arkansas Methodist Medical Center (AMMC) is a significant, but non-categorical, industry which has been monitoring and reporting to PLWC as required.

Nidec Motor Corporation
P.O. Box 520
Paragould, AR 72450

Permit No. 89-05
NAICS 335312

Nidec Motor Corporation is a categorical industry classified as an aluminum die caster (40 CFR 464), and has been monitoring and reporting to PLWC as required by the pretreatment program. Nidec manufactures fractional horsepower electric motors for the appliance manufacturing industry.

Garlock Rubber Tehcnologies
1000 Dana Drive
Paragould, AR 72450

Permit No. 95-01
NACIS 326220, 339991, 313320

Garlock Rubber Technologies is a categorical industry classified as a large-sized Extruded and Fabricated Rubber Plant (40 CFR 428, Subpart G) and has been monitoring and reporting to PLWC as required by the pretreatment program. Garlock manufactures industrial rubber products, which include conveyor belts, sheet rubber packaging and gasket material.

L.A. Darling Company
1401 Highway 49N
Paragould, AR 72450

Permit No. 12-03
NAICS 337215

L.A. Darling Company is a categorical industry regulated by metals finishing (40 CFR 433), and has been monitoring and reporting to PLWC as required by the pretreatment program. LA Darling manufactures store fixtures.

Martin Sprocket and Gear, Inc.
1205 South Third Avenue
Paragould, AR 72450

Permit No. 89-07
NAICS 332117, 333613

Martin Sprocket and Gear is a categorical industry regulated by metals finishing (40 CFR 433) and plastics molding and forming (40 CFR 463), and has been monitoring and reporting to PLWC as required by the pretreatment program. Currently, Martin Sprocket and Gear does not discharge process wastewater to the POTW, and operates under an Industrial User Non-Discharge permit. Martin Sprocket and Gear manufactures power transmission components.

Prestolite Wire Corporation
P.O. Box 1632
Paragould, AR 72450

Permit No. 89-06
NAICS 331422, 332813

Prestolite Wire Corporation is a categorical industry classified as a metals finisher (40 CFR 433), and has been monitoring and reporting to PLWC as required by the pretreatment program. Currently, Prestolite does not discharge process wastewater to the POTW, and operates under an Industrial User Non-Discharge permit. Prestolite manufactures automotive wire and cables.

Tenneco Automotive
1601 Highway 49N
Paragould, AR 72450

Permit No. 93-01
NAICS 336330

Tenneco Automotive is a categorical industry classified as a metals finisher (40 CFR 433), and has been monitoring and reporting to PLWC as required by the original pretreatment program. Tenneco manufactures auto shock absorbers and struts.

Subsequent changes to PLWC's list of Significant Industrial Users can be located in its Annual Pretreatment Report on file and submitted to ADEQ annually.

3.5 MAINTENANCE OF INVENTORY OF NON-DOMESTIC USERS

Significant Industrial Users subsequently discovered by PLWC will be appropriately regulated.

PLWC will update its Industrial User Survey on an ongoing basis to identify and characterize new non-domestic users and to document changes in processes and characteristics of wastewaters discharged by existing non-domestic users of the POTW. PLWC's Billing Department will provide the PC a monthly printout of new electrical customers, after which the PC will determine if the user is subject to Federal, State or Local regulations. If it appears the customer is a Significant Industrial User, the PC will request the customer to complete an application for an Industrial Wastewater Discharge Permit.

A comprehensive Industrial User Survey to include those non-domestic users not being monitored by industrial inspection should be performed at least once every three (3) years.

SECTION 4

LEGAL AUTHORITY

Section 403.8(f)(1) of the General Pretreatment Regulations, including all amendments, require POTWs to operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of Sections 307 (b) and (c), and 402(b)(8) of the Clean Water Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to carry out the requirements of 40 CFR 403.8(f)(1).

PLWC has developed the legal authority to extend over its Industrial Users (IUs), who discharge wastewater into the Paragould POTW. As specifically referred to in the Paragould Light and Water Commission Attorney's letter of opinion included in Appendix C, PLWC has the authority to:

- A) deny or condition new or increased contributions of pollutants, or changes in the nature thereof, when such contributions will exceed pretreatment standards or would cause violation of the POTW's NPDES permit;
- B) require IUs to comply with applicable Pretreatment Standards and Requirements;
- C) control the contribution to the POTW by each IU by permit or other means to ensure compliance with applicable Pretreatment Standards and Requirements. Such permits must contain, at a minimum:
 - (1) statement of duration (in no case more than five years);
 - (2) statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (3) effluent limits, including Best Management Practices (BMPs), based on applicable general Pretreatment Standards in 40 CFR Part 403, categorical Pretreatment Standards, local limits, other BMPs as necessary and State and local law;
 - (4) self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR Part 403, categorical Pretreatment Standards, local limits, and State and local law;
 - (5) statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and

- (6) requirements to control slug discharges, if determined by the POTW to be necessary.
- D) require IUs to develop compliance schedules for installation of technology necessary to meet pretreatment standards and to submit notices and self-monitoring reports to the POTW to assess compliance measures;
- E) enter the premises of an IU to perform all inspection, surveillance, and monitoring procedures necessary to evaluate compliance;
- F) seek injunctive relief for noncompliance by IUs and to assess penalties, and prevent or halt discharges that appear to present an imminent danger to health or to the environment or which threaten to interfere with the operation of the POTW; and
- G) provide confidentiality where necessary to protect Industrial User's "confidential business information".

To demonstrate PLWC's legal authorities to apply and enforce the requirements of Sections 307(b) and (c) and 402(b)(8) of the Act and regulations implementing the required Streamlining sections, as codified in 40 CFR 403.8(f)(1), the following documents are included in Appendix C:

Paragould Light and Water Commission Attorney's letter of opinion outlining the legal authorities for enforcement of the Paragould Industrial Pretreatment Program.

Resolution by the Paragould Light and Water Commission endorsing the implementation of the Paragould Industrial Pretreatment Program.

Resolution of Support by the City of Paragould

City of Paragould Sewer Use – Pretreatment Program Effective Date

SECTION 5

PROGRAM PROCEDURES

Paragould Light, Water and Cable (PLWC) has developed the following program element procedures to assist implementation and enforcement of the Paragould Industrial Pretreatment Program.

- A) Maintenance of industrial survey and permitting process.
- B) Notification of requirements to Industrial Users (IUs).
- C) Industry self-monitoring and other reports.
- D) Monitoring and inspection activities.
- E) Investigation of noncompliance and enforcement response plan.
- F) Public participation.

5.1 MAINTENANCE OF INDUSTRIAL SURVEYS AND PERMITTING PROCESS

The PLWC Pretreatment Coordinator (PC) will maintain a current inventory of non-domestic POTW users who potentially may, by changes in the characteristics, quantities or sources (from an activity which makes the industry a categorical industry) of their wastewater stream, be classified as a Significant Industrial User (SIU) as defined by Section 1.4 FFF, of the Paragould Sewer Use – Pretreatment Ordinance.

The IU inventory shall be updated continuously using in-house software. Any compilation index or inventory of Industrials Users made under this section shall be made available to ADEQ upon request.

All SIUs are required to obtain an industrial wastewater discharge permit. The PC should, within thirty (30) days of determining that an Industrial User (IU) is a SIU, notify the SIU of its status and of the requirement to obtain a permit and furnish that SIU the appropriate permit package. The permit package will include a letter of notification, permit application form, a copy of the Paragould Sewer Use – Pretreatment Ordinance and any National Categorical Standards which may apply to the SIUs wastewater discharge. Examples of instruments utilized in the permit process are included in Appendix D.

The PLWC PC will evaluate the data furnished by the IU and may require additional information. Within ninety (90) days of receipt of all requested information to complete the Industrial Wastewater Discharge Permit Application, the PC will determine whether or not to issue a permit. PLWC's PC will, based on the IUs wastewater discharge characteristics and the most stringent applicable limitations posed by general pretreatment standards, categorical pretreatment standards, local limits, and State and local law, determine appropriate:

- I) specific permit effluent limitations;
- II) monitoring and reporting requirements;

- III) conditions of permit; and
- IV) statement of basis.

If additional technology is required for the SIU to meet applicable pretreatment standards, the SIU shall develop a compliance schedule showing milestone events for attaining compliance.

The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for the major components, commencing construction, completing construction, etc.). No increment referred to in this section shall exceed nine (9) months.

Provided that the PLWC PC can determine that the contribution of permitted pollutants will not cause the POTW to violate its NPDES permit, the PLWC PC will then issue the Industrial Wastewater Discharge Permit. An example of the Industrial Wastewater Discharge Permit form is included in Appendix E. If no determination is made within ninety (90) days, the application will be deemed denied.

Such permit or "Control Mechanism" shall contain, at a minimum and in compliance with 40 CFR 403.8(f)(1)(B), the following conditions

- A) statement of duration (in no case more than five years);
- B) statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- C) effluent limits, including Best Management Practices (BMPs), based on applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, local limits, and State and local law;
- D) self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, local limits, and State and local law;
- E) statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal guidelines. Maximum Civil or Criminal penalties will be set as provided by Arkansas Code 8-4-103. Each day of a continuing violation may be deemed a separate violation; and
- F) requirements to control Slug Discharges, if determined by the POTW to be necessary.

The costs incident for the evaluation and issuance of an Industrial Wastewater Discharge Permit shall be borne by the permitted SIU as provided for by Section 15.1 of the Paragould Sewer Use – Pretreatment Ordinance.

Any person, including the permitted IU, may, as provided for by Section 5.3 (B) of the Paragould Sewer Use – Pretreatment Ordinance, petition PLWC to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days of the date issued by the PC.

5.2 NOTIFICATION OF REQUIREMENTS TO INDUSTRIAL USERS

The PLWC Manager will notify all IUs subject to the requirements of the Paragould Industrial Pretreatment Program of any applicable Pretreatment Standards or applicable requirements under Sections 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act. The PLWC Manager will rely on information provided by the Arkansas Department of Environmental Quality (ADEQ) Pretreatment Coordinator and provided at regularly scheduled Region VI EPA and ADEQ seminars and workshops for the promulgation of new regulations affecting the administration of their approved Industrial Pretreatment Program.

PLWC will, in compliance with 40 CFR 403.8(f)(2)(vi), evaluate whether each SIU needs a plan or other action to control Slug Discharges and require SIUs (permitted IUs) to develop and continue implementation of an approved slug (or accidental discharge) control plan. Significant Industrial Users will be evaluated within 1 year of being designated a SIU. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A) description of discharge practices, including non-routine batch discharges;
- B) description of stored chemicals;
- C) procedures for immediately notifying the POTW of accidental discharge or slug discharge, including any discharge that would violate a specific prohibition listed under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days; and
- D) procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and worker training, building and containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment necessary for emergency response.

5.3 INDUSTRY SELF-MONITORING AND OTHER REPORTS

PLWC may require self-monitoring and other reports from IUs as required by 40 CFR Parts 403.8(f) and 403.12. As required, IUs shall submit reports directly to the POTW. All

sampling and analyses necessary for meeting reporting requirements shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Test methods used shall be sensitive enough to determine compliance with applicable limitations in individual IU permits.

Grab samples must be collected for temperature, pH, cyanide, total phenols, oil and grease, sulfides, and volatile organics. For all other pollutants, composite samples must be collected. All analyses shall be performed by an ADEQ certified laboratory acceptable by the POTW.

Significant Industrial Users (SIUs), including SIUs not subject to categorical pretreatment standards who are required to provide self-monitoring, may be required to provide the following reports for which detailed requirements are set forth in 40 CFR Part 403.12.

- A) Baseline Report. This report is required to be submitted by SIUs within one hundred-eighty (180) days after PLWC's discovery that the SIU is subject to a Categorical Pretreatment Standard. An application for Industrial Wastewater Discharge Permit containing required information, properly completed and certified, will meet the requirement of 40 CFR 403.12(b) (1) – (7) for baseline report.
- B) Progress Reports for Meeting Milestones Necessary for Compliance. This report is only required if necessary for the SIU to provide additional technology (pretreatment facilities) in order to meet requirements of pretreatment standards (limitations), set forth in an Industrial Wastewater Discharge Permit. If required, this report shall be submitted within fourteen (14) days following scheduled milestone events and final date of compliance.
- C) Report of Compliance with Categorical Pretreatment Standard. Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs 40 CFR 403.12(b) (4)–(6).
 - 1) Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow use of the combined wastestream formula when necessary.
 - 2) Measurement of pollutants. The user shall identify the Pretreatment Standards applicable to each regulated process, and shall submit the results of representative sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Samples should be taken immediately downstream

from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. Information to be submitted includes:

- a) the time, date and place, of sampling;
- b) methods of analysis; and
- c) certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

- 3) Certification. A statement, reviewed and signed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

If compliance monitoring is performed by the POTW and no self monitoring is required by the Industrial Wastewater Discharge Permit, permitted SIU's are not required to submit this report.

- D) Periodic Reports on Continued Compliance. This report, if self-monitoring is required by the permit, shall be submitted by the permitted SIU at the frequency set forth in the permit. If compliance monitoring is performed by the POTW and no self-monitoring is required by the permit, SIUs are not required to submit this report.

Semi-annual certification statements and/or BMPs (as required for specific Categorical industries without numeric limits) will be required during the months of June and December.

- E) Notice of Potential Problems, including Slug Loading. All IUs are required to notify the POTW immediately of all discharges that could cause problems to the POTW, including slug loadings, as defined by the Paragould Sewer Use – Pretreatment Ordinance.
- F) Notification of Changed Discharge. All IUs shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification required by 40 CFR 403.12(p).

All IU reports and notification shall contain the certification statement set forth in Sections 4.6 and 6.14 of the Paragould Sewer Use – Pretreatment Ordinance and be properly signed by an authorized representative of the IU, as defined in Section 1.4 C of the Paragould Sewer Use – Pretreatment Ordinance.

Industrial Users subject to the above reporting requirements shall maintain records of all information resulting from any monitoring activity, whether or not required by the POTW, the State, or by the U.S. Environmental Protection Agency for a minimum of three (3) years and shall make such records available for inspection and copying by the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or when requested by the POTW.

The IU's current permit application for the IU's current permit shall be kept on file as well as any required BMPs, PLWC's slug potential evaluations, revised/date process narratives and process wastewater flow schematics.

At the request of an IU, information submitted for evaluation of application for an Industrial Wastewater Discharge Permit or information contained in monitoring reports which would divulge methods or processes entitled to protection as trade secrets will, as provided for in Section 8 of the Paragould Sewer Use – Pretreatment Ordinance and insofar as possible under the provisions of 40 CFR Part 2, be held in confidential by Paragould Light, Water and Cable (PLWC). In order for submittals to be considered for confidentiality, the submitter must assert their claim at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

5.4 MONITORING AND INSPECTION ACTIVITIES

Paragould Light, Water and Cable (PLWC) shall endeavor to locate and identify all Industrial Users (IUs) which might meet the criteria for classification as Significant Industrial Users (SIUs) as defined by Section 1.4 FFF of the Paragould Sewer Use – Pretreatment Ordinance and, therefore, subject to regulation by Industrial Wastewater Discharge Permit. An ongoing random monitoring program of existing non-domestic users discharging wastewater other than normal domestic wastes to the POTW will be continued by PLWC to ascertain the quality of wastewaters discharged by non-permitted users.

SIUs which are permitted under the provisions of this program may be required to self-monitor their discharge of wastewater into the Paragould POTW to determine compliance with the SIUs Industrial Wastewater Discharge Permit and to establish surcharges for the SIUs discharging unusual BOD₅ (above 300 mg/L), unusual TSS (above 300 mg/L), and unusual FOG (above 100 mg/L). The frequency of monitoring and reporting, if required, shall be determined by the PLWC PC. However, the frequency of self-monitoring and reporting, if required, shall be no less than twice per year. If the SIUs Industrial Wastewater Discharge Permit requires self-monitoring, PLWC shall perform compliance monitoring

(sampling and analyses) of the SIUs effluent at least once per year. PLWC's monitoring activities shall document all data required by 40 CFR 403.12 of industries who are required to perform self-monitoring, thereby eliminating the requirement for SIUs to submit semi-annual reports of continued compliance.

In addition to compliance monitoring, the PLWC PC will inspect each SIU at least once per year. PLWC's PC will document the results of the industrial inspections by completing in Industrial Inspection Report, a copy of which is included in Appendix F.

All sampling and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. In accord with 40 CFR 403.12(g)(3), grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, composite samples must be obtained, EXCEPT that PLWC may, in accord with Section 6.11 of the Paragould Sewer Use – Pretreatment Ordinance, use grab sample(s) as a compliance screening tool. Where grab sample(s) suggest noncompliance, the Manager and/or the Industrial User should resample the user's effluent using time proportioned composite techniques until consistent compliance is demonstrated.

All analyses shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. A chain of custody document, a copy of which is included in Appendix F, should be utilized to document the validity of results of compliance monitoring.

5.5 INVESTIGATION OF NONCOMPLIANCE

The results of compliance self-monitoring shall be analyzed by the PLWC PC to determine the SIUs compliance with their Industrial Wastewater Discharge Permit. If analysis indicates a violation, PLWC may require the IU to perform supplemental sampling and analyses and submit the results of the repeated (follow-up) analyses to PLWC. However, provided that if PLWC performs all the compliance monitoring, PLWC will repeat the sampling and analyses as soon as is practicable possible unless:

- A) subsequent regularly scheduled sampling and analyses by PLWC has been performed between the incidence of initial sampling from which analyses indicates a violation and the receipt of the results of the sampling;
- B) PLWC regularly performs compliance sampling and analyses for the parameters in violation at least once per month;
- C) Whether the IU or PLWC conducts the sampling, repeat sampling will be conducted within a 30 day period; and
- D) Whether the IU or PLWC conducts the sampling, the entity collecting samples shall notify the other party within 24 hours of first becoming aware of a violation.

All sampling and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, time proportioned composite samples must be obtained, EXCEPT that PLWC may, in accord with Section 6.11 of the Paragould Sewer Use – Pretreatment Ordinance, use grab sample(s) to determine noncompliance with a pretreatment standard. All analyses shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. A chain of custody document, a copy of which is included in Appendix F, should be utilized to document the validity of results of compliance monitoring.

All analyses shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. A chain of Custody document, a copy of which is included in Appendix F, should be utilized to document the validity of results of compliance monitoring.

5.6 RECORDKEEPING

Pretreatment correspondence to and from Industrial Users in the form of letters is stamped with date of receipt, while e-mail messages are printed for filing and phone calls are logged in a 3-ring binder. All Pretreatment communications, with the exception of phone calls, are filed in the appropriate Industrial 3-ring binder tabbed according to type of information.

Industrial correspondence requiring follow-up by PLWC will be completed within 15 days of receipt of Industrial letter/e-mail/phone call. Follow-up may be completed by phone call, letter or e-mail. Documentation will be filed in the appropriate Industrial User 3-ring binder.

SECTION 6

ENFORCEMENT RESPONSE PLAN

All violations of the Paragould Industrial Pretreatment Program should be met with an enforcement response. The purpose of this flexible plan is to provide guidance with which the persons responsible for the administration and enforcement of this program can determine appropriate, free from procedural obstacles and less arbitrary investigative and enforcement responses to remediate violations of elements of the program. PLWC has developed this response plan to assist the responsible individuals and entities – Manager of Environmental Services/Pretreatment Coordinator (PC), Assistant General Manager (AGM), General Manager/Chief Executive Officer (CEO), Paragould Light and Water Commission (COM), PLWC Attorney (CA), and the City of Paragould Prosecuting Attorney (PA) – in selecting appropriate enforcement to meet the following range of violations:

- A) administrative violations, unauthorized discharge (not permit or discharge limit violations), such as a non-permitted discharge for which the Industrial User (IU) was unaware of requirement or has failed to apply for an Industrial Wastewater Discharge Permit (Permit) when informed of the requirement to do so or failure to apply for a renewal of an existing permit;
- B) discharge limit violations (exceedance of a pretreatment standard) from isolated to recurring;
- C) Best Management Practice (BMP) violations;
- D) reporting violations, from omitting proper signatory or certification, to late submittals, to total failure to submit required reports, to falsification of reports;
- E) monitoring violations, from failure to monitor in accord with 40 CFR 136, to recurring failure to monitor correctly, to failure to install monitoring equipment required by PLWC, to tampering with monitoring equipment or falsifying monitoring information;
- F) violation of compliance schedules, from failure to meet a compliance milestone or late report for good cause, to failure to meet a compliance milestone which will affect final compliance date, to failure to report, to refusal to comply or reporting false information; and
- G) other permit violations, or violations discovered during inspections and/or investigations, from dilution of wastestream, to failure to mitigate a noncompliance or observe a suspension, to denial of entry, to inadequate record keeping or failure to report additional monitoring.

6.1 INVESTIGATION OF VIOLATIONS

All elements – responses, actions and reporting requirements – of the Paragould Industrial Pretreatment Program (Program) shall be performed within a prescribed period of time. Therefore, all notifications of requirements for or requests for responses, actions or reports shall be delivered by a conveyance which will furnish hard “Proof of Delivery”. All findings of investigations of indicated or alleged violations, performed primarily by the PC, shall be sufficiently documented so that it would meet the test for “Admissible Evidence” in a court of competent jurisdiction.

Investigations by PC should be completed and appropriate enforcement response should be initiated within the period of time for various violations listed below.

The PC should keep the AGM and CEO informed of chronically recurring violations and recommend appropriate enforcement from those responses listed in the Enforcement Response Guide which are commensurate with damages which may or may not have been caused to the POTW or the environment by any type of the following listed violations:

- A) Administrative Violations. Administrative violations” are not and do not include permit or discharge limit violations. These violations are incorporated in individual Industrial Permits, and as such, Industrial Users should be aware of these violations.

The PC should conclude investigation of apparent Administrative Violations and initiate appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should log notifications of program requirements. In addition, hard copy files of responses and “Proof of Deliveries” should also be maintained.

The PC should also maintain documentation of follow-up phone or in-person contacts with IUs which have been notified of particular program requirements which they are required to meet.

- B) Discharge Limit Violations. Reports of noncompliance self-monitoring submitted by SIUs in compliance with requirements of their Industrial Wastewater Discharge Permits shall be analyzed, with appropriate enforcement response initiated by the PC for those found to be in non-compliance, within ten (10) days of receipt of the compliance report.

The PCs investigation should document any damage to the POTW or environment which may likely have been the result of the violation.

The indicated violation should be tracked until receipt of the results of repeat sampling and analyses denotes compliance.

If investigation of any discharge limit violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment, the investigation should then, through the AGM, CEO and COM, be referred to the Commission Attorney for Civil Action to recover damages under the provisions of Arkansas Code 8-4-103.

- C) Best Management Practice (BMP) violations. Violations of IU's schedules of activities, prohibitions or practices, maintenance procedures, other treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. These include BMPs included in the specific Categorical Industries Pretreatment Standards.

The PC should follow up with comprehensive inspections to determine if the IU's BMP is being properly implemented.

- D) Reporting Violations. The PC should log due dates and required content of all IU reports and track responses. Hard copy files of responses and "Proof of Deliveries" of all notifications should also be maintained.

The PC should conclude investigation of apparent Reporting Violations and initiate appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should also maintain documentation of follow-up phone or in-person contacts with IUs which have been notified of particular reporting requirements which they are required to comply with.

Investigation by PC of reporting violations should document any recurrence and chronic disregard for punctuality in submitting required reports or total disregard of requirement for submittal of reports.

In addition, investigation by the PC of reporting violations should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of any reporting violation should provide documentation of reasonable proof that the violation caused damage of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent", the investigation should then, through the AGM, CEO and COM, be referred to the Commission Attorney for Civil Action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code 8-4-103 (g).

- E) Monitoring Violations. The PC should log and track compliance monitoring of all SIU permit monitoring requirements and parameters and the required

sampling and analyses methods prescribed by 40 CFR 136. Hard copy files of all compliance monitoring reports should be maintained.

Part II – Monitoring Requirements of SIUs Permit – requires, where the IU is providing compliance self-monitoring, that the IU notify the PC within twenty-four (24) hours of becoming aware of a permit violation. The IU shall also repeat the sampling and analyses and submit the results of the repeat analyses to the PC within thirty (30) days after becoming aware of the violation. Therefore, if analysis indicates a violation, the SIU should have already notified the PC of such indication of violation and should have initiated repeat sampling of their permit. The PC shall document confirmation whether or not the SIU has notified the PC of the indication of violation and has initiated repeat sampling and analysis in compliance with the requirements of their permit.

The PC should document failures of SIUs to provide notification of indicated violations and repeat sampling and analyses by issuing a written Notice of Violation to the SIU citing them for Permit Violations, specifically that of not providing the notification or repeat sampling and analyses required by Part II – Monitoring Requirements of the SIUs permit, in compliance with 40 CFR 403.12(g)(2). The written Notice of Violation should be issued no more than fifteen (15) days after the PC is aware of the indicated violation.

Investigation by the PC of improper monitoring or analyses by SIUs should document any damage to the POTW or environment which may have been the result of such violation.

In addition, investigation by the PC of monitoring violations should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of any monitoring violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of “falsification” or “intent”, the investigation should then, through the AGM, CEO and COM, be referred to the Commission Attorney for Civil Action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code 8-4-103 (g).

- F) Compliance Schedules Violations. The PC should log dates and required content of all scheduled milestone compliance reports and final compliance. Hard copy files of responses and “Proof of Deliveries” of all notifications should also be maintained.

The PC should conclude investigation of apparent compliance schedule violations and initiate or recommend to the AGM and CEO appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should also maintain documentation of follow-up phone or in-person contacts with IUs regarding scheduled milestone and final compliance performance and reporting requirements.

Investigation by the PC of milestone and final compliance performance and reporting violations should document any recurrence and chronic disregard for punctuality in complying with scheduled milestone and final compliance.

In addition, investigation by the PC of reporting violations should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of any compliance schedule violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of “falsification” or “intent”, the investigation should then, through the AGM, CEO and COM, be referred to the Commission Attorney for Civil Action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code 8-4-103 (g).

- G) Other Permit Violations Discovered During Inspections and/or Investigations. Investigations of other permit violations, including violations discovered during inspections and/or investigations, should first ascertain if the IU had been notified of the requirement, or if there is reasonable proof whether or not the IU had or should have had knowledge of the requirement(s).

Tracking of the IUs previous violations should be utilized by the PC to document whether or not the violation is chronically recurring or is an isolated event.

The PC should conclude investigation of such apparent violations and initiate or recommend to the AGM appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC’s investigation should document any damage to the POTW or environment which may likely have been the result of the violation.

If investigation of apparent violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of “falsification” or “intent”, the investigation should then, through the AGM, CEO and COM, be referred to the Commission Attorney for Civil Action to recover damages or for criminal

investigation and prosecution under the provisions of Arkansas Code 8-4-103 (g).

6.2 ENFORCEMENT RESPONSE GUIDE

All Industrial User noncompliance will be met with some response by PLWC. However, the type and severity of the selected final response remains to be determined, on a case-by-case basis, by PLWC. All formal responses to noncompliance (administrative orders, civil actions, or criminal prosecution), must be expressly authorized by State or local law. Monetary penalties sought from an IU by PLWC for noncompliance either by civil actions or criminal prosecution should be determined in accord with the City's Pretreatment Ordinance Sections 10.6, 11.2 and 11.3, and shall be uniform or reasonably consistent for similar instances of noncompliance.

Pages 23 through 30 of this document set forth the current PLWC Industrial Pretreatment Enforcement Response Guide (ERG). This ERG provides for a range of enforcement actions which may be initiated to meet industry non-compliances based on the severity of violations and their effect on the POTW and the environment.

Paragould Light, Water and Cable
INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE¹

Abbreviations and Acronyms Used in Enforcement Response Guide

AGM	Assistant General Manager
AO	Administrative Order
CEO	Chief Executive Officer/General Manager
Civil Action	Civil litigation seeking equitable relief, monetary penalties or monetary damages through a court of law.
Commission (COM)	Paragould Light and Water Commission
Compliance Meeting	Informal meeting with IU to discuss resolution of recurring noncompliance.
Consent Order	An administrative order which constitutes a negotiated two party agreement which may include compliance schedules, stipulated penalties or remedial actions.
Council	The Paragould City Council
Criminal Prosecution	Prosecution of a criminal charge through a court of law.
IU	Industrial User

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Paragould Light, Water and Cable
INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE¹

Abbreviations and Acronyms Used in Enforcement Response Guide

NOV	Notice of Violation
PC	Pretreatment Coordinator
PLWC	Paragould Light, Water and Cable
PSUPO	Paragould Sewer Use – Pretreatment Ordinance
SNC	Significant Noncompliance
SV	Significant Violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the Control Authority (PLWC) should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

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<u>NONCOMPLIANCE¹</u>	<u>NATURE OF THE VIOLATION</u>	<u>RANGE OF ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
UNAUTHORIZED DISCHARGES (Not a Permit Violation)			
1. Unpermitted Discharge	IU unaware of requirement; no known harm to POTW or environment	Phone call; informal letter; NOV; AO requiring permit application and wastewater analyses	PC, AGM, CEO
	IU unaware of requirement; results in damage to the POTW or causes pass-through and interference	NOV; AO requiring permit application and wastewater analyses; show cause; civil action to recover monetary loss; order to suspend source; termination of service	PC, AGM, CEO, COM
2. Non-Permitted Discharge (failure to apply for renewal)	Failure to apply for permit or renewal; no know harm to POTW or environment	Phone call; informal letter; NOV; AO requiring permit application	PC, AGM, CEO
DISCHARGE LIMIT VIOLATION			
1. Exceedance of Pretreatment Standard (discharge limits)	Isolated, not significant	Phone call; informal letter; NOV (isolated and 2 nd offense)	PC, AGM, CEO
	Isolated, significant with no known damage resulting	NOV; compliance meeting; AO to develop spill prevention plan	PC, AGM, CEO
	Isolated, resulting in damage to POTW or environment	Show cause; civil action to recover monetary loss	PC, AGM, CEO, COM
	Recurring, with no known damage resulting	NOV; compliance meeting; AO to develop compliance plan; consent order with penalties	PC, AGM, CEO, COM
	Recurring; resulting in damage to POTW or environment	Order to suspend discharge; AO to show cause; civil action to recover monetary loss; consent order; termination of service	PC, AGM, CEO, COM

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The Following are Legal Authorities for
Responses Shown by the Enforcement Response Guide¹

<u>Enforcement Response</u>	<u>Legal Authority</u>
Notice of Violation	Section 10.1 of PSUPO
Consent Orders	Section 10.2 of PSUPO
Show Cause	Section 10.3 of PSUPO
Compliance Orders	Section 10.4 of PSUPO
Cease and Desist Order	Section 10.5 of PSUPO
Penalties	Section 10.6 of PSUPO
Emergency Suspension	Section 10.7 of PSUPO
Termination of Discharge	Section 10.8 of PSUPO
Judicial Enforcement Remedies	Section 11 of PSUPO
Civil Action	Section 11.2 of PSUPO and Arkansas Code of 1987 Annotated, Including 1995 supplement Volume 6A, 8-4-103 (g) et seq.
Criminal Prosecution	Section 11.3 of PSUPO and Arkansas Code of 1987 Annotated, Including 1995 supplement Volume 6A, 8-4-103 (g) et seq.

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<u>NONCOMPLIANCE¹</u>	<u>NATURE OF THE VIOLATION</u>	<u>RANGE OF ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
MONITORING AND REPORTING VIOLATIONS			
1. Reporting Violations ²	Report is improperly signed or certified	Phone call; informal letter; NOV	PC, AGM, CEO
	Report is improperly signed or certified after notice	AO requiring proper signature or certification within 20 days	PC, AGM, CEO
	Late, 5 – 10 days; isolated	Phone call; informal letter; NOV	PC, AGM, CEO
	Late, 10 – <45 days	Phone call; informal letter; NOV	PC, AGM, CEO
	Late, 45 days or more	AO requiring to submit; compliance meeting	PC, AGM, CEO, COM
	Frequent, repeatedly or continuously late reports (no required reports ever submitted)	Show cause; civil action or criminal prosecution seeking penalties	PC, AGM, CEO, COM
	Failure to report isolated slug (spill) or changed discharge (permit violation); no known damage	Phone call; informal letter; NOV	PC, AGM, CEO
	Failure to report isolated, frequent or continued slug (spill) or changed discharge which results in damage to POTW or environment	Show cause; consent order with penalties; civil action to recover losses or criminal prosecution seeking penalties; terminate service	PC, AGM, CEO, COM
	Falsification	Criminal investigation; show cause; criminal prosecution; terminate service	PC, AGM, CEO, COM
2. Failure to monitor correctly	Failure to monitor all permit parameters, or monitoring not in accord with 40 CFR 136 and by an ADEQ certified lab	Phone call; NOV	PC, AGM, CEO

¹Nothing in this Enforcement Response Guide shall limit the authority of Paragould Light, Water and Cable to take any action, including emergency actions or any other enforcement action, without first taking a prerequisite action against the user.

²Includes Best Management Practices (Slug Control Plans, 40 CFR 433 Toxic Organic Management Plan, Categorical PMPs, P2 alternatives or other IU BMPs), Certification Statements (TTO, No Discharge), etc.

<u>NONCOMPLIANCE¹</u>	<u>NATURE OF THE VIOLATION</u>	<u>RANGE OF ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>	
MONITORING AND REPORTING VIOLATIONS (continued)				
3.	Criminal Acts	Improper monitoring or tampering with monitoring equipment to render results inaccurate or falsify monitoring information	Criminal investigation; show cause; criminal prosecution; terminate service	PC, AGM, CEO COM
4.	Failure to install monitoring equipment required by PLWC	5 – 10 days late	Phone call; NOV	PC, AGM, CEO
		30 days late, without documentation of good cause acceptable to PLWC	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties; termination of service	PC, AGM, CEO, COM
COMPLIANCE SCHEDULES				
1.	Missed Milestone	Missed milestone for good cause acceptable to PLWC which will not affect subsequent milestone dates or final compliance date	Phone call; informal letter; NOV	PC
		Missed milestone for no good cause acceptable to PLWC which will affect subsequent milestone dates or final compliance date	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties	PC, AGM, CEO COM
		Missed final compliance date for good cause acceptable to PLWC	Phone call; informal letter; NOV	PC, AGM, CEO
		Missed final compliance date or refusal to comply for no good cause acceptable to PLWC	Show cause; civil action or criminal prosecution seeking penalties; termination of service	PC, AGM, CEO, COM
2.	Failure to meet reporting requirements	Completed milestone on schedule but failed to report in accord with compliance schedule	Phone call; informal letter; NOV	PC, AGM, CEO

¹Nothing in this Enforcement Response Guide shall limit the authority of Paragould Light, Water and Cable to take any action, including emergency actions or any other enforcement action, without first taking a prerequisite action against the user.

<u>NONCOMPLIANCE¹</u>	<u>NATURE OF THE VIOLATION</u>	<u>RANGE OF ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
OTHER PERMIT VIOLATIONS			
1. Wastestreams are diluted in lieu of pretreatment	Initial or isolated violation	NOV; compliance meeting; consent order with penalties	PC, AGM, CEO, COM
	Repeated or chronic violation continuing in disregard of enforcement for initial or isolated violation	Show cause; consent order with penalties; termination of service	PC, AGM, CEO, COM
2. Failure to mitigate Noncompliance or	No known harm to POTW or environment	NOV; compliance meeting; show cause; consent order with penalties	PC, AGM, CEO COM
	Isolated or recurring resulting in damage to POTW or environment	Show cause; consent order with penalties civil action to recover losses; criminal prosecution seeking penalties; termination of service	PC, AGM, CEO COM
VIOLATIONS DETECTED DURING INDUSTRIAL INSPECTIONS AND INVESTIGATIONS			
1. Entry or access denied	Entry or access denied or copies of records denied	Obtain search warrant and proceed with inspection or investigation	PC, AGM, CEO
2. Inadequate recordkeeping (including BMP documents)	Incomplete or missing files (no evidence of intent)	NOV	PC, AGM, CEO
	Recurring, chronic	Compliance meeting; show cause; consent order with penalties	PC, AGM, CEO
3. Failure to report additional monitoring	Inspection or investigation yields additional analyses required to be reported	NOV	PC, AGM, CEO
	Recurring, chronic	Compliance meeting; show cause; consent order with penalties	PC, AGM, CEO
4. Failure to implement BMP	No known harm to POTW or environment	Compliance meeting; show cause; consent order with penalties	PC, AGM, CEO, COM
	Repeated or chronic violation continuing in disregard of enforcement for initial or isolated violation	Show cause; consent order with penalties; termination of service	PC, AGM, CEO, COM

¹Nothing in this Enforcement Response Guide shall limit the authority of Paragould Light, Water and Cable to take any action, including emergency actions or any other enforcement action, without first taking a prerequisite action against the user.

TIME FRAMES FOR RESPONSES

- A. Violations will be identified, documented and initial enforcement response initiated within twenty (20) working days of documentation.
- B. All violations will be identified and documented within five (5) days of receiving compliance information.
- C. Violations which endanger or appear to cause endangerment to the health or welfare of persons; or which interfere or threaten to interfere with the operation of the POTW; or which present or may present an endangerment to the environment will receive immediate enforcement response of order to suspend discharge or terminate service.
- D. Significant noncompliance will be addressed with an enforceable order within sixty (60) days of identification and documentation of noncompliance.
- E. Follow-up escalated enforcement actions for continuing or recurring violations will be initiated within sixty (60) days of the final event (such as final compliance date of a compliance schedule) of the initial or previous enforcement action.

¹Nothing in this Enforcement Response Guide shall limit the authority of Paragould Light, Water and Cable to take any action, including emergency actions or any other enforcement action, without first taking a prerequisite action against the user.

SECTION 7

PUBLIC PARTICIPATION

The public participation activities of PLWC in the administration of its Industrial Pretreatment Program shall conform to the requirements of 40 CFR 403.

In addition to solicitation of public comment regarding legislation affecting Industrial Pretreatment and Industrial Pretreatment Program modification, PLWC shall provide the following reports as public information.

7.1 LOCAL PARTICIPATION

PLWC will determine incidences of significant noncompliance as defined by Section 9 of the Paragould Sewer Use – Pretreatment Ordinance. In compliance with the public participation requirements of 40 CFR 403.8(f)(2)(viii), IUs in significant noncompliance will, at least annually, be reported to the Arkansas Department of Environmental Quality (ADEQ) and published in the Paragould Daily Press, or the largest daily newspaper published in the City of Paragould, of IUs which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements.

7.2 ANNUAL POTW REPORTS

In compliance with 40 CFR 403.12(i), PLWC shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted no later than March 30 of each year and shall include, at a minimum, the following:

- A) an updated list of the POTW's Industrial Users (IUs), including their names and addresses and a list of any deletions. The list shall identify which IUs are subject to categorical pretreatment standards and specify which standards are applicable to each IU. The list shall indicate which IUs are subject to Categorical Pretreatment Standards and specify which standards are applicable to each IU. The list shall indicate which IUs are subject to local standards that are more stringent than the applicable Categorical Pretreatment Standards. The POTW shall also list the IUs that are subject only to local requirements;
- B) a summary of the status of Industrial User compliance over the reporting period;
- C) a summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;
- D) a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority; and
- E) any other relevant information requested by the Approval Authority.

SECTION 8

ORGANIZATION AND FUNDING

8.1 PERSONNEL

The City of Paragould operates under the Mayor/City Council form of government. The Paragould Light and Water Commission is empowered by the Paragould City Council to operate the City-owned electric power and water utilities. The Paragould Light and Water Commission is responsible for implementation of the Paragould Industrial Pretreatment Program, as shown by Figure 8.1, Paragould Pretreatment Organization Chart on page 39. The PC, representing the Paragould Light and Water Commission, manages and administers the program and provides policy for direction of and cooperation between Paragould Light, Water and Cable (PLWC) and its Industrial Users. The implementation of the Paragould Pretreatment Program is under the principal supervision of the Manager of Environmental Services/Pretreatment Coordinator (PC). The PC assesses staffing, equipment and budgetary needs of the program and provides direction to the Laboratory Supervisor, POTW Chemists and Laboratory Technicians and contract laboratories as required by the program. The POTW laboratory is equipped to perform the majority of required analyses except for oil and grease and those analyses which are best determined by the use of a gas chromatograph – generally organics. The services of contract laboratories are used for these analyses requiring specialized equipment. The costs of contract laboratory services for SIU compliance monitoring is billed to the permitted SIU.

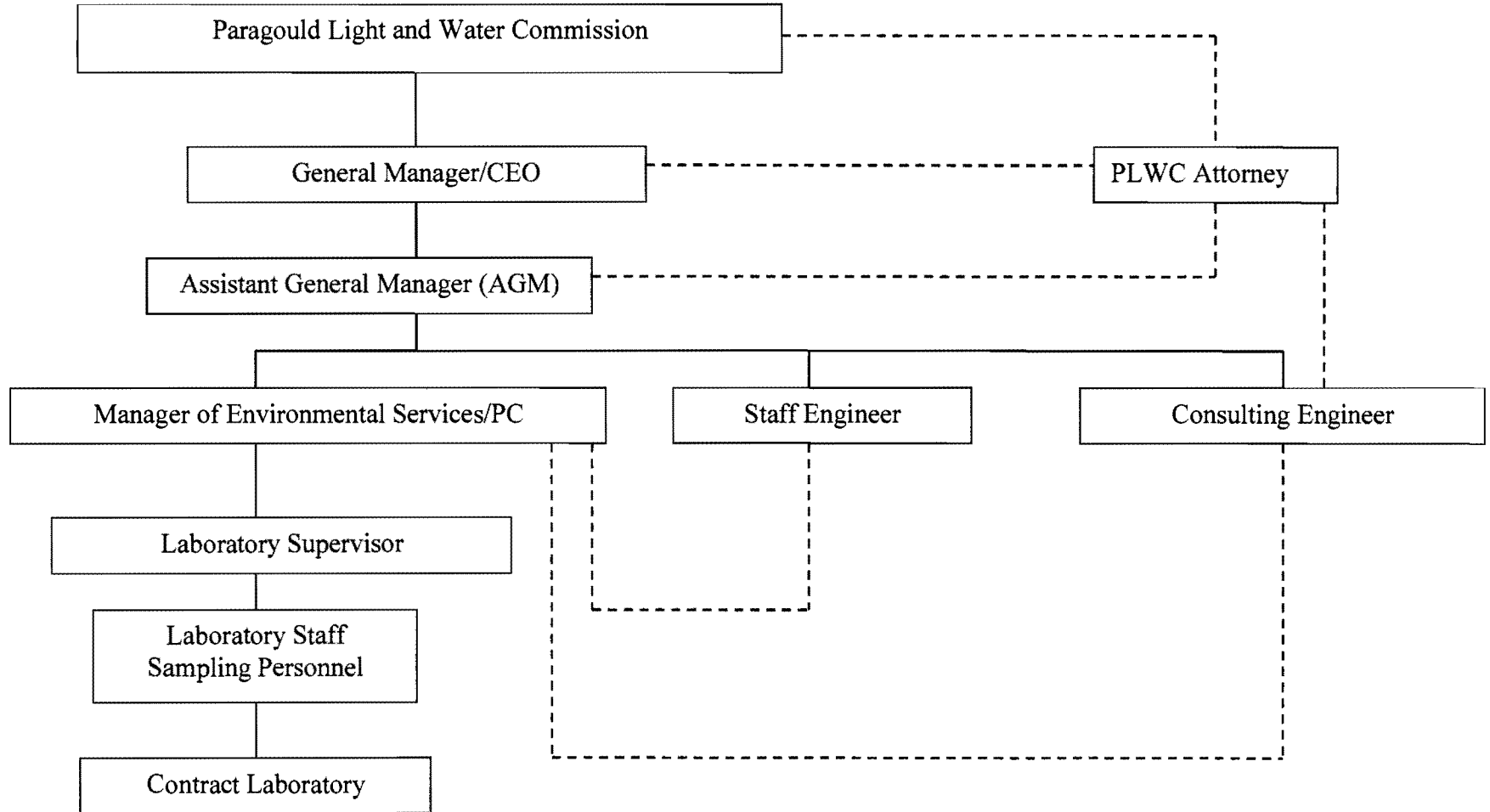
The following is a summary of the specific responsibilities of the individuals involved in the administration and enforcement of the Paragould Industrial Pretreatment Program.

- A) General Manager/Chief Executive Officer (CEO)
The CEO has final responsibility for policy direction for administration of the Paragould Industrial Pretreatment Program. The CEO is, therefore, the signatory authority for all reports and notices required for administration of the program.

- B) Assistant General Manager (AGM)
Under the policy direction of the CEO, the AGM has final responsibility for the operation of the Paragould Industrial Pretreatment Program. With formal consent from CEO, the AGM may obtain signatory authority for reports and notices required for administration of the program.

- C) Manager of Environmental Services/Pretreatment Coordinator (PC)
Under the direction of the AGM, the PC is responsible for the following activities.
 - 1) Direction of the pretreatment program.
 - 2) Maintenance of Industrial Pretreatment Program files.
 - 3) Identification of IUs by industrial surveys and annual industrial inspections and notification of IUs of pretreatment standards and requirements.

Figure 8.1
 PARAGOULD PRETREATMENT PROGRAM
 ORGANIZATION CHART



- 4) Review industrial wastewater discharge permit applications, recommend permit limits and conditions to the AGM and CEO.
- 5) Issuance of industrial wastewater discharge permits.
- 6) Establish and administer compliance monitoring schedules for permitted SIUs.
- 7) Inspection of SIUs production areas, monitoring and pretreatment facilities at least annually (no responsibility shall be assumed for the O&M of the SIUs pretreatment facilities).
- 8) Review Laboratory Supervisor's analyses of compliance monitoring for documentation and reporting of instances of extensive non-compliances to the AGM and CEO.
- 9) Initiate the informal enforcement actions of phone calls and/or informal letters to notify SIUs of non-significant non-compliances.
- 10) Reports instances of significant non-compliance to the AGM and CEO with recommendations for appropriate enforcement actions.
- 11) Compilation of surcharges for unusual BOD₅, TSS and Oil and Grease to be assessed to SIUs.
- 12) Compilation and invoicing of costs of in-house and contract laboratory services to SIUs for compliance monitoring.

D) Laboratory Supervisor

Under the direction of the Manager of Environmental Services/Pretreatment Coordinator, the Laboratory Supervisor is responsible for the following Industrial Pretreatment Program activities.

- 1) Compliance monitoring of all permitted SIUs.
- 2) Random monitoring of non-significant non-domestic users who are found by industrial inspection to have changed operations or wastewater characteristics to likely result in the IU meeting the criteria of a SIU.
- 3) Maintenance of Chains of Custody for samples and analyses and sample collection, analyses and collection of other pertinent information with sufficient care to produce evidence admissible in the Circuit Court for Greene County, Arkansas in enforcement proceedings or in other judicial actions.
- 4) Reporting of compliance monitoring results to the PC.

E) Laboratory Staff

Under the supervision of the Laboratory Supervisor, the POTW laboratory staff is responsible for the following Industrial Pretreatment Program activities.

- 1) Compliance monitoring of all permitted SIUs.
- 2) Analyses of SIU samples with sufficient care to produce evidence admissible in the Circuit Court for Greene County, Arkansas in enforcement proceedings or in other judicial actions.

- 3) Preparation of samples for transport to contract laboratory to obtain required analyses which are beyond the capabilities of the POTW laboratory equipment.
- 4) Reporting of results of analyses through the Laboratory Supervisor to the Manager of Environmental Services/Pretreatment Coordinator.

F) Sampling Staff

- 1) Required sample collection from IU outfalls.
- 2) Splitting of samples with IUs, if so requested by IU.
- 3) Operation and maintenance of wastewater sampling equipment.

For random monitoring, other special monitoring and scheduled compliance monitoring activities, the laboratory staff is always available to assist the sampling staff with placing and retrieving portable samplers.

- G) The Paragould Light and Water Commission Attorney provides legal counsel to assist the Manager of Environmental Services/Pretreatment Coordinator, the Chief Operations Officer and the General Manager/Chief Executive Officer with administration and enforcement of the Paragould Industrial Pretreatment Program.
- H) When necessary, a consulting engineer is employed by Paragould Light, Water and Cable to assist the Manager of Environmental Services/Pretreatment Coordinator, the Assistant General Manager, the General Manager/Chief Executive Officer or the Paragould Light and Water Commission Attorney by providing technical consultation, as needed, for the administration and enforcement of the pretreatment program.

8.2 EQUIPMENT

PLWC has sufficient equipment to operate the pretreatment program. Equipment includes a motor vehicle, automatic samplers, flow meters, computer and hardware, word processing and records keeping software, telephone, and offices.

Additional equipment found to be required for proper operation of the pretreatment program can be funded from the appropriate operating expenses fund.

8.3 PROGRAM COSTS AND FUNDING SOURCES

The estimated annual operating costs for the Paragould Pretreatment Program is as shown in Table 8.3.

The \$78,000 annual operating cost of the pretreatment program is recovered in revenues generated by general sewer service user fees and from surcharges to SIU's who discharge unusual (>300 mg/L) of BOD₅ and TSS or unusual (>100 mg/L) Oil and Grease. The present sewer service user fee is \$2.83 per 1,000 gallons. The present surcharge rates for unusual BOD₅ is \$0.149 per pound, for unusual TSS is \$0.251 per pound and for unusual Oil and Grease is \$0.25 per pound. The 2012 Paragould Light Water & Cable (PLWC) Statement of Revenues projects total annual revenues generated by sewer service user fees of \$3,325,800. Approximately one percent of sewer service revenue will be from SIU's whose Industrial Wastewater Discharge Permits are administered by the pretreatment program.

Section 15.1 of the Sewer Use Pretreatment Ordinance provides that PLWC may adopt IU charges and fees for reimbursement of costs for evaluation of applications for and issuance of Industrial Wastewater Discharge Permits and for monitoring of IU's wastewater discharge. Therefore, the costs of permitting and monitoring IU's, particularly costs of services of consulting engineer for evaluating permit applications and for contract laboratories for analysis, should be at no net cost to PLWC.

Budgeted line item expenses, adequately funded by general sewer service fees and by surcharges, provide for adequate funding of the Paragould Industrial Pretreatment Program.

TABLE 8.3
ANNUAL OPERATING COSTS FOR
INDUSTRIAL PRETREATMENT PROGRAM

Salaries and Benefits	\$57,500
Environmental Services Manager/Pretreatment Coordinator	
Laboratory Supervisor	
Laboratory Technicians	
Operator	
Contract Laboratory	\$11,500
Operating Costs	\$ 9,000
Vehicle	
Supplies	
TOTAL ANNUAL COSTS	\$78,000

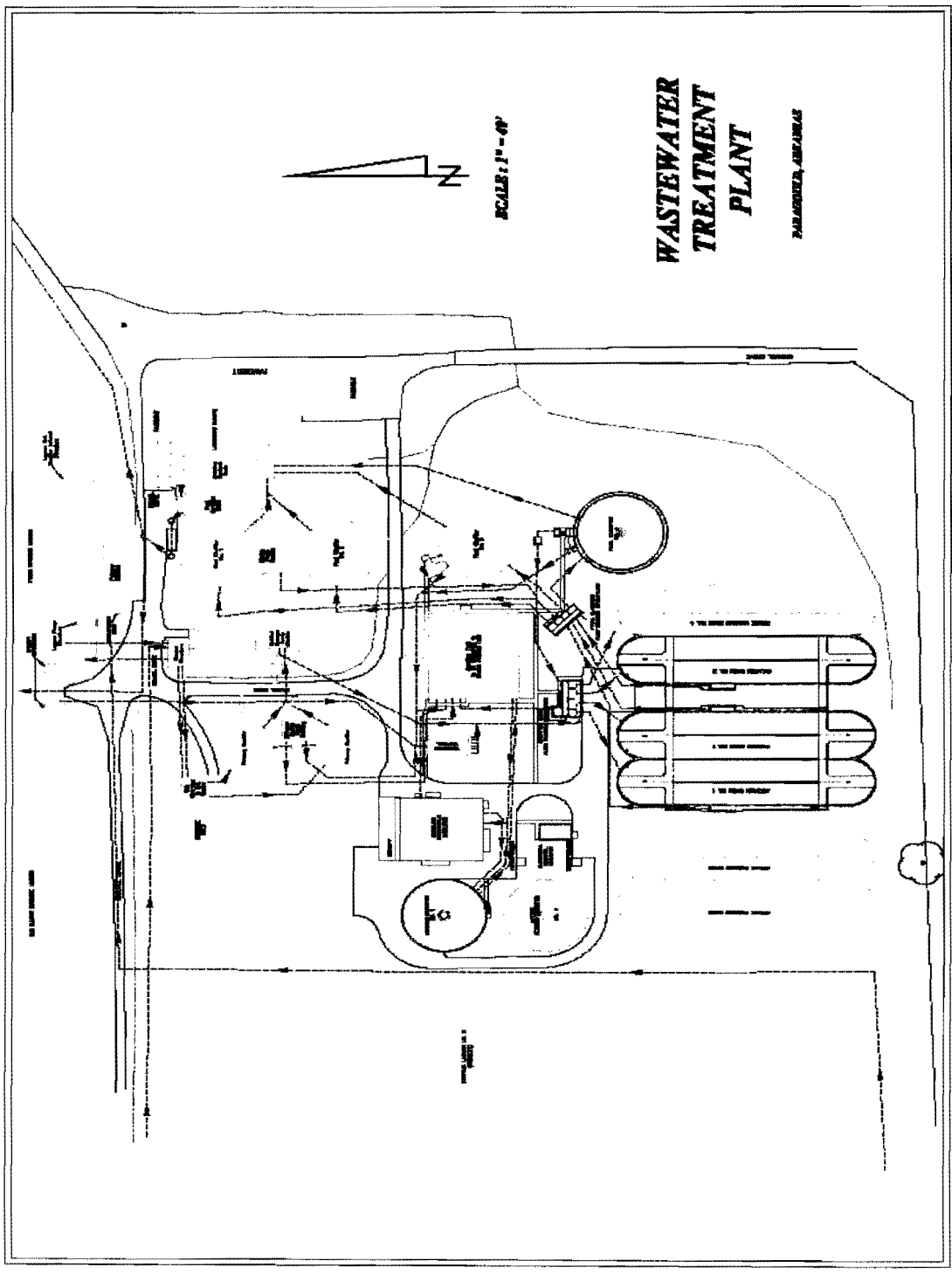
APPENDIX A

SCHEMATIC OF PARAGOULD LIGHT, WATER AND CABLE WASTEWATER TREATMENT PLANT

**WASTEWATER
TREATMENT
PLANT**

PARADISE, ARIZONA

SCALE: 1" = 40'



APPENDIX B

NON-DOMESTIC WASTEWATER USER SURVEY



Environmental Services Division
 P.O. Box 9
 Paragould, AR 72450
 Phone (870) 239-7795

**PARAGOULD LIGHT, WATER & CABLE (PLWC)
 INDUSTRIAL WASTE QUESTIONNAIRE**

PLWC is required by EPA to identify and evaluate the impacts of non-domestic discharges to the sanitary sewer system. In order to comply with this requirement, we are asking that your company fill out this questionnaire. The information provided will be used to update our Wastewater Pretreatment files and assist us in monitoring what types of wastes are being discharged into the City's sanitary sewer system. Please completely fill out the survey, and ensure it is signed before submitting to PLWC. Any questions that do not pertain to your company should be answered "N/A". If you have questions, please call Lisa Ellington at (870) 239-7795 for assistance.

BUSINESS INFORMATION		
Name:		
Physical Address:		
Mailing Address:		
Phone:		Fax:
Website:		
Days of Operation:		
Number of Employees:		
CONTACT INFORMATION		
Individual Responsible for Operation		Individual Providing Information
Name:		Name:
Title:		Title:
Phone:		Phone:
Email:		Email:
TYPE OF BUSINESS (please check all that apply)		
<input type="checkbox"/> Manufacturing / Assembly	<input type="checkbox"/> Storage / Warehouse	<input type="checkbox"/> Vehicle / Equipment Wash
<input type="checkbox"/> Sales / Distribution	<input type="checkbox"/> Food Preparation / Service	<input type="checkbox"/> Retail Sales only
<input type="checkbox"/> Auto Services	<input type="checkbox"/> Medical / Dental Office	<input type="checkbox"/> Other (specify)

CHECK THE BOXES OF ALL PROCESSES / ACTIVITIES THAT OCCUR AT THIS FACILITY

<input type="checkbox"/> Asbestos Manufacturing	<input type="checkbox"/> Medical Procedures / Surgeries
<input type="checkbox"/> Auto Body Shop, Vehicle Repair	<input type="checkbox"/> Metal Finishing (plating, anodizing, coating etching)
<input type="checkbox"/> Auto / Truck Wash	<input type="checkbox"/> Metal Products Manufacturing
<input type="checkbox"/> Battery Manufacturing	<input type="checkbox"/> Metals Molding, Casting, Forming
<input type="checkbox"/> Cement Manufacturing	<input type="checkbox"/> Machining-Sheet Metal Shop
<input type="checkbox"/> Copper / Aluminum Forming	<input type="checkbox"/> Painting / Finishing
<input type="checkbox"/> Coil Coating / Can Making	<input type="checkbox"/> Paint / Ink Formulation
<input type="checkbox"/> Chemical Manufacturing	<input type="checkbox"/> Petroleum Refining
<input type="checkbox"/> Dairy Products	<input type="checkbox"/> Pharmaceutical Manufacturing
<input type="checkbox"/> Dentistry	<input type="checkbox"/> Photo Processing
<input type="checkbox"/> Dry Cleaning / Laundries	<input type="checkbox"/> Plastics Manufacturing / Molding
<input type="checkbox"/> Electrical / Electronic Component Manufacturing	<input type="checkbox"/> Porcelain Coating
<input type="checkbox"/> Electroplating	<input type="checkbox"/> Printed Circuit Board Manufacturing
<input type="checkbox"/> Feedlot	<input type="checkbox"/> Pulp, Paper, Paperboard Manufacturing
<input type="checkbox"/> Fertilizer Manufacturing	<input type="checkbox"/> Rubber Manufacturing / Processing
<input type="checkbox"/> Flammables / Explosive Use	<input type="checkbox"/> Radioactive Materials Use
<input type="checkbox"/> Fuel Oil Dealer	<input type="checkbox"/> Smelting
<input type="checkbox"/> Funeral Services	<input type="checkbox"/> Soap / Detergent Manufacturing
<input type="checkbox"/> Glass Manufacturing	<input type="checkbox"/> Steam / Power Generation
<input type="checkbox"/> Grain Mill	<input type="checkbox"/> Sugar Processing
<input type="checkbox"/> Iron / Steel Manufacturing	<input type="checkbox"/> Textile Manufacturing
<input type="checkbox"/> Laboratory	<input type="checkbox"/> Timber Products
<input type="checkbox"/> Leather / Tanning / Refinishing	<input type="checkbox"/> Woodworking Shop

CHEMICAL INVENTORY DOES THIS BUSINESS USE ANY OF THE MATERIALS LISTED BELOW?

(place an "X" in the appropriate box)

Category	Yes	No	Not Sure	If Yes, Please Identify
Inks/ Dyes / Paints				
Acids / Caustics				
Solvents / Incl. Cleaning				
Flammables / Explosives				
Grease / Oils				
Pesticides / Herbicides				
Metals / Inorganics				
Mercury or Amalgam (even if not used in placement)				
Silver Compounds or Spent Fluids from Film Processing				
Halogenated Aromatics				
Ethers				
Monocyclic Aromatics				
Phenols / Cresols				
Phthalate Esters				
Polycyclic Hydrocarbons				
Nitrosamines				
Nitrogen Containing Compounds				
Radioactive Isotopes				
Cooling Tower/Boiler Blowdown, Corrosion Inhibitors, Biocides, etc.				

If you are unsure of the category, please list any other chemicals used on a separate sheet.

IS ANY WASTEWATER FROM THIS FACILITY TREATED BEFORE DISCHARGE? Yes No

If yes, what kind of treatment is performed?

- | | |
|---------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Sand / Sediment Interceptor | <input type="checkbox"/> Silver Recovery |
| <input type="checkbox"/> Oil / Grease Interceptor | <input type="checkbox"/> Amalgam Separator |
| <input type="checkbox"/> pH Correction | <input type="checkbox"/> Solvent Recovery |
| <input type="checkbox"/> Chemical or Physical Treatment | <input type="checkbox"/> Other |

Specify:

HAS ANY CHEMICAL ANALYSIS BEEN PERFORMED ON WASTEWATER DISCHARGES FROM THIS FACILITY IN THE LAST THREE (3) YEAR?

Yes No

ARE THERE ANY WASTES GENERATED AT THIS FACILITY THAT ARE NOT DISCHARGED TO THE SANITARY SEWER?

Yes No *NOTE: If yes, please describe the waste and disposal method for the waste.*

	Other Waste	Disposal Method
1		
2		
3		

DOES THIS FACILITY GENERATE ANY HAZARDOUS WASTE?

Yes No *NOTE: If yes, please list hazardous wastes generated and disposal method. Attach additional sheets if necessary.*

	Hazardous Waste	Disposal Method
1		
2		
3		

PLEASE PROVIDE THE FOLLOWING INFORMATION OF ANY ONSITE WASTE TREATMENT VENDORS AND ANY COMPANIES THAT HAUL SOLID, LIQUID, HAZARDOUS OR NON-HAZARDOUS WASTES FROM THIS FACILITY FOR ONSITE TREATMENT AND / OR DISPOSAL.

PLEASE ESTIMATE THIS FACILITY'S AVERAGE MONTHLY WATER USAGE FOR THE WINTER AND SUMMER MONTHS.

Average monthly gallons used: Winter: _____ Summer: _____

DO YOU ANTICIPATE ANY FUTURE CHANGES IN YOUR CURRENT OPERATIONS OR PROCESSES?

Yes No

ATTACH A SCHEMATIC WITH THE LAYOUT OF YOUR FACILITY. PLEASE LABEL ACTIVITIES PERFORMED IN EACH AREA, ALL WATER SOURCES, ALL FLOOR DRAINS AND ALL DISCHARGES.

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 fines and imprisonment for knowing violations."

Facility Owner or Authorized Person's Name: _____
(Please Print)

Title: _____
(Please Print)

Signature: _____

Date: _____

APPENDIX C

SUPPORT DOCUMENTS

**ATTORNEY'S OPINION
RESOLUTION OF SUPPORT BY PARAGOULD LIGHT AND WATER COMMISSION
RESOLUTION OF SUPPORT BY CITY OF PARAGOULD
PARAGOULD SEWER USE – PRETREATMENT ORDINANCE**

June 28, 2012

Ms. Lisa Ellington, M.S.
Manager - Environmental Services
Paragould Light & Water Commission
P.O. Box 9
Paragould, Arkansas 72451-0009

RE: Paragould Sewer Use Ordinance
Paragould Pretreatment Program NPDES No. AR0033766

Dear Lisa:

Apparently, at the request (and insistence) of the Arkansas Department of Environment Quality acting as agent for the Environmental Protection Agency of the United States, the City adopted Ordinance No. 2012-11 on May 14, 2012. This ordinance modified, to some degree, a previous sewer use ordinance which was codified as Article V, Chapter 42 of the Code of Ordinances of the City of Paragould.

I have now been supplied with a copy of the ordinance, as adopted, along with a letter from Mr. Allen Gilliam, the ADEQ State Pretreatment Coordinator, bearing a date of February 27, 2012. This letter requires a "new attorney's statement per 40 CFR 403.9(b)" I note, with considerable humor, Mr. Gilliam's gratuitous remark that "it is not expected much time will have to be devoted to this" Since Mr. Gilliam will undoubtedly receive a copy of this letter, you may relate to him that it has taken me two full weeks of hard work to compare the 55 pages contained in this ordinance with the similarly sized previous ordinance as well as do the necessary legal background work and review of my previous letters.

I am attaching a copy of my letter of February 12, 1998, to Marie Hammond which contained a statement such is now being requested by ADEQ. Because Mr. Gilliam has obviously reviewed the previous ordinance and my previous letters to you concerning it, I will not attempt to restate all of the matters contained therein. I am attaching a copy of that letter to this letter

and incorporate it herein fully, word for word. Much of the underlying statement of authority is the same and therefore will not be restated herein. I will, however, attempt to comment about those sections which appear to me have been modified. I might further state that it is unfortunate that a copy of this proposed ordinance was not provided to me before it was submitted to the City Council for adoption because some of the things which I mention herein could have been avoided.

First of all, I note in the definitions section of the new ordinance (Section 1.4), the definitions have, to some degree, been modified to clarify and add to certain words and phrases that did not previously exist. For example, "best management practices or BMPs" has been added, as has "categorical industrial user", "daily maximum", "daily maximum limit", "local limit", "monthly average", "monthly average limit", "significant industrial user (SIU)", etc. I note that throughout this ordinance, reference is made to "the Environmental Services Manager". Unfortunately, "Environmental Services Manager" is not defined in the ordinance, as modified, in my opinion. It would have been much better, in my opinion, if the ordinance had undertaken to specify who that position is or what that office is. It can only be assumed that the person is you, even though your office is not defined nor specified by the ordinance.

Your attention is called to Section 4.2(A) on page 26 of the ordinance. This whole setup is based on the premise that no waste water may be deposited into the system without a permit, provided that it meets certain volume or other characteristics. The "waste water discharge permit" should be required for any "significant industrial user" as specified by the definition. Unfortunately, Section 4.2(A) has left out the word "permit" in the following sentence:

It shall be unlawful for any Significant Industrial User to discharge waste water into the POTW without first obtaining a waste water discharge from the Paragould Light & Water Commission"

Therefore, a strict reading of the ordinance, as adopted, does not contain any provision for a discharge permit for "Significant Industrial Users."

As was commented in my previous letter of February 12, 1998, concerning the sewer use ordinance which the subject ordinance is modifying, the basic scheme is to require a waste water discharge permit, to require certain reports, authorize compliance monitoring and then provide administrative and judicial enforcement remedies.

The permit application provisions of Section 4.5 have been significantly changed but the changes are technical in nature and beyond the reach of my expertise.

Section 5 of the ordinance deals with waste water discharge permit issuance. A new section 5.3 "Permit Issuance Process" has been adopted and specifically describes the issuance process. It is important to note that Section 5.8 of the issuance provisions has been revoked in its entirety and has been replaced with a provision that no extra-jurisdictional industrial waste will be permitted.

Section 6 is the reporting requirements and has been modified by completely changing Section 6.5 which deals with certain reports and contains large provisions that are changed but primarily deal with certain technical standards beyond my expertise.

Section 9 of the ordinance is a provision that deals with publication of the names of users found to be in non-compliance. Certain times and other descriptive phrases have been changed but not in a manner in which there is significant comment.

Section 10 is the provision for certain administrative remedies including notifications of violations, show causes hearings, compliance orders and schedules, cease and desist orders and administrative fines. The administrative fine provision is Section 10.6 and is new. It provides that if the "Environmental Services Manager" (a non-defined description or term) finds a violation or a continuation of a violation, then the general manager or assistant general manager (also non-defined) may fine the user an amount not to exceed \$1,000.00 per violation per day. While the ordinance describes these fines as "administrative", such a definition is not binding upon courts.

A court might very well find these fines to be penalties and/or criminal provisions which would require some due process specifications. There is no such due process and appeal provisions in Section 10.6 other than a user may dispute the fines and file a written request with the Environmental Services Manager to reconsider the fine. No appeal is provided from the Environmental Services Manager.

Section 11 is a provision for judicial enforcement remedies. Section 11.1 is a provision for injunctive relief. Unfortunately, it has a mistake in it because it provides that the manager can apply to the "Paragould Municipal Court" for the issuance of temporary or permanent injunctions. The Paragould Municipal Court is no longer in existence. Municipal courts were abolished by the adoption of Amendment 80 to the Arkansas Constitution in November of 2000. New courts called "District Courts" are set forth in Section 7 of Amendment 80 and basically have the same jurisdiction as previously exercised by municipal courts. The Supreme Court of the State of Arkansas is given the power to establish the jurisdictional amount and subject matter of District Courts. Administrative Order No. 18 of the Arkansas Supreme Court sets out the civil jurisdiction of District Courts. The listed areas of jurisdiction for District Courts does not include injunctive relief. Traditionally, municipal courts, justices of the peace, etc. (which are all inferior courts), did not have injunctive relief authority. Currently, injunctive relief must be sought in the Circuit Court. To that extent, the current ordinance, as adopted in May, 2012, is defective.

Section 11.3 of the new ordinance regarding judicial enforcement remedies contains a provision for criminal prosecution. New Section 11.3(a) makes it a misdemeanor for any person to willfully or negligently violate the provisions of the ordinance. This provision is subject to question because mere negligence (as distinguished from willful or wanton conduct, or gross negligence) has rarely, if ever, been sustained by any court. Negligence in the law is the failure of a person (or in some instances, a corporation) to act or not act when a reasonably prudent person would, under the same or similar circumstances, act or not act. As currently written, the ordinance does not contain the necessary scienter which most

courts have held to be required to make a criminal provision valid. In other words, the ordinance is probably okay about users who willfully violate the provisions, but probably is not okay for users who negligently violate the provisions.

Section 12 of the ordinance has been modified to add a Section 12.3 under which the Environmental Services Manager may decline to issue or reissue a waste water discharge permit (the word "permit" is again excluded) to any user who has failed to pay any outstanding fees, fines, penalties, etc.

This has been an exhaustive (and exhausting) process. If you should have any questions, please feel free to call or write.

Very truly yours,

HAMILTON, COLBERT & SCURLOCK, LLP

By: _____
Donis B. Hamilton

DBH:cgt

Enclosures: Noted.

pc: Mr. William B. Fisher, Manager & CEO

HAMILTON, COLBERT & SCURLOCK, LLP

Attorneys at Law
401 West Court Street
P.O. Box 638
Paragould, AR 72451-0638

Donis B. Hamilton
Roger U. Colbert
James V. Scurlock, II*

TEL. (870) 236-1500
FAX (870) 236-1592
*Master of Laws in Taxation

February 19, 2013

Ms. Lisa Ellington, M.S.
Manager - Environmental Services
Paragould Light & Water Commission
P.O. Box 9
Paragould, Arkansas 72451-0009

RE: Sewer Use Ordinance

Dear Lisa:

I reviewed the sewer use and pretreatment ordinance which you provided me last month. I believe you incorporated many of the changes and addressed many of the concerns raised by my partner, Donis Hamilton, in his letter dated June 28, 2012.

In Section 5.2B(10) you reference "Best Management Practices." In the last sentence, I would add a statement so as to not limit the best management practices to the items you listed. I recommend you change the last sentence of that paragraph to read:

BMP's include, but are not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

In Section 5.3B "Permit Appeals," I would change the first sentence to read as follows:

If a user petitions to reconsider the terms of the permit, the appealing party must indicate the wastewater discharge permit provision objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

In the last paragraph of Section 5.3B, instead of "applicable court for the City of Paragould, Arkansas," you should revise it to read "Circuit Court for Greene County, Arkansas."

In Section 7.2, titled "Search Warrants," there is a reference to "the applicable court for the City of Paragould, Arkansas." I do **not** believe you need to make the change to the Circuit Court of Greene County, Arkansas. The remaining references to "the applicable court for the City of Paragould, Arkansas" should be changed to "the Circuit Court of Greene County, Arkansas" in paragraphs 10.9(F), 11.1, 11.2(C), and 15.2.

In paragraph 10.6. there are numerous references to fines/penalties. We should remove any reference to a fine. As you may recall, a Circuit Court reviewing this matter may consider a fine something more akin to a criminal sanction which may involve certain due process requirements. I would remove the word "fine" from anywhere in the ordinance and replace it with the word "penalty" or even "civil assessment."

I also noticed in Section 10.6 that only industrial users may be fined/penalized. An industrial user is defined in Section 1.4(VVV) as a source of indirect discharge. Indirect discharge is defined in 1.4(Z) as the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b)(c) or (d) of the Clean Water Act. I raise this issue only to point out that the imposition of fines/penalties under Section 10.6(a) is limited to industrial users.

The appeal provisions in Section 10.9 and 10.10 may be redundant. As I understand Section 10.9, a user aggrieved by an action of the CEO, AGM or PC may appeal the determination to the Commission and the CEO. Section 10.10 involves requests for reconsideration of an action by the CEO, AGM and/or PC. Section 10.9 appears to leave the decision with the Commission and CEO while Section 10.10 indicates that the CEO will make the final decision. My concern here is that it could be a circular process where actions could be appealed and then reconsidered and further reconsidered.

As I understand the broad scope of Section 10 of the ordinance, the PC can provide oral or written notice of a violation. If an agreement is not reached with the user, the PC can hold a show cause hearing or issue a cease and desist order. The CEO and AGM can also issue penalties based upon a finding of

the PC or even suspend the user's ability to discharge, or terminate the discharge permanently. I think it will be easier to allow for one appeal to the full commission and CEO and let that be the last administrative remedy prior to any court action. If you believe there is a need for both a notice of appeal and a request for reconsideration please let me know. My recommendation is to remove Section 10.10.

I hope this letter addresses your concerns. Should you have any questions do not hesitate to let me know.

Sincerely,

HAMILTON, COLBERT & SCURLOCK, LLP

By: 

James V. Scurlock, II

JVS:mrc

Pc: Mr. William B. Fisher
Mr. Darrell Phillips

Resolution No. 01-16-13

**A RESOLUTION ENDORSING ADOPTION AND IMPLEMENTATION OF
SELECTED PRETREATMENT STREAMLINING REVISIONS TO THE INDUSTRIAL
PRETREATMENT PROGRAM FOR THE PUBLICLY-OWNED TREATMENT
WORKS (POTW) OF PARAGOULD, ARKANSAS.**

WHEREAS, the Paragould Light and Water Commission has the duty and desire to protect the public health, safety and welfare; and

WHEREAS, the Paragould Light and Water Commission has the authority to implement uniform requirements for dischargers into the POTW in accordance with all applicable State and Federal laws relating thereto; and

WHEREAS, the Paragould Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will interfere with the operation and maintenance of the POTW; and

WHEREAS, the Paragould Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated into the receiving waters or the atmosphere or otherwise be incompatible with the POTW; and

WHEREAS, the Environmental Protection Agency published Pretreatment Streamlining revisions on October 15, 2005; and

WHEREAS, the Paragould Light and Water Commission believes that the adoption and implementation of selected Pretreatment Streamlining revisions will help the Paragould Light and Water Commission prevent the introduction of pollutants as described in this resolution.

NOW THEREFORE, BE IT RESOLVED that the Paragould Light and Water Commission endorses the adoption and implementation of selected Pretreatment Streamlining revisions, published October 15, 2005, to the Industrial Pretreatment Program for the POTW of Paragould, Arkansas in accordance with all applicable State and Federal laws required by the Federal Water Pollution Control Act (FWPCA, P.L. 92-500), as amended by the Clean Water Act of 1977, P.L. 95-217, and the General Pretreatment Regulations (40 CFR Part 403).

PASSED AND APPROVED this 16th day of January, 2013.

PARAGOULD LIGHT AND WATER COMMISSION

By: Kelly Wright
Kelly Wright, Chairman

Attest:

Mack Shotts
Dr. Mack Shotts, Secretary

**A RESOLUTION ENDORSING ADOPTION AND IMPLEMENTATION OF SELECTED
PRETREATMENT STREAMLINING REVISIONS TO THE INDUSTRIAL
PRETREATMENT PROGRAM FOR THE PUBLICLY OWNED TREATMENT WORKS
(POTW) OF PARAGOULD, ARKANSAS**

RESOLUTION NO. 2013-05

WHEREAS, the City of Paragould has the duty and desire to protect the public health, safety and welfare; and

WHEREAS, the City of Paragould has the authority to implement uniform requirements for dischargers into the POTW in accordance with all applicable State and Federal laws relating thereto; and

WHEREAS, the City of Paragould determines the need to prevent the introduction of pollutants into the POTW which will interfere with the operation and maintenance of the POTW; and

WHEREAS, the City of Paragould determines the need to prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated into the receiving waters of the atmosphere or otherwise be incompatible with the POTW; and

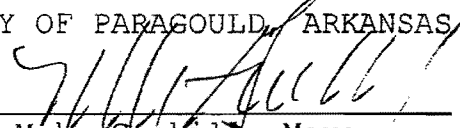
WHEREAS, the Environmental Protection Agency published Pretreatment Streamlining revisions on October 15, 2005; and

WHEREAS, the City of Paragould believes that the adoption and implementation of selected Pretreatment Streamlining revisions will help the City of Paragould acting by and through the Paragould Light and Water Commission prevent the introduction of pollutants as described in this resolution.

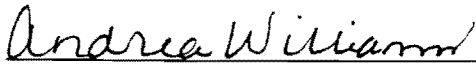
NOW, THEREFORE, BE IT RESOLVED that the City of Paragould endorses the adoption and implementation of selected Pretreatment Streamlining revisions, published October 1, 2005, to the Industrial Pretreatment Program for the POTW of Paragould, Arkansas in accordance with all applicable State and Federal laws required by the Federal Water Pollution Control Act (FWPCA, P.L. 92-500), as amended by the Clean Water Act of 1977, P.L. 95-217, and the General Pretreatment Regulations (40 CFR Part 403).

DATED this 25th day of February, 2013.

CITY OF PARAGOULD, ARKANSAS

By: 
Mike Gaskill, Mayor

ATTEST:


Andrea Williams, City Clerk



PARAGOULD LIGHT, WATER AND CABLE

**SEWER USE AND
PRETREATMENT ORDINANCE**

January 2013

ORDINANCE NO. 2013- 04

AN ORDINANCE TO ADOPT CHANGES TO SEWER USE AND PRETREATMENT REQUIREMENTS ESTABLISHED IN ARTICLE V. WASTE WATER TREATMENT, CHAPTER 42 UTILITIES OF THE CODE OF ORDINANCES, CITY OF PARAGOULD, ARKANSAS, ESTABLISH AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the Paragould City Council previously adopted ordinances that establish sewer use and pretreatment requirements; and

WHEREAS, these ordinance have been codified as Article V. of Chapter 42 of the Code of Ordinances, City of Paragould, Arkansas; and

WHEREAS, the state and federal regulatory agencies have mandated changes to the requirements for sewer use and pretreatment; and

WHEREAS, it is necessary that the City adopt these changes immediately to remain in compliance with state and federal laws and regulations; and

WHEREAS, Paragould Light, Water and Cable has published the required notices and hearings regarding these changes; and

WHEREAS, the City Council has determined that these changes are in the best interest of the citizens of Paragould, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARAGOULD, ARKANSAS:

Section 1. The revised Sewer Use and Pretreatment Ordinance dated February 2013 is attached hereto as Exhibit A and incorporated by reference as if set out word for word herein and is hereby adopted by the City Council.

Section 2. That ARTICLE V. WASTEWATER TREATMENT OF CHAPTER 42 UTILITIES of the Code of Ordinances, City of Paragould, Arkansas is hereby replaced and amended in its entirety by the attached Exhibit A.

Section 3. The attached Exhibit A shall be codified as ARTICLE V. WASTEWATER TREATMENT OF CHAPTER 42 UTILITIES of the Code of Ordinances, City of Paragould, Arkansas.

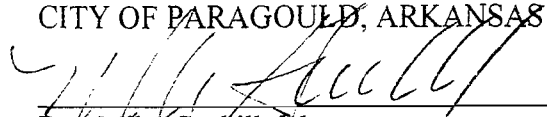
Section 4. All Ordinances and parts of Ordinances except insofar as the same conflict with the specific terms hereof shall remain in full force and effect. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

Section 5. The provisions of this Ordinance are hereby declared to be severable and if any portion hereof shall be determined to be invalid or unenforceable, the remainder shall continue in full force and effect and such invalidity or unenforceability shall not affect the other provisions hereof.

EMERGENCY CLAUSE: In order for the City to remain in compliance with state and federal regulations, it is necessary that the revised Sewer Use and Pretreatment Ordinance become effective immediately. Failure to do so could subject the city to fines and penalties and possible shut down of its sewer treatment facilities. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage, approval and publication as required by law to maintain the health and safety of the City and its inhabitants.

Passed and Approved this 25th day of February 2013.

CITY OF PARAGOULD, ARKANSAS


By: Mike Gaskill, Mayor

ATTEST:



Andrea Williams, City Clerk

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PARAGOULD LIGHT, WATER AND CABLE
SEWER USE AND PRETREATMENT ORDINANCE

ORDINANCE NO. _____

SECTION I—GENERAL PROVISIONS

1.0 Short Title

This ordinance shall be known and described herein as the “Paragould Sewer Use -- Pretreatment Ordinance”.

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the wastewater collection system and the Publicly Owned Treatment Works (POTW) for the City of Paragould, Arkansas and enables the City of Paragould to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. to prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. to prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. to ensure that the quality of the wastewater treatment plant biosolids is maintained at a level to allows its use and disposal in compliance with applicable statutes and regulations;
- D. to protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
- E. to improve the opportunity for promoting the reuse and recycling of wastewater and biosolids from the POTW;
- F. to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

-
- G. to enable the City of Paragould to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and
 - H. to encourage industrial user waste minimization, recycling/reuse, best management practices, and water and energy conservation through Pollution Prevention Activities.

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

- A. The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The Paragould Light and Water Commission shall, in compliance with Arkansas Code Annotated (A.C.A.) 8-4-103 (g) et seq., authorize any judicial enforcement remedy taken by the Paragould Light and Water Commission against any POTW user in violation of the Paragould Sewer Use--Pretreatment Ordinance.
- B. Except as otherwise provided herein, the Paragould Light and Water Commission of the City of Paragould through its designated General Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other Paragould Light and Water Commission personnel.

1.3 Abbreviations

The following abbreviations shall have the designated meanings.

ADEQ – Arkansas Department of Environmental Quality
BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
FOG – Fats, Oils and Grease
gpd – gallons per day
IU – Industrial User

mg/l – milligrams per liter
NAICS – North American Industrial Classification System
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
O&M – Operation and Maintenance
OSHA – Occupational Safety and Health Administration (Title 29, Chapter XVII CFR)
PLWC – Paragould Light, Water and Cable
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIC – Standard Industrial Classification
SIU – Significant Industrial User
SNC – Significant Noncompliance
SWDA – Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. Currently the Arkansas Department of Environmental Quality (ADEQ).
- C. Assistant General Manager (AGM). Under the policy direction of the CEO, the AGM has final responsibility for the administration of the Paragould Industrial Pretreatment Program. With formal consent from CEO, the AGM may obtain signatory authority for reports and notices required for administration of the program.
- D. Authorized or Duly Authorized Representative of the User.
 - (1) If the User is a corporation, authorized representative shall mean:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated

facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 - (3) If the User is a Federal, State, or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;
 - (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Paragould Light and Water Commission.
- E. Best Management Practices or BMPs. Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical Pretreatment Standards and effluent limits.
- F. Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

-
- H. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic.
- J. City. The City of Paragould, County of Greene, in the State of Arkansas.
- K. Collector Building Sewer. Shall mean a sewer on private property, privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termination, and with pipe having a diameter of at least six (6) inches and such sewers shall be located outside building walls and footings.
- L. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- M. Commission. Paragould Light and Water Commission
- N. Combined Sewer. A sewer receiving both surface runoff and sewage.
- O. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- P. Control Authority. The term "Control Authority" shall mean the Paragould Light and Water Commission of the City of Paragould, acting through its General Manager who is charged with certain duties and responsibilities by this ordinance, or his duly appointed or authorized representative.
- Q. Council or City Council. Shall mean the duly elected or appointed governing body of the City of Paragould.
- R. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- S. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- T. Environmental Services Manager/Pretreatment Coordinator (PC). The person designated by the CEO to manage and supervise the wastewater treatment plant of

the City of Paragould, Arkansas, and who is charged with certain duties, responsibilities by this ordinance. This person has direct responsibility for administration and maintenance of the Industrial Pretreatment Program.

- U. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- V. Existing Source. Any source of discharge that is not a "New Source".
- W. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- X. General Manager/Chief Executive Officer (CEO). This person has final responsibility for the policy direction and administration of the Paragould Industrial Pretreatment Program. The CEO is, therefore, the signatory authority for all reports and notices required for administration of the program.
- Y. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- Z. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act.
- AA. Industrial Wastes. The liquid and/or liquid borne wastes from non-domestic users, manufacturing processes, trade, or business as distinct from sanitary sewage.
- BB. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant (or loading) allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- CC. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources:
 - (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
 - (2) therefore, is a cause of a violation of the City of Paragould's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405

of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- DD. Local Limit. Specific discharge limits developed and enforced by the City of Paragould upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- EE. Mayor. The Mayor of the City of Paragould, Arkansas.
- FF. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- GG. Milligrams per Liter (mg/L). The same as parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water.
- HH. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- II. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- JJ. National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- KK. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5.
- LL. Natural Outlet. Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- MM. New Source.
- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section

307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NN. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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- OO. Normal Domestic Wastewater. Means wastewater, excluding that from non-residential uses, discharged by a person into the POTW, in which the average concentration of BOD₅ is not more than 300 mg/L, TSS is not more than 300 mg/L, and FOG is not more than 100 mg/L.
- PP. North American Industrial Classification System (NAICS). The standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.
- QQ. Owner. The “person” or “persons” who possess any interest in the structure or property to which such ownership relates.
- RR. Pass Through. 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 City of Paragould’s NPDES permit, including an increase in the magnitude or duration of a violation.
- SS. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- TT. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- UU. Pharmaceutical Drug (Medicine, Medication, Medicament). Loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment or prevention of disease.
- VV. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- WW. Pollution Prevention (P₂). The waste reduction prior to recycling, treatment or disposal. Pollution prevention means “source reduction” as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water or other resources, or protection of natural resources by conservation.

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- XXY. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- YY. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- ZZ. Pretreatment Standards or Standards. Prohibited discharge standards, categorical Pretreatment Standards, narrative BMPs and Local Limits.
- AAA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
- BBB. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Paragould. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also applies to the municipal entity having jurisdiction over the POTW users and responsibility for the operation and maintenance of the treatment works.
- CCC. Public Sewer. A sewer in which all the owners of abutting properties have equal rights, and is controlled by the City of Paragould.
- DDD. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.
- EEE. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- FFF. Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.
- GGG. Sewer Surcharge or Surcharge. A sewer service charge above the normal monthly sewer rates which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD₅ in excess of 300 mg/L, suspended solids content in excess of 300 mg/L, or FOG in excess of 100 mg/L.
- HHH. Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) below, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

- a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
- b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- c) Is designated as such by the City of Paragould on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- d) Upon finding that a User meeting the criteria in Subsection 2 of this part has no reasonable potential for adversely affecting the POTW's operation, the City of Paragould may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

III. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

JJJ. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

KKK. Standard Methods. The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association.

LLL. Storm Drain (or Storm Sewer). A sewer which carries storm, surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

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

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- NNN. Surface Waters. Any watercourse, pond, stream, ditch, lake or other body of water occurring on the earth's surface.
- OOO. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- PPP. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- QQQ. Trap. A device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.
- RRR. Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the state.
- SSS. Unusual BOD₅. BOD₅ value in excess of 300 mg/L.
- TTT. Unusual FOG. FOG value in excess of 100 mg/L.
- UUU. Unusual Suspended Solids. Total Suspended Solids value in excess of 300 mg/L.
- VVV. User or Industrial User. A source of indirect discharge.
- WWW. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- XXX. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- YYY. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

In the definitions, "shall" is mandatory; "may" is permissive or discretionary. The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.0 Use of Public Sewers

- (1) It shall be unlawful to discharge to any natural outlet within the City of Paragould, Arkansas, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.
- (2) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- (3) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city of Paragould and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located an accessible public sanitary sewer of the City of Paragould, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper accessible public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said accessible public sewer is within three hundred (300) feet of the property line. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System Permit.
- (4) Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights of way and shall be constructed by such owner to the standards required by the City for public sewers. No sewer shall be constructed within any public easement or right of way or connected to an existing public sewer without approval by the Paragould Light and Water Commission.
- (5) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to the POTW.
- (6) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet.

2.1 Private Sewage Disposal

- (1) Where a public sanitary sewer is not available under the provisions of Section 2.0 above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) Before commencement of construction of a private wastewater disposal system within the City of Paragould, Arkansas, or in any area under the jurisdiction of said City, all persons shall first obtain a permit for such construction from the City of Paragould. The application for such permit shall be made on a form furnished by the City of Paragould, which the applicant shall supplement by plans, specifications, and construction permits approved by the Arkansas Department of Health and/or the Arkansas Department of Environmental Quality. A permit and inspection fee as set by the City Code for the City of Paragould shall be paid to the City of Paragould at the time the application is filed.
- (3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Paragould Light and Water Commission. It shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Paragould Light and Water Commission when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Commission.
- (4) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 8,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (5) At such time as an accessible public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2.0, the building sewer shall be connected to said sewer within ninety (90) days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.
- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Paragould.
- (7) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

2.2 Building Sewers and Connections

- (1) No unauthorized person shall uncover, make any connection with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the City of Paragould Building Inspector. No permit shall be issued for a sewer connection until the current tie-on fee prescribed by Section 2.1 of the Paragould Sewer Use – Pretreatment Ordinance has been paid.
- (2) Prior to the initiation of sewer service to potential new customers who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey, (on forms furnished by the PC), no less than one hundred and twenty (120) days prior to date on which they plan to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 4 of the Paragould Sewer Use--Pretreatment Ordinance, complete an application for an Industrial Waste Discharge Permit, (on forms furnished by the PLWC PC), no less than ninety (90) days prior to date on which they plan to discharge wastewater. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent by the PLWC PC.
- (3) The PC will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 4.7 of the Paragould Sewer Use-- Pretreatment Ordinance, whether or not to issue the applicant an Industrial Waste Discharge Permit.
- (4) A separate and independent building sewer shall be provided for each individual building except:
 - (A) where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a common building sewer provided that only one person is responsible for maintenance of the building sewer; or
 - (B) temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on a lot or tract and maintained in common ownership.
- (5) Pipe for building sewers for service to the City of Paragould public sewer may be of any approved material listed in the City of Paragould Plumbing Code.

The City Inspector for the City of Paragould shall approve:

- (A) type of material and size of pipe to be used in the construction of buildings sewers; and

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- (B) methods of installation of building sewer pipe prior to and/or during construction of building sewers.
- (6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Inspector for the City of Paragould, to meet all requirements of this ordinance.
 - (7) The size, slope and alignment of building sewers and methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Paragould. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the Ten States Standards, American Society for Testing and Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.
 - (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
 - (9) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
 - (10) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Paragould, or the procedures set forth in appropriate specifications of the Ten State Standards, A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.
 - (11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commission.
 - (12) Persons possessing building sewer permits shall notify the City of Paragould Building Inspector when the building sewer is ready for inspection and connection to the POTW. The connection shall be accomplished under the supervision of the City of Paragould Building Inspector.

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- (13) Persons possessing building sewer permits shall indemnify the City of Paragould from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.
 - (14) Persons possessing building sewer permits shall hold the City of Paragould harmless from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

2.3 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 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 municipal wastewater collection system and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.5 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering Commission personnel;
 - (3) Solids or viscous substances in quantities or of such size [greater than one half (1/2) inches (1.27 centimeters) in any dimension] capable of creating a stoppage, plugging breakage, or any reduction in sewer capacity or any other damage to the POTW such as, but not limited to, commercial food service oil and grease, ashes, cinders, sand, plastic, wood, ungrounded garbage, whole blood, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc. Any additional sewer or sewerage maintenance expenses attributable thereto will be charged to the User by PLWC. Any refusal to pay the additional maintenance expense duly authorized by the CEO shall constitute a violation of the provisions contained herein;
 - (4) Any wastewater containing 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 greater than 150 degrees F (65 degrees C), or 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 F (40 degrees C);

- (6) Petroleum oil, non-biodegradable 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 pollutants except at discharge points designated by PWLC;
- (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 that 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 treatment plant's effluent, thereby violating Paragould's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Commission in an Industrial Wastewater Discharge Permit in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

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- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l];
 - (18) Pharmaceutical drugs from any commercial, for-profit entity.

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. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

2.4 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, and are hereby incorporated.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the PC may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the PC may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6(c)(2).
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the PC shall impose an alternate limit in accordance with 40 CFR 403.6(e).

2.5 [RESERVED]

2.6 Local Limits

- A. PLWC is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. Local Limits are developed, implemented and enforced to protect against pass through and interference. No Industrial User shall discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by PLWC as required in PLWC's NPDES permit, 40 CFR 403.5(c) and approved by ADEQ. TBLLs, if necessary, based on the calculated site specific Maximum Allowable Industrial Loadings are located in Paragould's Industrial Pretreatment Program, Appendix G. At the discretion of PLWC, TBLLs shall be allocated, imposed and

shall apply at the “monitoring point” described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of “total” metals unless otherwise indicated. At the discretion of PLWC, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

PLWC may also develop BMPs in individual wastewater discharger permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards.

When new Local Limits are implemented or revised, PLWC will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5(c)(3). This requirement of notice also applies when Local Limits are set on a case-by-case basis.

2.7 City’s Right of Revision

The City of Paragould reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of the Paragould Sewer Use – Pretreatment Ordinance or the general or specific prohibitions in Section 2.3 of the Paragould Sewer Use – Pretreatment Ordinance.

2.8 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The PC may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards / Requirements or in other cases when the imposition of mass limitations is appropriate.

2.9 Special Agreement

The City of Paragould reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.3 of this ordinance within the time limitations specified by EPA, the State, or the Commission, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Commission for review, and shall be acceptable to the PC before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Commission under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary for proper operation of the POTW, the Paragould Light and Water Commission may require Industrials Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this ordinance.
- B. The Commission may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four (24) hour period. The Commission may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the Commission. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the CEO, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, flammable wastes, sand or other objectionable wastes; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity as approved by the PC and shall be so located to be easily accessible for cleaning and inspection. All interceptors shall be inspected, cleaned, repaired and continuously maintained in satisfactory and effective operation by the owner at his expense. All wastes generated shall be disposed of in accordance with all applicable Federal, State and local regulations that pertain to that type and/or class of waste.

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- D. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - E. When required by the PC, the owner of any property serviced by a building sewer carrying industrial waste shall provide a secure sampling point or sampling/inspection manhole as approved by the PC. The secure sample point or sampling/inspection manhole shall be safely located and accessible to duly authorized representatives of PLWC at all times. When deemed necessary by the PC, the secure sample point or sampling/inspection manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the wastewater. The cost of the installation and maintenance of a secure sample point or sampling/inspection manhole shall be borne by the owner. Any construction and/or alteration of a secure sample point or sampling/inspection manhole shall be approved by the PC before any construction has begun.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Commission may require any industrial user to develop and implement an accidental discharge/slug control plan. The PC shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The PC may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the PC of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2.3 of the Paragould Sewer Use – Pretreatment Ordinance; and
- D. 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.

3.4 Hauled Wastewater

Hauled waste is not accepted by the PLWC POTW.

3.5 Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

3.6 Vandalism

No person shall maliciously or willfully break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10 through 12 of the Paragould Sewer Use – Pretreatment Ordinance.

SECTION 4—WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis/Survey

When requested by the Commission, a User must submit information on the nature and characteristics of its wastewater by completing a wastewater survey prior to commencing their discharge. Surveys are to be completed and returned within thirty (30) days of the request. The PC is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this ordinance.

4.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any Significant Industrial User to discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Commission, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Commission may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply

with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

The Commission may, within 30 days of determining that an existing industrial user is a significant industrial user, notify the significant industrial user of its status as a significant industrial user and of the requirement to obtain a wastewater discharge permit. The PC will furnish the existing significant industrial user an appropriate permit application package. Any industrial user who, after notification of the requirement to obtain a wastewater discharge permit, wishes to continue such discharges in the future, shall within ninety (90) days after notification, apply to the Commission for a wastewater discharge permit in accordance with Section 4.5 of this ordinance. Existing significant industrial users shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after notification of the requirement to obtain a wastewater discharge permit except in accordance with a wastewater discharge permit issued by the Commission.

4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit must submit a permit application. The PC may require Users to submit all or some of the following information as part of a permit application.

- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises.

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- (2) Environmental Permits.
A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations.
 - a. A comprehensive narrative description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a comprehensive schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemical names (not trade names) used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - d. Type and amount of raw materials processed (average and maximum per day).
 - e. Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - (4) Time and duration of discharges.
 - (5) The location for monitoring all wastes covered by the permit.
 - (6) Flow Measurement.
The average daily and maximum daily flow rates, including any daily, monthly or seasonal variations. Information must show the measured average daily and maximum daily flow rates, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.4 C of this ordinance.
 - (7) Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the PC, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the PC or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

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- (8) Pollution Prevention (P₂) activities such as source reduction, waste minimization, environmental management systems, water and energy conservation.
 - (9) Any other information as may be deemed necessary by the PC to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. This could result in a delay in the issuance of the discharge permit.

4.6 Application Signatories and Certifications

- A. All wastewater discharge permit applications 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 civil assessments and imprisonment for knowing violations.”

- B. If the designation of an Authorized Representative 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 written authorization satisfying the requirements of this Section must be submitted to the Commission prior to or together with any reports to be signed by an Authorized Representative.

4.7 Wastewater Discharge Permit Decisions

The PC will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the PC will determine whether to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The PC may deny any application for a wastewater discharge permit where it reasonably appears to the PC that the applicant's proposed wastewater, if discharged into the POTW, would interfere with the operation of the POTW, would otherwise be incompatible with the POTW, would interfere with reuse of sludge from the POTW, or would pass through the POTW, inadequately treated, into the receiving waters of the State.

SECTION 5—WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the PC. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the PC 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.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date, which in no case shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Commission in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and
- (6) Requirements to control Slug Discharge, if determined by the PC to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
- (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (5) Development and implementation of Pollution Prevention (P2) activities such as source reduction and waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (6) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the PC to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- (10) Best Management Practices (BMPs) which may include schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) and (b). BMPs include, but are not limited to, treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

5.3 Permit Issuance Process

A. User Notification

The PC shall provide a draft permit to the permittee allowing them to petition the PC to reconsider the terms of the permit within thirty (30) days of its issuance.

B. Permit Appeals

If a User petitions to reconsider the terms of the permit, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

If the PC fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions.

Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decisions must do so by filing a complaint with the Circuit Court for Greene County, Arkansas.

5.4 Permit Modification

The PC may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to POTW, POTW personnel, the receiving waters, or threats to the POTW's beneficial sludge use;

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- (5) Violation of any terms or conditions of the wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any existing wastewater discharge permit condition.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the PC and the PC approves the wastewater discharge permit transfer. The notice to the PC must include a written certification by the new owner or operator which:

- A. states that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. identifies the specific date on which the transfer is to occur; and
- C. acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The PC may revoke a wastewater discharge permit for good cause subject to procedures set forth in Section 10 of this Ordinance, including, but not limited to, the following reasons:

- A. failure to notify the PC of significant changes to the wastewater prior to the changed discharge;
- B. failure to provide prior notification to the PC of changed conditions pursuant to Section 6.5 of this ordinance;

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- C. misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - D. falsifying self-monitoring reports and certification statements;
 - E. tampering with monitoring equipment;
 - F. refusing to allow the PC timely access to the facility premises and records;
 - G. failure to meet effluent limitations;
 - H. failure to pay penalties;
 - I. failure to pay sewer charges;
 - J. failure to meet compliance schedules;
 - K. failure to complete a wastewater survey or the wastewater discharge permit application;
 - L. failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - M. violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

5.7 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

No extra-jurisdictional industrial user or non-industrial user, including any neighboring jurisdictional entity, will be permitted by the Commission to discharge to the Paragould POTW.

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Significant Industrial Uses subject to Categorical Standards currently discharging to or scheduled to discharge to the POTW shall submit to the PC a report which contains the information listed in paragraph B below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the PC a report which contains the information listed in paragraph B below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) Identifying Information.

The name and address of the facility including the name of the operators and owners.

(2) Wastewater Discharge Permits.

A list of any environmental control wastewater discharge permits held by or for the facility.

(3) Description of Operations.

A comprehensive narrative description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a comprehensive schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement.

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

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

b. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated

process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.

- c. Sampling and analysis shall be performed in accordance with Sections 6.10 and 6.11 of this ordinance.
- d. The PC may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- e. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(6) Compliance Certification.

A statement reviewed by the User's Authorized Representative as defined in Section 1.4 D and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule.

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(8) Signature and Report Certification.

All baseline monitoring reports must be certified in accordance with Section 4.6 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4 D.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and

operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the PC no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the PC.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the PC a report containing the information described in Section 4.5 (6) and (7) and 6.1(B) (5) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.4 and 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

- A. All Significant Industrial Users shall, at a frequency determined by the PC, but in no case less than twice per year (June and December, or on dates specified), submit reports indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the PC or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6 A of this Ordinance.

At the discretion of the PC and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the PC may modify the months during which the above reports are to be submitted.

- B. When PLWC conducts the sampling and flow data collection for the User, the reporting requirements in Section 6.4 A above shall be waived.
- C. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the PC, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.
- E. All periodic compliance reports must be signed and certified in accordance with Section 6.14 of this ordinance.

6.5 Reports of Changed Conditions

Each User must notify the PC of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. The PC may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The PC may issue a wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the PC 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.

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- B. Within five (5) days following such discharge, the User shall, unless waived by the PC, 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 might 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 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 who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - D. Significant Industrial Users are required to notify the PC immediately of any changes at its facility affecting the potential for a slug discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports and/or information to the PC as may be required. Reports/information which may be requested include, but are not limited to, the nature and characteristic of the Users wastewater. Failure to complete the requested reports or provide information shall be considered a violation of this Ordinance and considered reasonable grounds for legal action as provided in this Ordinance.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the PC within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the PC within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if PLWC performs sampling at the User's facility at least once a month, or if PLWC performs sampling at the User between the time when the initial sampling was conducted and the time when the User or PLWC receives the results of this sampling, or if PLWC has performed the sampling and analysis in lieu of the Industrial User. If PLWC performed the sampling and analysis in lieu of the Industrial User, PLWC will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify PLWC, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part

261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User:

- (1) an identification of the hazardous constituents contained in the wastes;
- (2) an estimation of the mass and concentration of such constituents contained in the wastestream discharged during that calendar month; and
- (3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3 and 6.4 of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify PLWC, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the PC or other parties approved by EPA.

All independent laboratories performing analyses for Users, including, but not limited to, self-monitoring, periodic reports on continuing compliance, baseline monitoring reports and/or split sample verification, shall be certified by the ADEQ Laboratory Certification Program for the specific analysis being performed. The PC reserves the right to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The PC under the authorization of the Commission is required to indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the PC. Where time-proportional composite sampling or grab sampling is authorized by PLWC, the samples must be representative of the discharge. 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 and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the PC, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for FOG (oil and grease), temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

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- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, FOG, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the PC may authorize a lower minimum. For the reports required by paragraphs Section 6.4 [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 with applicable Pretreatment Standards and Requirements.
 - D. Sampling methods performed shall include, at a minimum, procedures for sampling, sample chain of custody, preservation techniques and holding times.
 - E. Any sampling, testing and/or sample delivery associated with duplicate sample analysis performed by PLWC that is requested by an industrial user for the purpose of assessing a surcharge or enforcement of this Ordinance will be borne by the owner or operator of the facility.
 - F. If as a result of any sampling and analyses authorized by the PC, or due to the existence of any other information, the PC may have sufficient reason to suspect the presence of toxic or prohibited substances as limited or prohibited by this Ordinance to exist in the wastewater discharge of a facility, the PC may direct the owner or operator of said facility to have a representative of that facility's wastewater subjected to the appropriate physical, chemical, and biological tests performed by an ADEQ certified laboratory acceptable to the PC. Results of the test(s) shall be promptly reported in writing to the PC. All costs associated with sample collection and analyses shall be borne by the owner or operator of the facility.
 - G. The PC may use a grab sample(s) to determine noncompliance with pretreatment standards upon written concurrence from the User a grab sample(s) is representative of their wastewater characteristics throughout the User's discharge period.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and

documentation associated with Best Management Practices established under Section 2.6. 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. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Commission, or where the User has been specifically notified of a longer retention period by the PC.

6.14 Certification Statements

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.5; Users submitting baseline monitoring reports under Section 6.1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; and Users submitting periodic compliance reports required by Section 6.4. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 D:

“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 civil assessments and imprisonment for knowing violations.”

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The PC shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the PC ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from PLWC, EPA and the State shall be permitted to enter without delay for the purposes of performing specific responsibilities.

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- B. The PC, EPA and the State shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
 - C. The PC 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 annually at a minimum to ensure their accuracy.
 - D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the PC Services Manager and shall not be replaced. The costs of clearing such access shall be born by the User.
 - E. Unreasonable delays in allowing the PC access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the PC has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Commission designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the CEO through the Commission Attorney, the applicable Court for the City of Paragould, Arkansas shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the PC in the company of a uniformed police officer of the City of Paragould or as otherwise allowed or required by applicable law. In the event of an emergency affecting public health and safety, the Manager may authorize inspections and sampling without the issuance of a warrant.

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the PC's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the PC, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be

asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The PC shall publish annually, in the largest newspaper of general circulation within the jurisdictions served by PLWC, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the wastewater measurements taken for the same pollutant parameter taken during a six (6) month period exceed the daily maximum, daily minimum or average limit by any amount (includes instantaneous limits);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum, daily minimum or average limit (including instantaneous limits), multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the PC determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of PLWC personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the PC's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled 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 forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violations(s), which may include a violation of Best Management Practices, which the PC determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the PC finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the PC may serve upon that User an oral and written Notice of Violation. The oral notification is to be given within twenty-four (24) hours of determining a violation has occurred. Within twenty (20) calendar days of the receipt of the written notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the PC. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the PC to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The PC, under the direction of the CEO and/or AGM, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The PC may, under the direction of the CEO and/or AGM, order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the PC, AGM and CEO to show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. Such notice may be served in any method or manner permitted under Arkansas Law, or Arkansas Rules of Civil Procedure. Service of notice shall be sufficient when served personally or by certified mail (return receipt requested) and delivered to the addressee only at the address of the User shown on any wastewater discharge permit issued by the Commission. The notice of the meeting shall be served at least ten (10) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 D and required by Section 4.6 A. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders and Schedules

When the PC finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the PC may issue an order or schedule to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued subject to notice and right to a hearing as provided herein unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the PC finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the PC may, under the direction of the CEO and/or AGM issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and

-
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Penalties

- A. When the PC finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the CEO and/or AGM may penalize such User in an amount not to exceed one thousand dollars (\$1,000) for each violation of this Ordinance, and each day of a continuing violation may be deemed a separate violation in an amount not to exceed five hundred dollars (\$500) for each day the violation continues. The CEO and/or AGM may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.
- B. Users desiring to dispute such penalty must file a written request to the CEO and/or AGM for reconsideration of the penalty along with full payment amount within ten (10) days of being notified of the penalty. Where a request has merit, the CEO and/or AGM may convene a hearing on the matter. In the event the User's appeal is successful, the penalty payment, together with any interest accruing thereto, shall be returned to the User. The CEO and/or AGM may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.
- C. Issuance of a penalty shall not be a bar against, or a prerequisite for, taking any other action against the User. In no event shall legal proceedings be initiated to collect said penalty without a resolution of the Commission authorizing such court action.

10.7 Emergency Suspensions

The CEO and/or AGM may immediately suspend a User's discharge, after notice to the User and a hearing within five (5) days of the suspension, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The CEO and/or AGM may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily

with the suspension order, the CEO and/or AGM may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The CEO and/or AGM may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the CEO, AGM and PC that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the PC prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this Ordinance, any User who violates the following conditions of this Ordinance or orders issued pursuant to any provision of this Ordinance is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Falsifying Pretreatment documents or tampering with sampling equipment in an attempt to alter representative sampling.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the CEO and/or AGM, shall not be a bar to, or a prerequisite for, taking any other action against the User.

10.9 Appeal Orders of the CEO, AGM and/or PC

- (A) Any User aggrieved by any action of the CEO, AGM and/or PC made pursuant to this Section may appeal the action by filing a written notice of appeal with the Commission and CEO within thirty (30) days of the action, along with full payment of any penalty ordered to be paid. The notice of appeal shall state the specific reason why the action of the CEO, AGM and/or PC is alleged to be erroneous. Failure to submit a timely written notice of appeal shall be deemed a waiver of the administrative appeal to the Commission and CEO provided for herein.
- (B) If an appeal is timely filed in accordance with Section 10.9 (A) of this Ordinance, a hearing shall be held before the Commission, CEO and AGM within thirty (30) days of the date of the filing of the notice of appeal or such other date mutually agreed upon in writing by the appellant and the CEO. The Commission and CEO shall make a determination within thirty (30) days of completion of the appeal hearing.
- (C) In the event the User's appeal is successful, payment of any associated penalty shall be refunded to the User.
- (D) The appellant shall not be relieved of its obligations during the appeal process.
- (E) The decision of the Commission and CEO shall be considered the final administrative action for purposes of judicial review.
- (F) An aggrieved party seeking judicial review of the final administrative decision of the Commission and CEO must do so by filing a complaint with the Circuit Court for Greene County, Arkansas within the time period permitted by Arkansas law.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the PC finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the CEO and/or AGM may petition the Circuit Court for Greene County, Arkansas through the Commission Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The CEO and/or AGM may also seek such other action as is appropriate for legal

and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Commission for a maximum civil penalty of one-thousand dollars (\$1,000) per violation, per day, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The CEO may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Commission.
- C. In determining the amount of civil liability, the Circuit Court for Greene County, Arkansas shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- A. A User who willfully violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty of not more than one-thousand dollars (\$1,000) per violation, per day, or imprisonment for such term as allowed by State law, or both.
- B. A User who willfully introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one-thousand dollars (\$1,000) or be subject to imprisonment for such term as allowed by State law, or both, as provided by A.C.A. 8-4-103 (g) *et seq.*, as may be amended from time to time. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. PLWC may recover reasonable attorney's fees, courts costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by PLWC.

D. No criminal prosecution under Section 11 of this Ordinance, may be initiated except upon a majority vote of the Board resolving to pursue such criminal prosecution.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The CEO and/or AGM may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the PLWC Pretreatment Program's Enforcement Response Plan. However, the CEO and/or AGM may take other action against any User when the circumstances warrant. Further, the CEO and/or AGM are empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The PC may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Commission, in a sum not to exceed a value determined by the CEO or AGM to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The PC may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Payment of Outstanding Fees and Penalties

The PC may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder.

12.4 Public Nuisances

A violation of any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Commission and CEO. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code for the City of Paragould governing such nuisances, including reimbursing the Commission for any costs incurred in removing, abating, or remedying said nuisance.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this section, “upset: means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

-
- (3) The User has submitted the following information to the PC within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
- (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including the exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3 (A) of this Ordinance or the specific prohibitions in Sections 2.3(B) (1) through (18) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this Section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the PC at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the PC of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass 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 bypass. The PC may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass
- (1) Bypass is prohibited, and the PC may take an enforcement action against a User for a bypass, unless:
 - (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (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 adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph (C) of this section.

(2) The PC may approve an anticipated bypass, after considering its adverse effects, if the PC determines that it will meet the three conditions listed in paragraph (D) (1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES

14.0 General

The PC may at any time collect appropriate samples from any Industrial or Commercial User's discharge and conduct analyses to determine the concentrations of BOD₅, TSS, FOG, and pH. If the sampling and analyses performed by the PC or his designated assistant indicates concentrations of BOD₅, TSS and FOG exceeding the limits set forth in Section 14.2 below, an extra strength surcharge shall be computed as set forth by the formula outlined in Section 14.2 of this Ordinance using unit charges defined in the City Code for the City of Paragould, and the User shall be liable for payment of the amount thereof. The collection of an extra strength surcharge is not a penalty, but rather allows the Commission to defray the costs of treating industrial wastewater concentrations that are above average domestic wastewater concentrations. The surcharge shall be considered a sewer charge for which the owner shall be liable in accordance with the applicable law of the State of Arkansas, as amended and upon default in such payment, the Commission shall be entitled to those remedies set forth in said statute.

14.1 Computations

The extra strength surcharge shall be calculated in accordance with the provisions of this Ordinance and the City Code for the City of Paragould (the same being incorporated by reference) using the following limits and calculations.

For any user, when the BOD exceeds 300 mg/l, the suspended solids exceed 300 mg/l, the FOG exceeds 100 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$S = V_{WW} \times 8.34 [C_{BOD5} (BOD_5 - 300) + C_{SS} (SS - 300) + C_{FOG} (FOG - 100)]$$

Where:

S = Surcharge in dollars

V_{ww} = Volume of Wastewater in millions of gallons (Daily usage for FOG;
Monthly average for BOD₅ and TSS)

8.34 = Weight of water in pounds per gallon

C_{BOD5} = Unit charge for BOD₅ in dollars per pound

BOD₅ = Monthly average five-day BOD of User's wastewater, in mg/l
(300 mg/l or more)

300 = Concentrations in mg/l above which both BOD₅ and SS
are considered unusually high and above which may be
assessed a surcharge

C_{SS} = Unit charge for SS in dollars per pound

SS = Monthly average suspended solids content of
User's wastewater, in mg/l (300 mg/l or more)

C_{FOG} = Unit charge for FOG in dollars per pound

FOG = Daily FOG content of User's wastewater, in mg/l
(100 mg/l or more)

100 = Concentrations in mg/l above which FOG are considered unusually
high and above which may be assessed a surcharge

The above unit charges per pound of BOD₅, TSS and Oil & Grease (FOG) used in determining POTW user sewer surcharges are as set forth by the City of Paragould for the sale of water and for sewer service. Sewer surcharge rates shall be subject to periodic review by the Commission. The Commission reviews will provide a base for adjustment of the surcharge rates necessitated by observed and/or predictable changes in the costs of transporting and treating wastewater.

SECTION 15—MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The Commission may adopt reasonable fees for reimbursement of costs of setting up and operating the Paragould Light, Water and Cable Pretreatment Program, which may include, but is not limited to, the following:

-
- A. Fees for wastewater discharge permit applications including the cost of processing such applications and reviewing construction plans;
 - B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
 - C. Fees for reviewing and responding to accidental discharge procedures;
 - D. Fees for filing appeals;
 - E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the PC to address User noncompliance; and
 - F. Other fees as the Commission may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees and penalties chargeable by the Commission.

15.2 Severability

If any provision, paragraph, word or section of this ordinance is invalidated by the Circuit Court for Greene County, Arkansas, the remaining provisions, paragraphs, words and sections shall not be affected and shall continue in full force and effect.

APPENDIX D

PERMIT INSTRUMENTS

**LETTER NOTIFYING USER OF REQUIREMENT TO OBTAIN A PERMIT
INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION
INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

Letter Notifying Industrial User of Requirement to Obtain a Permit

Company Name
Address

Re: Classification as Significant Industrial User and Requirement for Industrial Wastewater Discharge Permit to Discharge Industrial Wastewater to the Paragould Wastewater Collection System

Ladies and Gentlemen:

Review of information recently obtained regarding your industrial activities at the above mentioned premises indicates that you are a Significant Industrial User of the Paragould Wastewater System as defined in Section 1.4 FFF of the Paragould Sewer Use – Pretreatment Ordinance.

The Paragould Sewer Use - Pretreatment Ordinance requires that you apply to Paragould Light, Water and Cable within ninety days of today's date for an Industrial Waste Discharge Permit.

Enclosed for your use in completing the required application are the following forms and publications.

1. Industrial Wastewater Discharge Permit Application.
2. Copy of the Paragould Sewer Use – Pretreatment Ordinance.
3. Copy of Codified Federal Regulations applicable to regulation of your discharge of industrial wastewater to the Paragould Wastewater System.

If you have any questions concerning this notification, the application or the Industrial Wastewater Discharge Permit, please call Paragould Light, Water and Cable at (870) 239-7700.

Very truly yours,

Lisa Ellington
Environmental Services Manager

**APPLICATION FOR PERMIT
FOR DISCHARGE OF INDUSTRIAL WASTES TO PARAGOULD SEWAGE WORKS**

PLWC use only:
Date Permit Application mailed to the industrial user: ___ / ___ / ___
Date completed Permit Application received by PLWC: ___ / ___ / ___
Application submitted within six months prior to the expiration date? Yes No

Please complete the following:

Check one:

Permit application for renewal of an existing permit.

Current Permit Number: _____

Current permit Expiration Date: ___ / ___ / ___

Application for a new permit.

1. Firm Name: _____

Mailing Address: _____

City, Zip Code: _____

Facility Address: _____

City, Zip Code _____

Telephone Number: _____

Fax Number: _____

Web Site Address: _____

2. SIC Number(s): _____

NAICS Number(s): _____

3. List other environmental control permits held at this time:

4a. Quantity of Wastewater (Estimate if new facility):

Projected for next five (5) years

<u>Discharged to Paragould Sewer</u>	<u>Flow (gallons per day):</u>	
	<u>Average Daily (30-day)</u>	<u>Maximum Daily (1 day)</u>
Process Wastewater from _____ Operation	_____	_____
Process Wastewater from _____ Operation	_____	_____
Domestic Wastewater (Sanitary)	_____	_____
Noncontact Cooling Water	_____	_____
Total (process and sanitary)	_____	_____

List any periodic or seasonal variations:

4b. Wastewater Pollutant Parameter Concentrations:

In the spaces below, indicate the measured (or projected for new industry) average and maximum value of each of the listed wastewater pollutants.

<u>Parameter</u>	<u>Units</u>	<u>Sewer Use Ordinance</u>	<u>Concentration</u>	
			<u>Average Daily Limit</u>	<u>Maximum Daily (1 day)</u>
BOD5	mg/L	300	_____	_____
TSS	mg/L	300	_____	_____
pH	S.U.	5.5-11.5	_____	_____
Oil & Grease	mg/L	100	_____	_____
Temperature	°C	40	_____	_____

*Estimate based upon historical data or projections for new facilities based upon comparable existing technology.

4c. EPA Regulated Priority Pollutants:

List any Priority Pollutants (Attachment 1) that are known to be present in the wastestream of processes found at your facility in the spaces provided below. Refer to your facilities MSDS for further information.

Priority Pollutant (Name):	Concentration:	
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____
_____	30 Day Average 1 Day Maximum	_____ _____

(Attach additional sheets as needed.)

List all chemicals/products with MSDS information at your facility that may come into contact with water at any time. Include any chemicals that are stored in an area adjacent to a wastestream that could become contaminated if spilled. Attach additional sheets as needed.

<u>Chemical Name</u>	<u>Amount used per day</u>	<u>Amount Stored at Facility</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 5. Attach sketches of the following to this document:
General plant processes and wastewater lines (including the location of all floor drains). Include any existing or proposed pretreatment systems, the location and sizes of all existing and proposed connections to the PLWC Wastewater Collection System. Also, include the details of the proposed monitoring access facilities.

- 6a. Describe the nature of the manufacturing/commercial activities of the plant. Describe in detail any water usages other than sanitary or noncontact cooling water. Attach additional sheets as required.

- 6b. Describe any products manufactured or assembled at the plant by type and amount.

- 6c. Describe the type and amount of raw materials used at the facility.

7a. What are the hours of operation at your facility?

		Day of the Week						
Shift	Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun
1st:	_____ to _____	()	()	()	()	()	()	()
2nd:	_____ to _____	()	()	()	()	()	()	()
3rd:	_____ to _____	()	()	()	()	()	()	()

7b. What are the proposed/ actual hours of operation of any pretreatment systems at your facility?

		Day of the Week:						
Shift		Mon	Tue	Wed	Thu	Fri	Sat	Sun
1st:	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __
2nd:	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __
3rd:	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __

8. Is your manufacturing/commercial operation subject to National Categorical Pretreatment Standards?

Yes No

If you answered yes to the above question, to which of the following National Categorical Pretreatment Standards are you subject?

EPA Categorical standards are listed on the following page.

EPA Categorical Standards	40 CFR	New Source Date
	Part	
Aluminum Forming	467	11/22/1982
Battery Mfg.	461	11/10/1982
Carbon Black Mfg (New Sources Only)	458	5/18/1976
Centralized Waste Treatment	437	8/28/00
Coil Coating	465	1/12/1981 (Subparts A, B, C); 2/10/1983 (Subpart D)
Copper Forming	468	11/12/1982
Electrical & Electronic Components	469	8/24/1982 (Subparts A, B) 3/9/1983 (Subparts C, D)
Electroplating	413	8/31/1982
Feedlots (New Sources Only)	412	9/7/1973
Fertilizer Mfg. (New Sources Only)	418	12/7/1973 (Sub A-D); 1/16/76 (Sub E); 10/7/74 (Sub F-G)
Glass Mfg. (New Sources Only)	426	8/21/1974 (Subparts H, K-M)
Grain Mills (New Sources Only)	406	12/4/1973
Ink Formulating (New Sources Only)	447	2/26/1975
Inorganic Chemicals Mfg.	415	7/24/1980(Phase 1); 10/25/1983 (Phase 2)
Iron & Steel	420	1/7/1981
Leather Tanning & Finishing	425	7/2/1979
Metal Finishing	433	8/31/1982
Metal Molding & Casting	464	11/15/1982
Nonferrous Metals Forming	471	3/5/1984
Nonferrous Metal Mfg.	421	2/17/83 (Sub A-I, K-M) ; 1/22/87 (Sub J); 6/27/84 (Sub N-AE)
Oil & Gas Extraction	435	2/17/95 (Subpart D)
Organic Chem., Plastics & Synthetic Fibers	414	3/21/1983
Paint Formulating (New Sources Only)	446	2/26/1975
Paving & Roofing (New Sources Only)	443	1/10/1975
Petroleum Refining	419	12/21/1979
Pesticide Chemicals Mfg.	455	4/10/1992 (Subparts A, B); 4/14/1994 (Subparts C, E)
Pharmaceuticals	439	5/2/1995
Porcelain Enameling	466	2/27/1981
Pulp, Paper & Paperboard	430	1/6/1981 (Subparts A, C-D,F-L) 12/17/93 (Subparts B, E)
Rubber Mfg (New Sources Only)	428	8/23/1974
Soap & Detergent Mfg. (New Sources Only)	417	12/26/1973 (Subpart Q) 2/20/1975 (Subparts O, P, R)
Steam Electric	423	10/14/1980
Timber Products	429	10/31/1979
Transportation Equipment Cleaning	442	6/25/98
Waste Combustors	444	2/6/1998

Permit Application for New Permit or Permit Renewal
Certification Statement

This permit application must be certified by an authorized representative of the Industrial user. Failure to certify will result in denial of permit.

"I, the undersigned applicant, being the authorized representative of the herein named company, do hereby request a permit to use or to continue to use an industrial sewer connection at the location indicated herein and do agree to comply with applicable provisions of Paragould City Code regulating the use of public sewage works.

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."

Certified by: _____ Date: _____
Authorized Representative*

Name of Signee: _____ Title: _____
(Please Print)

Name and phone number of person to contact regarding permit information:

Corporate Acknowledgement

State of Arkansas County of _____

Before me, the undersigned authority, on this day personally appeared _____

_____ of _____
a corporation known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this _____ day of _____, 20_____.

Notary Public in and for _____ County, Arkansas.

*An authorized representative may be:

- a. A principal executive officer of at least the level of vice-president (if the Industrial User submitting the report is a corporation).
- b. A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.

PLEASE NOTE:

The following questions (numbers 9 - 13) deal with current NPDES or PLWC Industrial Pretreatment Program Permit holders.

9. Are the applicable National Categorical Pretreatment Standards and City of Paragould Sewer Use Ordinance wastewater discharge limitations being met on a consistent basis? Yes No

Explain:

10. If the applicable National Categorical Pretreatment Standards and City of Paragould Sewer Use Ordinance wastewater discharge limitations are not being met on a consistent basis, is additional pretreatment and/ or an alteration of current operations and maintenance (O&M) required by your firm to meet the limitations?

Explain:

If additional pretreatment and/or an alteration of current operations and maintenance (O&M) are required to meet the applicable National Categorical discharge limitations, submit the compliance schedule in attachment 2 which documents when your facility will attain final compliance with the applicable limitations.

11. Describe any Pollution Prevention (P₂) Project activities which are either planned or have been implemented:

12. Describe any Best Management Practices (BMP) activities which are either planned or have been implemented:

13. Describe any Environmental Management System (EMS) activities which are either planned or have been implemented:

Attachment 1

Priority Pollutants

01. Acenaphthene
02. Acrolein
03. Acrylonitrile
04. Aldrin/Dieldrin
05. Antimony and compounds (*compounds include organic and inorganic.*)
06. Arsenic and compounds
07. Asbestos
08. Benzene
09. Benzidine
10. Beryllium and compounds
11. Cadmium and compounds
12. Carbon tetrachloride
13. Chlordane (technical mixture and metabolites)
14. Chlorinated benzenes (other than di-chlorobenzenes)
15. Chlorinated ethanes (including 1,2-di-chloroethane, 1,1,1-trichloroethane, and hexachloroethane)
16. Chloroalkyl ethers (chloroethyl and mixed ethers)
17. Chlorinated naphthalene
18. Chlorinated phenols (other than listed elsewhere; includes trichlorophenols and chlorinated cresols)
19. Chloroform
20. 2-chlorophenol
21. Chromium and compounds
22. Copper and compounds
23. Cyanides
24. DDT and metabolites
25. Dichlorobenzenes (1,2-, 1,3-, and 1,4-di-chlorobenzenes)
26. Dichlorobenzidine
27. Dichloroethylenes (1,1-, and 1,2-dichloroethylene)
28. 2,4-dichlorophenol
29. Dichloropropane and dichloropropene
30. 2,4-dimethylphenol
31. Dinitrotoluene
32. Diphenylhydrazine
33. Endosulfan and metabolites
34. Endrin and metabolites
35. Ethylbenzene
36. Fluoranthene
37. Haloethers
(other than listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
38. Halomethanes (other than listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane)
39. Heptachlor and metabolites
40. Hexachlorobutadiene
41. Hexachlorocyclohexane
42. Hexachlorocyclopentadiene
43. Isophorone
44. Lead and compounds

Priority Pollutants - continued

45. Mercury and compounds
46. Naphthalene
47. Nickel and compounds
48. Nitrobenzene
49. Nitrophenols (including 2,4-dinitrophenol, dinitroresol)
50. Nitrosamines
51. Pentachlorophenol
52. Phenol
53. Phthalate esters
54. Polychlorinated biphenyls (PCBs)
55. Polynuclear aromatic hydrocarbons (including benzantracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenz-anthracenes, and indenopyrenes)
56. Selenium and compounds
57. Silver and compounds
58. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
59. Tetrachloroethylene
60. Thallium and compounds
61. Toluene
62. Toxaphene
63. Trichloroethylene
64. Vinyl chloride
65. Zinc and compounds

Attachment 2

Pretreatment Compliance Schedule Instructions

- A. The compliance schedule shall contain a list of the major events leading to compliance. The expected dates of completion of such events shall also be given.
- B. The completion dates of any two (2) successive events shall not exceed nine (9) months.
- C. Within fourteen (14) business days after the completion of each event, the Industrial User shall submit a progress report to the approval authority (PLWC) indicating the following:
 - i. The date the event was completed
 - ii. If the event was not completed as scheduled, the reason for the delay.
 - iii. Steps taken by the Industrial User to return to the established schedule.

Comments:

Compliance Schedule/ Certification Statement

The following compliance schedule must be certified by a Qualified professional and reviewed by an authorized representative of the Industrial User.

An authorized representative may be:

- A. A principal executive officer of at least the level of Vice-President (if the Industrial User submitting the report is a Corporation).
- B. A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.

Compliance Schedule Certification Statement:

We declare that we have examined this report and to the best of our knowledge and belief that it is true, correct, and complete.

Certified by: _____
 Title: _____
 (Qualified Professional)

Date: ___ / ___ / ___

Certified by: _____
 Title: _____
 (Authorized Representative)

Date: ___ / ___ / ___

Attachment 3

CLWC Laboratory/Industrial Pretreatment
Billing Rate Schedule

I. Pretreatment Permit Fee: \$ 500.00/Year (Billed in February of each year)

II. Excessive Strength Surcharge Formula:

$$S = (V_{\text{WW}}) (8.34) [C_{\text{BOD}_5} (\text{BOD}_5 - 300) + C_{\text{SS}} (\text{SS} - 300) + C_{\text{O\&G}} (\text{O\&G} - 100)]$$

Where:

S = Surcharge in dollars

V_{WW} = Volume of Wastewater in millions of gallons (Monthly Average for BOD₅ and TSS; Daily Usage for O&G)

8.34 = Weight of water in pounds per gallon

C_{BOD_5} = Unit charge for BOD₅ in dollars per pound (currently \$0.149/pound)

BOD₅ = Monthly average five-day BOD of IU's wastewater, in mg/l (300 mg/l or more)

300 = Concentrations in mg/l above which both BOD₅ and SS are considered unusually high and above which may be assessed a surcharge

C_{SS} = Unit charge for SS in dollars per pound (currently \$0.251/pound)

SS = Monthly average suspended solids content of IU's wastewater, in mg/l (300 mg/l or more)

$C_{\text{O\&G}}$ = Unit charge for O&G in dollars per pound (currently \$0.25/pound)

O&G = Daily Oil and Grease content of IU's wastewater, in mg/l (100 mg/l or more)

100 = Concentrations in mg/l above which O&G are considered unusually high and above which may be assessed a surcharge

III. Sampling and Analysis Fees:

Biochemical Oxygen Demand	\$	25.30
Total Suspended Solids	\$	11.50
pH/Temperature	\$	4.60
Metals (Flame AA/metal)	\$	16.10
Metals (Graphite Furnace/metal)	\$	32.20
Metals Digestion (per sample)	\$	10.00
Cyanide	\$	39.10
Phenolics	\$	32.20
Sampler/Rental	\$	46.00
Grab samples/day	\$	17.25
Contract laboratory (FOG, TTO, etc.)	\$	Set by contract laboratory

Charges are subject to revision.

Sampling and analyses are performed in compliance with 40 CFR Part 136.



INDUSTRIAL WASTES DISCHARGE PERMIT

PERMIT NO. _____.

In compliance with the provisions and conditions of the City of Paragould Ordinance No. _____ as amended by Ordinance No. 99-27, and also with any applicable provisions of Federal or State of Arkansas law or regulation,

NAME OF COMPANY
ADDRESS
CITY, STATE ZIP CODE

is authorized to discharge industrial wastes from activities classified by SIC No. _____ from premises at the above address to the Paragould Wastewater Collection System in accordance with application for permit submitted to Paragould Light, Water and Cable (PLWC) on _____, effluent limitations, monitoring requirements, and conditions set forth in Parts I, II and III hereof.

This permit shall become effective on _____.

This permit and authorization to discharge shall expire at midnight on _____.

This permit is not transferable to persons, companies, or processes other than those to which it is originally issued.

Signed this _____ day of _____.

Authorized Signature

PERMIT NO. _____

PART I - EFFLUENT LIMITATIONS

OUTFALL NO. ### - Description of wastewater discharged practices and operations associated with discharge – determines what federal standards apply to Industrial activities and processes. Regulated wastestreams shall be monitored for pollutants as deemed necessary by the Environmental Protection Agency (EPA) the Arkansas Department of Environmental Quality (ADEQ) and Paragould Light, Water and Cable (PLWC), as set forth by Part II - Monitoring Requirements:

<u>Pollutant Parameter</u>	<u>Maximum for Any One Day</u>	<u>Maximum For Monthly Average</u>
Biochemical Oxygen Demand, mg/l		
Cadmium (T), mg/l		
Chromium (T), mg/l		
Copper (T), mg/l		
Cyanide (T), mg/l		
Lead (T), mg/l		
Nickel (T), mg/l		
Oil & Grease, mg/l		
Silver (T), mg/l		
Temperature, °C		
Total Phenols, mg/l		
Total Suspended Solids, mg/l		
TTO's, mg/l		
Zinc (T), mg/l		

Footnotes giving basis for limits

PERMIT NO. _____

PART II - MONITORING REQUIREMENTS

- 1) [Company Name] shall provide sampling access facilities on its process waste lines at points before process wastes have mixed with other waste streams from its premises to facilitate sampling designated points. The location of each of these sampling points is described in PART II - 7, below. The location, configuration and equipment contained in the sampling access facilities shall be as approved by the PLWC Manager.
- 2) Sampling and analysis of industrial waste discharged into the Paragould Wastewater Collection System shall be performed by PLWC. The sampling and analyses shall be performed in accord with 40 CFR 136, as amended, or other test procedure approved by the Approval Authority.
- 3) [Company Name] shall pay to PLWC the costs of the required sampling and analyses.
- 4) [Company Name] may, upon their request, obtain a portion of the samples for their analyses. The splitting of samples shall be performed only by authorized PLWC personnel.
- 5) The sampling of process wastewater shall be randomly performed at frequency determined by PLWC. The frequency of compliance monitoring shall in no case be less than that required for significant industrial users by 40 CFR 403.12—twice per year. The analyses shall be performed on 24-hour composite samples, except that temperature, pH, cyanide, total phenols, volatile organics, sulfides, and oil and grease shall be performed on grab samples.
- 6) [Company Name] shall keep daily records of total and process wastewater discharged to the PLWC Wastewater Collection System. Daily records shall, upon request, be reported in writing to the PLWC Manager or his designated representative.
- 7) The [Company Name] sampling points shall be:

Outfall No. 001 – Description of discharge

Outfall No. 002 – Description of discharge
- 8) Samples shall be taken on production and/or cleanup days. The day of the week on which the samples are taken may be varied and shall be determined by the PLWC Manager.

- 9) In lieu of the requirements for monitoring for TTO, [Company Name] may certify that no toxic organic compounds are stored, used or generated by the industry or that toxic organic compounds are controlled by the implementation of a solvents management plan approved by the PLWC Manager. To qualify for a waiver of monitoring for TTO, the Total Toxic Organics Certification Statement on the following page(s) shall be provided by [Company Name] each time compliance monitoring is performed by PLWC.

NOTE: The above statement regarding TTO monitoring requirements is only applicable to those facilities subject to 40 CFR 433 (Metal Finishers).

- 10) [Company Name] shall submit to PLWC the No Discharge Certification Statement twice a year (January and July) certifying that no discharge of process wastestreams to the Paragould Sewer System has occurred.

PERMIT NO. _____

PART III - CONDITIONS OF PERMIT

- 1) [Company Name] shall pay to PLWC an annual amount of \$500.00, which represents the costs incurred by PLWC in evaluating, issuance and maintenance of this permit.
- 2) Plans and specifications for monitoring access facilities and for pretreatment facilities shall be approved by the PLWC Manager prior to construction.
- 3) [Company Name] shall notify the PLWC Manager of Environmental Services immediately (telephone no. 239-7795) once aware of any accidental discharge/slug loading of any pollutant released to the Paragould Sewer System in such strength and/or volume as to cause interference in the Wastewater Treatment Plant or cause conditions hazardous to operating personnel, equipment, the general public, or the environment. Notifications of such spills/slug loadings which occur at night or on weekends should be made to the PLWC Dispatcher (telephone no. 239-7700). Immediate appropriate action shall be taken by [Company Name] to mitigate any adverse effects of spills/slug loadings.
- 4) [Company Name] shall notify the PLWC Manager in advance, in writing, of any change in production or treatment processes which would significantly affect either the volume or character of wastewaters discharged to the Paragould Sewer System.
- 5) [Company Name] shall maintain documentation of the disposal of sludge or other materials classified as "Hazardous Wastes" by a method and at a site approved by appropriate State and Federal Regulatory Agencies.
- 6) [Company Name] shall, in compliance with 40 CFR 403.12(P)(1), notify the Manager of PLWC, EPA Region VI Waste Management Division and the Arkansas Department of Environmental Quality Hazardous Waste Division in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.
- 7) For the purpose of determining whether the Paragould Municipal Code and/or any permit or order issued thereunder is being met and whether [Company Name] is complying with all requirements thereof, the PLWC Manager and/or his authorized representative shall have access to production, materials storage and wastewater pretreatment areas of the [Company Name] plant. Such access shall include ready access to all parts of the premises for the

include ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. [Company Name] shall retain for a minimum of three years any records of wastes discharge monitoring activities and results and shall make such records of monitoring available for inspection and copying by the PLWC Manager or his designated representative. Access shall be during production and/or cleanup shifts. Upon presentation of suitable identification, the PLWC Manager or his designated representative shall be permitted to enter without delay, for the purposes of performing the above duties.

- 8) This permit may be reopened by PLWC any time during the effective duration for revisions to discharge limitations, monitoring and/or reporting requirements or conditions.
- 9) Provided that [Company Name] has submitted acceptable application for renewal at least six months prior to the expiration date of this permit set forth on the permit cover sheet, this permit shall remain in effect, beyond the expiration date, until the PLWC Manager has either issued a renewal permit or has notified the permittee in writing that renewal of the permit is denied.
- 10) [Company Name] shall be subject to applicable civil and criminal penalties for violations of pretreatment standards and requirements and provisions and conditions of this permit as provided for by Arkansas State Statutes and the Paragould Municipal Code.
- 11) [Company Name] shall submit to PLWC a plan to control Slug Discharges. This plan shall include, at a minimum, the following:
 - A. Description of discharge practices, including nonroutine batch discharges;
 - B. Description of stored chemicals;
 - C. Procedures for immediately notifying the Environmental Services Manager of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2.3 of the Paragould Sewer Use – Pretreatment Ordinance; and
 - D. 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.

PERMIT NO. _____

PART IV - STATEMENT OF BASIS

This area of the permit gives information on how permit limits contained within were derived, whether from Federal Standards, State Requirements, Sewer Use Ordinance or Local Limits.

EXAMPLE:

Outfall 001:

Metal and Cyanide limits as set by 40 CFR 433.15 – Pretreatment Standards for Existing Sources, Metal Finishers.

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
	Milligrams per liter (mg/l)	
Cadmium (T)	0.69	0.26
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	

Limits for pH, Temperature and Oil & Grease as stipulated by the Paragould Sewer Use – Pretreatment Ordinance.

Outfall 002:

Limits for pH, Temperature and Oil & Grease as stipulated by the Paragould Sewer Use – Pretreatment Ordinance.

PERMIT NO. _____

PART V - PROHIBITIONS

- 1) **General Prohibitions**
No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference.
- 2) **Specific Prohibitions**
In addition to the General Prohibitions listed above, the following pollutants may not be introduced into the POTW:
 - a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
 - b) Any wastewater having a pH of less than 5.5 or more than 11.5 S.U., or otherwise causing corrosive structural damage to the POTW, equipment or endangering PLWC personnel;
 - c) 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 (1/2) inches (1.27 centimeters) in any dimension;
 - d) Any wastewater containing 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 either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals;
 - e) Any wastewater having a temperature greater than 150°F (65°C), or 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°F (40°C);
 - f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
 - g) Any 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;

- h) Any trucked or hauled pollutants, except at discharge points designated by the Paragould Light and Water Commission in accordance with Article IV Section 5 of the Paragould Sewer Use--Pretreatment Ordinance;
- i) Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair;
- j) Any 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 treatment plant's effluent thereby violating Paragould's NPDES permit;
- k) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit in compliance with applicable State or Federal regulations;
- l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- m) Any sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n) Any medical wastes, except as specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- o) Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- p) Any wastes containing detergents, surface active agents, surfactants, or other substances which may cause excessive foaming or scum in the POTW; and
- q) Any discharge of fats, oils, or greases of animal, vegetable or mineral origin is limited to one hundred (100) mg/l.

Permit No. _____
Part VI - Violations

1) **Significant Violations**

The Paragould Light and Water Commission shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period, as determined by EPA Region 6 criteria, exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria **1.4 for BOD's, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH**;
- c) Any other discharge violation that the Paragould Light and Water Commission believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Paragould Light and Water Commission personnel or the general public);
- d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Paragould Light and Water Commission exercising its emergency authority to halt or prevent such a discharge;
- e) Failure to meet, within 90 days of the scheduled 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 days after the due date, any required reports, including 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(s) which the Paragould Light and Water Commission determines will adversely affect the operation or implementation of the local pretreatment program.

2) **Emergency Suspensions**

The Paragould Light and Water Commission may immediately suspend a user's discharge (after informal notice to the user which may be verbal and directed to any owner, manager or person in charge or in possession of the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to be present or cause an imminent or substantial endangerment to the health or welfare of persons. The Paragould Light and Water Commission may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Paragould Light and Water Commission shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Paragould Light and Water Commission shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Paragould Light and Water Commission that the period of endangerment has passed, unless the termination proceedings set forth in Article XI, Section 7 of the Paragould Sewer Use Ordinance, are initiated against the user.
- b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Paragould Light and Water Commission, prior to the date of any show cause or termination hearing under Article XI Section 3 and Article XI Section 7 of the Paragould Sewer Use Ordinance.

3) **Termination of Discharge**

In addition to those provisions in Article VI Section 6 of the Paragould Sewer Use Ordinance, any user that violates the following conditions of this

ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

- a) Violation of wastewater discharge permit conditions;
- b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; and
- e) Violation of the pretreatment standards in Article III Section 1 of the Paragould Sewer Use Ordinance.

Such user will be notified by the Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Article XI Section 3 of the Paragould Sewer Use Ordinance why the proposed action should not be taken.

4) **Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Paragould Light and Water Commission and the Paragould Light and Water Commission approves the wastewater discharge permit transfer. The notice to the Paragould Light and Water Commission must include a written certification by the new owner and/or operator which:

- a) states that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b) identifies the specific date on which the transfer is to occur; and
- c) acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

APPENDIX E

INDUSTRIAL INSPECTION REPORT

PARAGOULD LIGHT, WATER & CABLE
INDUSTRIAL USER INSPECTION REPORT

DATE OF INSPECTION:

TIME OF INSPECTION:

INSPECTED BY:
INDUSTRIAL REPRESENTATIVE:
RESPONSIBLE OFFICIAL:
CONTACT:
PHONE NUMBER:

NAME & ADDRESS OF INDUSTRIAL FACILITY:

NAME OF COMPANY
STREET ADDRESS
MAILING ADDRESS
CITY, STATE ZIP CODE

PLWC PERMIT INFORMATION:

Permit #:
Effective:
Expires:

SIC #:
NAICS #:

OTHER ENVIRONMENTAL PERMITS:

BACKGROUND INFORMATION:

Printed Name of Industrial Representative

Signature

Printed Name of PLWC Representative

Signature

CHANGES IN PROCESSES, PRODUCTS, CHEMICALS OR PRETREATMENT SINCE LAST INSPECTION ON _____:

ANTICIPATED CHANGES TO PROCESSES, PRODUCTS, CHEMICAL OR PRETREATMENT AND TIME FRAME FOR CHANGES:

WAS IU IN COMPLIANCE FOR THE LAST MONITORING PERIOD? YES NO

IF NO, LIST VIOLATIONS AND DATE OCCURRED:

LAST DATE OF CALIBRATION FOR FLOW MONITORING EQUIPMENT:

POLLUTION PREVENTION ACTIVITIES: DOES THE IU EMPLOY ANY OF THE FOLLOWING TO ENCOURAGE AND IMPLEMENT POLLUTION PREVENTION ACTIVITIES?

- | | | |
|---------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| A) In-house environmental teams | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| B) Incentive programs for employee input on recycling, process improvement of other pollution prevention activities | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| C) Others: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

POLLUTION PREVENTION PRACTICES AND ACTIVITIES IN PLACE:

- | | | |
|--------------------------|------------------------------|-----------------------------|
| A) Counter-Current Flows | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| B) Air Knives/Curtains | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| C) Fog Rinses | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| D) Flow Controllers | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| E) Conductivity Meters | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| F) In situ Filtrations | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| G) Others: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
-
-

PRETREATMENT FACILITIES OPERATION AND MAINTENANCE:

- | | | | |
|----|-------------------------------------------------------------|------------------------------|-----------------------------|
| A) | Standby power or other equivalent provisions provided | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| B) | Adequate alarm system for power of equivalent failures | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| C) | Sludges and solids adequately disposed | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| D) | All treatment units in service | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| E) | Consulting Engineer | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| | Name: | | |
| F) | Qualified operating staff | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| G) | Established procedures available for training new operators | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| | Training Provided by: | | |
| H) | Instruction files kept for O & M of all new major equipment | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| I) | Operation and Maintenance manual maintained | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

RECORDS AND REPORTS:

- | | | | | |
|----|--------------------------------------------------------|------------------------------|-----------------------------|------------------------------|
| A) | Adequate Records Maintained of: | | | |
| | I) Sampling date, time and exact location | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| | II) Analyses dates and times | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| | III) Individual performing analyses | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| | IV) Analytical methods/techniques used | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| | V) Analytical results | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| B) | Lab equipment calibration and maintenance records kept | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| C) | Quality Assurance Records kept | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |

LABORATORY PROCEDURES*:

- | | | | | |
|----|--------------------------------------------------------------------------------|------------------------------|-----------------------------|------------------------------|
| A) | EPA approved analytical testing procedures used | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| B) | If alternate analytical procedures are used, proper approval has been obtained | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| C) | Quality control procedures used | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |
| D) | Commercial Laboratory used | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> n/a |

Lab Name _____

Lab Address _____

Reason for Use: _____

*NOTE: All sampling performed by PLWC personnel. Analyses performed by PLWC or American Interplex.

TOXIC ORGANICS MANGEMENT PLAN:

- A) Description of observed regulated processes and discharges.
- B) Description of stored chemicals.
- C) Description of hazardous waste storage.
- D) Description of chemical handling procedures.
- E) Description of hazardous waste handling procedures.
- F) Procedures for notification of POTW of slugs or accidental discharges.
- G) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, worker training, containment structures.
- H) Are spill notification procedures posted in a prominent place for employees? YES NO
- I) Floor drains accessible from storage and chemical usage areas.
- J) Manifests of shipments of hazardous wastes to proper disposal.
- K) Does SIU have a TTO limit in permit? YES NO n/a
- L) Does SIU have an approved plan to control slug discharges or a Toxic Organics Management Plan? YES NO n/a
- M) Evaluation of TOMP need.

PHYSICAL DESCRIPTION OF MANUFACTURING PROCESSES – NOTE ANY CHANGES FROM LAST INSPECTION:

WASTEWATER GENERATING OPERATIONS AND FLOWS – NOTE ANY CHANGES SINCE LAST INSPECTION:

OTHER SOURCES OF WASTEWATER:

REGULATED WASTESTREAM(S):

FLOW OF RAW MATERIAL AS IT GOES THROUGH PROCESSES TO END PRODUCT(S):

Approximate number of employees:

Number of shifts:

Average number of hours/week:

DESCRIPTION OF PRETREATMENT SYSTEM(S):

COMMENTS:

APPENDIX F

**INDUSTRIAL CHAIN OF CUSTODY
LABORATORY BENCH SHEETS**

PARAGOULD LIGHT W INDUSTRIAL PRETREATMENT										WATER AND CABLE		COC Page _____																	
POTW Contact Name: Lisa Ellington			Analysis Turnaround Time Calendar (C) or Work Days (W)				Shipping Date:		Carrier:																				
Address PQ Box 9 City/State/Zip paragould, AR 72450 Phone: (870)239-7795 FAX: (870)239-7791 Email: ellington@paragould.com			Sample Disposition Y N Return to Client Y N Dispose of by Lab				Pollutant Parameters - Metals are as Total - 40 CFR Part 136 Methods Required Unless Specified Otherwise.					Meter Readings End Start Qul MOD																	
POTW Contact: Lisa Ellington Project Name/CODE: Sampling Site: pO#: N/A			Preservation Used 1 = Ice (<6°C) 2 = HNO ₃ to pH<2 3 = HCl to pH<2 4 = H ₂ SO ₄ to pH<2 5 = NaOH to pH>10 6 = 0.0008% Na ₂ S ₂ O ₈ 7=Other:				BOD ₅ TSS Metals, Total Cyanide, Total Phenols Oil & Grease Selenium VOA (624) BNA (625) Pesticides (608) + PCBs PP Metals + Mo Phenolics TCDD Screen					Remarks																	
Sample Identification	Start Sample Date	End Sample Date	Start Sample Time	End Sample Time	GRAB	COMP	# of Containers	Water	Soil	BOD ₅	TSS	Metals, Total	Cyanide, Total	Phenols	Oil & Grease	Selenium	VOA (624)	BNA (625)	Pesticides (608) + PCBs	PP Metals + Mo	Phenolics	TCDD Screen	Remarks						
Type of Container (G = glass; P = plastic)										Disposal Date Analyst																			
Preservation										Disposal Date Analyst																			
Grab Sampler (Name and Signature)			Composite Sampler (Name and Signature)				Automated Sampler	Sampler ID#	Time Interval	Flow Interval	Aliquot Interval	Aliquot Volume	#of Aliquots																
Special Instructions: Metals (T) for analysis include Cd, Cr, Cu, Pb, Ni, Ag and Zn. BOD ₅ , TSS, Cd, Cr, Cu, Pb, Ni, Ag, Zn, Cyanide and Phenols samples are analyzed by the PLWC Laboratory. Oil & Grease, Selenium, VOA, BNA, Pesticide, PCB, PP Metals, Mo, Phenolic and TCDD samples are analyzed by an outside contract laboratory.										On-site Pollutant Monitoring - Must be Measured On-Site																			
Temperature (°C): pH (S.U.):										<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Result</th> <th>Date</th> <th>Time</th> <th>Analyst</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>												Result	Date	Time	Analyst				
Result	Date	Time	Analyst																										
Grab Samples Relinquished by:		Company:		Date		Time		Grab Samples Received by:		Company:		Date		Time		Notes:													
Composite Samples Relinquished by:		Company:		Date		Time		Composite Samples Received by:		Company:		Date		Time															
Relinquished by:		Company:		Date		Time		Received by:		Company:		Date		Time															

BIOCHEMICAL OXYGEN DEMAND
5210 STANDARD METHODS 21ST EDITION
 MEMBRANE ELECTRODE METHOD: 4500-O G STANDARD METHODS 18TH EDITION

_____ WWTP

_____ INDUSTRIAL

ANALYST(S) _____

SETUP: _____

TAKEOUT: _____

DATE OF SAMPLE _____

TIME ANALYSIS STARTED: _____

SAMPLE LOCATION	BOTTLE NUMBER	A	B	C	D	E	F	G
		DILUTION FACTOR	INITIAL D.O. MG/L	D.O. AFTER 5 DAYS MG/L	D.O. DEPLETION (B - C)	AFTER SEED CORRECTION (D - B)	BOD VALUE (A x D) MG/L	AVERAGE BOD MG/L
SAMPLE:								
INITIAL pH _____								
FINAL pH _____								
SAMPLE:								
INITIAL pH _____								
FINAL pH _____								
SAMPLE:								
INITIAL pH _____								
FINAL pH _____								

SEED CORRECTION	BOTTLE NUMBER	MLS OF SAMPLE	INITIAL D.O. MG/L	FINAL D.O. MG/L	DEPLETION	DEPLETION PER ML	AVG. SEED CORRECTION ML	H
BLANKS								
GLUCOSE-GLUTAMIC ACID								

H = AVG. PER ML x _____ MLS OF SEED ADDED TO GLUCOSE-GLUTAMIC ACID BOTTLE

INCUBATION:

DATE STARTED: _____

TIME STARTED: _____

DATE FINISHED: _____

TIME FINISHED: _____

DAY OUT: _____

CHECK WHICH STEPS HAVE BEEN COMPLETED

GLUCOSE ADDED _____ SEED ADDED _____ BUFFER ADDED _____ WATER AERATED _____

REVISION DATE

TOTAL SUSPENDED SOLIDS**
STANDARD METHODS 2540D* 20TH EDITION

SAMPLE DATE: _____ WWTP _____ INDUSTRIAL _____

SAMPLE LOCATION						
PAN NUMBER						
FILTER PAD #						
	INITIAL WEIGHT OF FILTER PAPER	grams				
A	FILTER PAPER WEIGHT (2 ND WEIGHING)	grams				
B	VOLUME OF SAMPLE FILTERED	mLs				
C	Wt of sample + pad after 1 ST hour drying	grams				
D	Wt of sample + pad after 2 ND hour drying	grams				
E	Wt of sample + pad after 3 RD hour drying	grams				
F	Wt of suspended solids	D - A or E - A	grams			
G	SUSPENDED SOLIDS***	$(F \times 10^6) / B$	mg/L			

AVG. _____
RSD _____

DATE OF ANALYSIS: _____

OVEN DRYING TIMES

	1 ST HOUR	2 ND HOUR	3 RD HOUR
TIME STARTED	_____	_____	_____
TIME FINISHED	_____	_____	_____

*NOTE: SAMPLES ARE STIRRED WITH A MAGNETIC STIRRER; SAMPLE AMOUNT IS THEN MEASURED WITH A GRADUATED CYLINDER.

**NOTE: DRYING SAMPLE + PAD FOR 3 HOURS ONLY TO BE COMPLETED IF CONSTANT WEIGHT HAS NOT BEEN ACHIEVED AFTER THE 2ND HOUR OF DRYING.

***NOTE: ALL SAMPLE RESULTS ARE TO BE REPORTED TO ONE DECIMAL PLACE.

REVISION DATE

APPENDIX G

**ASSESSMENT OF NEED FOR
TECHNICALLY BASED LOCAL LIMITS (TBLLs)**

This appendix is meant to compliment and supplement Section 2.6 (Local Limits) of the City's Sewer Use – Pretreatment Ordinance No. 2012-11, for development of local limits if necessary or demonstrate they are not necessary per 40 CFR 403.8(f)(4). Maximum Allowable Headworks Loadings (MAHLs), and thus Maximum Allowable Industrial Loadings (MAILs), will continually change from day to day depending on flow and wastewater characteristics. This document is meant to establish average MAHLs/MAILs over an extended period of time with enough of a safety factor to take into account those daily fluctuations, therefore avoiding the necessity to revise and adopt the City's Pretreatment Ordinance on a frequent basis.

The General Pretreatment Regulations in 40 CFR Part 403, as pursuant to 40 CFR 403.5 (a) and (b) and required by NPDES permit, requires Publicly Owned Treatment Works (POTW) having an approved pretreatment program to assess the need in adopting Technically Based Local Limits (TBLLS) of pollutants for protection of the environment, wastewater treatment facilities and biosolids from pass-through or interference from common pollutants of concern. TBLLs are defined in the U.S. Environmental Protection Agency Introduction to the National Pretreatment Program publications as “specific discharge limits developed and enforced by POTWs upon industrial or commercial facilities (IUs) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b)”, and are to be assessed occasionally, as stipulated by individual NPDES permits, typically every five (5) years.

The purpose of this appendix to the Paragould Industrial Pretreatment Program is to determine and document whether or not the Paragould Light and Water Commission needs to adopt Technically Based Local Limits (TBLLs) for Pollutants of Concern (POC) to protect its Wastewater Treatment Plant (WWTP) from pass through or interference, and to assure that biosolids produced by the WWTP can be disposed of by land application in accordance with 40 CFR 503. The examination of the need for TBLLs is pursuant to 40 CFR 403.5 (a) and (b), and as mandated by Part II (7)(b) of the Paragould Light, Water and Cable (PLWC) NPDES permit AR0033766.

Common POC generally studied for TBLL development include Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver and Zinc as per EPA Region 6 guidance. Detailed sampling and analysis of Influent and Effluent for calculation of TBLLs for the common pollutants of concern is conducted at least four (4) times per year. Tables 1 and 2 summarize the Influent and Effluent results taken from 2009 to 2011. Sampling and analysis of biosolids is conducted quarterly, and results of biosolids analysis performed from 2009 to 2011 can be seen in Table 3, which shows the PLWC biosolids results, individual and average, are well below maximum limits required by EPA. Background (domestic) information is conducted at least four (4) times per year, and Table 4 contains results of sampling and analysis collected on background, or domestic only sources, from 2009 to 2011. Data from each sampling entity was averaged and can be seen in Table 5 along with removal percentages for the PLWC WWTP.

Table 1 – Influent TBL data: 2009 to 2011 (all results are Total)

Date	As µg/L	Be µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
01/20/09	<0.5	<0.5	<0.5	<10	45		2.1	0.0072	<8	4.9	<5	1.0	120
04/14/09	<0.5	<0.5	<0.5	<10	26		1.3	0.0130	20	4.0	<5	<0.5	86
07/14/09	2.0	<0.5	<0.5	<10	29		0.98	0.022	25	3.1	<5	<0.5	48
10/13/09	2.5	<0.5	<0.5	<10	19		2.0	0.015	<8	3.0	<5	<0.5	47
01/26/10	<0.5	<0.5	<0.5	<10	20		0.6	0.0019	<8	2.1	<5	0.61	36
04/13/10	<0.5	<0.5	<0.5	<10	24		1.1	<0.2	<8	2.7	<5	<0.5	44
07/15/10	2.0	<0.5	<0.5	<10	87		5.8	<0.2	8.6	5.6	<5	1.0	130
10/19/10	<0.5	<0.5	<0.5	<10	31		2.0	<0.2	<8	2.6	<5	<0.5	54
01/25/11	1.0	<0.5	<0.5	<10	42		1.3	<0.2	11	3.7	<5	1.0	66
04/05/11	0.67	<0.5	<0.5	<10	19		0.94	<0.2	<8	3.0	<5	<0.5	59
07/26/11	0.67	<0.5	<0.5	<10	44		1.4	<0.2	<8	3.6	<5	<0.5	68
10/20/11	0.70	<0.5	<0.5	<10	35		1.5	<0.2	9.2	6.2	<5	0.54	110

Table 2– Effluent TBL data: 2009 to 2011 (all results are Total)

Date	As µg/L	Be µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
01/20/09	<0.5	<0.5	<0.5	<10	7.4		<0.5	0.0042	<8	4.2	<5	<0.5	39
04/14/09	<0.5	<0.5	<0.5	<10	6.3		0.92	0.0023	12	3.1	<5	<0.5	34
07/14/09	1.3	<0.5	<0.5	<10	7.2		<0.5	<0.0018	22	3.2	<5	<0.5	32
10/13/09	1.1	<0.5	<0.5	<10	6.1		<0.5	0.0025	<8	2.5	<5	<0.5	36
01/26/10	<0.5	<0.5	<0.5	<10	5.4		<0.5	0.0036	<8	3.0	<5	<0.5	31
04/13/10	<0.5	<0.5	<0.5	<10	4.9		<0.5	<0.005	<8	4.5	<5	<0.5	42
07/15/10	0.91	<0.5	<0.5	<10	6.8		<0.5	<0.0018	<8	3.1	<5	<0.5	52
10/19/10	<0.5	<0.5	<0.5	<10	7.9		<0.5	<0.0018	<8	2.3	<5	<0.5	39
01/25/11	0.7	<0.5	<0.5	<10	9.1		<0.5	0.0021	<8	2.3	<5	<0.5	38
04/05/11	0.86	<0.5	<0.5	<10	7.0		<0.5	0.0022	<8	2.8	<5	<0.5	48
07/26/11	0.56	<0.5	<0.5	<10	5.6		<0.5	<0.0018	<8	4.1	<5	<0.5	35
10/20/11	<0.5	<0.5	<0.5	<10	7.1		<0.5	<0.0018	<8	2.7	<5	<0.5	67

Table 3– PLWC Biosolids Data: 2009 to 2011 (all results are Total)

Date	As mg/kg	Cd mg/kg	Cu mg/kg	Pb mg/kg	Hg mg/kg	Mo mg/kg	Ni mg/kg	Se mg/kg	Zn mg/kg
01/20/09	<5.0	0.88	330	28	0.77	17	32	<7	550
05/28/09	<5.0	1.30	410	27	0.60	17	39	<7	440
07/30/09	<5.0	<0.40	390	29	1.10	20	31	<7	400
10/28/09	<5.0	<0.40	440	27	0.79	19	46	<7	620
01/27/10	<5.0	<0.40	380	24	0.63	16	45	<7	750
04/28/10	<5.0	<0.40	150	12	0.40	4.3	15	<7	270
09/01/10	<5.0	<0.40	660	48	0.99	20	36	<7	1700
02/02/11	<5.0	<0.40	490	32	0.61	20	39	<7	710
05/24/11	<5.0	<0.40	340	25	0.21	12	32	<8	410
08/03/11	<5.0	<0.40	370	34	0.65	16	38	<7	510
AVG.	<5.0	<0.70	396	28.6	0.7	16	35	<7.1	636
EPA Maximum Limits, mg/kg	75	85	4300	840	57	75	420	100	7500

Table 4— Background (Domestic Only) TBLL data: 2009 to 2011 (all results are Total)
 [Samples taken at domestic only lift stations – Barnhill, Sundale and South 27th]

Date	As µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
02/18/09	<50	<3	30	29		<43	<0.2	<8	<42	<70	<7	70
02/18/09	<50	<3	24	40		<43	<0.2	<8	<42	<70	<7	98
02/18/09	<50	<3	25	29		<43	<0.2	<8	<42	<70	<7	34
06/17/09	<50	<4	34	57		<55	<0.2	<8	<48	<70	<8	334
06/17/09	<50	<4	32	82		<55	<0.2	<8	<48	<70	<8	125
06/17/09	<50	<4	17	51		<55	<0.2	<8	<48	<70	14	61
09/16/09	<50	<4	130	57		<55	0.43	<8	<48	<70	<8	79
09/16/09	<50	<4	<10	73		<55	<0.2	<8	<48	<70	<8	114
09/16/09	<50	<4	<10	43		<55	<0.2	<8	<48	<70	<8	27
12/15/09	<50	<4	21	88		<55	<0.2	<8	<48	<70	12	268
12/15/09	<50	<4	<10	61		<55	<0.2	<8	<48	<70	<8	164
12/15/09	<50	<4	<10	34		<55	<0.2	<8	<48	<70	<8	48
03/17/10	<50	<4	20	45		<55	<0.2	<8	<48	<70	<8	112
03/17/10	<50	<4	12	77		<55	<0.2	<8	<48	<70	<8	234
03/17/10	<50	<4	<10	29		<55	<0.2	<8	<48	<70	<8	93
06/09/10	<50	13	15	82		<55	<0.2	<8	<48	<70	<8	112
06/09/10	<50	12	10	91		<55	<0.2	<8	<48	<70	<8	124
06/09/10	<50	11	33	85		<55	<0.2	<8	<48	<70	<8	116
08/11/10	<50	<4	23	50		<55	<0.2	<8	<48	<70	<8	28
08/18/10	<50	<5	22	65		<55	<0.2	<8	<48	<70	<8	70
09/15/10	<50	<5	<7	48		<36	<0.2	<8	<52	<70	<21	111
10/20/10	<50	<5	<7	63		<36	<0.2	<8	<52	<70	<21	169
10/20/10	<50	<5	<7	90		<36	<0.2	<8	<52	<70	<21	216
11/03/10	<50	<5	<7	206		<36	0.25	<8	<52	<70	<21	593
02/23/11	<50	<5	44	32		<36	<0.2	<8	<52	<70	<21	100
02/23/11	<50	7	50	120		<36	<0.2	10	<52	<70	<21	660
03/08/11	<50	<5	<7	48		<36	<0.2	<8	<52	<70	<21	89
05/11/11	<50	<5	13	23		<36	<0.2	<8	<52	<70	<21	54
05/25/11	<50	<5	<7	45		<36	<0.2	<8	<52	<70	<21	83
05/25/11	<50	<5	10	45		<36	<0.2	<8	<52	<70	<21	82
08/03/11	<50	<5	<7	<6		<36	<0.2	<8	<52	<70	<21	52
08/10/11	<50	<5	<7	66		<36	<0.2	<8	<52	<70	<21	104
08/10/11	<50	<5	<7	136		<36	<0.2	<8	<52	<70	23	196
10/09/11	<50	<5	13	67		<30	<0.2	<8	<47	<70	23	104
11/02/11	<50	<5	<8	43		<30	<0.2	<8	<47	<70	<20	90

Table 5 – Average Influent, Effluent and Background TBLL Data: 2009 to 2011

Pollutant	Domestic Only µg/L	Influent µg/L	Effluent µg/L	Avg. WWTP Removal
Arsenic, T	<50	<1	<0.7	37%
Beryllium, T	—	<0.5	<0.5	
Cadmium, T	<5	<0.5	<0.5	63%
Chromium, T	<20	<10	<10	82%*
Cyanide, T				69%*
Copper, T	63	35	6.7	86%
Lead, T	<45	1.8	<0.9	79%
Mercury, T	<0.21	<0.12	<0.0026	95%*
Molybdenum, T	<8	<11	<10	50%*
Nickel, T	<49	3.7	3.2	42%*
Selenium, T	<70	<5	<5	50%*
Silver, T	<14	<0.64	<0.5	91%
Zinc, T	143	72	41	57%

*Average EPA Percent Removal used in place of actual percent WWTP removal.

Water Quality Standards, Sludge (Biosolids) Loadings and Plant Inhibition loadings are established to ascertain those values in calculating the Maximum Allowable Headworks Loadings (MAHLs) and the Maximum Allowable Industrial Loadings (MAILs), which are established to protect the WWTP from pass through causing pollution of the receiving stream. Current values established using the past three years data can be found in Table 6. Water Quality Standards are determined by the Arkansas Department of Environmental Quality (ADEQ), while Sludge and Inhibition loadings use biosolids, industrial, influent, effluent and domestic only data collected by the WWTP. These values were determined in September 2012 by ADEQ State Pretreatment staff following EPA TBLL guidance and ADEQ's Continuing Planning Process as well as ADPC&E's Regulation No. 2 Water Quality Criteria. MAHLs, and therefore MAILs, in determining the need for TBLLs, as well as calculations for and adoption of TBLLs, if necessary, are chosen based on the most stringent of the three loading values.

Table 6 – Pollutant Limits for Water Quality and Sludge for Determination of MAHLs and MAILs*

Pollutant	Water Quality lbs/day	Sludge lbs/day	Inhibition lbs/day	MAHL lbs/day	MAIL lbs/day
Cadmium, T	0.2698	0.20	25.02	0.200	0.048
Copper, T	5.2675	7.40	25.02	5.268	3.458
Lead, T	1.3940	1.57	25.02	1.394	0.410
Mercury, T	0.0067	0.09	2.50	0.007	0.003
Nickel, T	13.9187	1.48	25.02	1.480	0.323
Selenium, T	0.2792	0.30	5.00	0.279	0.0000
Silver, T	1.9195	0.00	6.26	1.920	1.442
Zinc, T	16.4010	19.47	12.51	12.510	8.166
Chromium, T	113.5418	0.00	25.02	25.020	22.035
Cyanide, T	0.4684	0.00	2.50	0.468	0.334
Arsenic	15.5077	0.30	2.50	0.300	0.000
Molybdenum	0.0000	0.22	5.00	0.222	0.112
Beryllium	0.2960	0.00	2.50	0.2960	0.260

*Boxes highlighted in yellow denote the driving MAHL/MAIL criteria for TBLL determination

The zero lbs/day MAILs for Selenium and Arsenic can be explained by the use of less sensitive analytical methods for the influent and domestic background samples resulting in potentially erroneous removal efficiencies. No influent or domestic background samples detected Selenium. The City will continue studying this condition although it is suspected there are no significant industries discharging either pollutant.

MAHLs for Cadmium, Nickel, Arsenic and Molybdenum are Sludge driven, while Zinc and Chromium MAHLs values are based on Plant Inhibition levels, which are denoted by the yellow highlighted boxes in Table 6. All other POC MAHLs are derived by Water Quality

values established by ADEQ. Given the plant loadings and calculated MAHLs, there is no indicated need for TBLL development for any pollutant listed in Table 4. A comparison of calculated MAILs and actual industrial loadings, for the years 2010 and 2011, can be seen in Table 7 indicating industrial loadings for each pollutant are at least 80% below MAILs, with the exception of Selenium. However, each Selenium sample analyzed was below the detection limit using the less sensitive Selenium method. The maximum percentage in Table 7 was calculated using the highest loading value determined from each pollutant and dividing by the appropriate MAIL.

Table 7 – Average Industrial Loadings and MAILs comparison

Industry	Cd lbs/day	Cr lbs/day	Cu lbs/day	Pb lbs/day	Ni lbs/day	Se lbs/day	Ag lbs/day	Zn lbs/day	CN lbs/day
AMMC							0.187		
Darling-S	0.001	0.001	0.010	0.007	0.008		0.002	0.011	0.001
Garlock	0.000	0.002	0.003	0.003	0.004		0.001	0.015	0.001
MMI	0.000	0.010	0.004	0.003	0.005		0.001	0.006	0.015
MSG	0.000	0.001	0.043	0.003	0.010	0.004	0.001	0.013	0.002
Nidec 001			0.012	0.009				0.013	
Nidec 003	0.004	0.008	0.032	0.027	0.035		0.014	0.039	0.005
Prestolite	0.005	0.011	0.039	0.044	0.051		0.016	0.035	0.007
Tenneco 1	0.006	0.019	0.014	0.043	0.054		0.017	0.271	0.008
Tenneco 3	0.004	0.009	0.036	0.035	0.036		0.012	0.120	0.005
MAIL	0.048	22.035	3.458	0.410	0.323	0.000	1.442	8.166	0.334
MAX %	12.50%	0.09%	1.24%	10.73%	16.72%		12.97%	3.32%	4.49%

The City concurs with ADEQ’s calculations for its MAHLs and MAILs tying this section into the City’s Pretreatment Ordinance No. 2012-11 from which TBLLs will be allocated, implemented and enforced in the City’s significant user permits as deemed necessary.

TBLLs for PLWC should be reevaluated whenever changes in conditions require, but no less than every five (5) years.