

ORDINANCE NO. 85-5

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF ALMA, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Alma owns and operates sewer facilities providing sewer services to normal and industrial customers; and

WHEREAS, the City of Alma has entered into a Grant Assistance Agreement with the U.S. Environmental Protection Agency for the purpose of constructing sewerage improvements designated as EPA Project #C-05-0453; and

WHEREAS, regulations of the Environmental Protection Agency and Special Conditions contained in the Grant Agreement provide for the enactment by the City of Sewer Use Charges establishing rates;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alma, Arkansas:

SECTION 1 - That unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) BOD (Biochemical Oxygen Demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20° Centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(b) City - The City of Alma, Arkansas.

(c) Industrial User - Either of the following users:

1.) Any non-governmental, non-residential user of a public sewer system which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division "A" - Agriculture, Forestry, and Fishing.

Division "B" - Mining

Division "D" - Manufacturing

Division "E" - Transportation, Communications, Electric, Gas, and Sanitary Services

Division "I" - Services

2.) Any non-governmental user of a public sewer system which discharges sewage to the system containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system; or to injure or to interfere with any sewage treatment process; or which constitutes a hazard to humans or animals; or creates a public nuisance; or creates any hazard in or has an adverse affect on the water receiving any discharge from the treatment system; or is regulated under Section 3.07(b) or (c) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the system).

(d) Industrial Wastes - The sewage from Industrial Users.

(e) Infiltration/Inflow - Total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash waters, or drainage.

(f) Milligrams per Liter (mg/l) - The same as parts per million and is a weight-to-volume ratio. The mg/l value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(g) Municipality - A city, town, borough, county, parish, district, association or other public body (including an intermunicipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste, or other waste. Special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.

(h) Normal Sewage - Sewage which, when analyzed, shows by weight a daily average of not more than 250 mg/l of BOD and not more than 250 mg/l of TSS, and which is otherwise acceptable into the City's sanitary sewerage system; sewage normally discharged into the sanitary sewers from houses, apartments, hotels, office buildings, and institutions and that is free from industrial wastes and storm water runoff.

(i) Normal User - Those non-industrial users discharging normal sewage.

(j) Service Charge - That portion of the total wastewater charge which is a fixed cost per user regardless of usage, and which covers the cost of customer accounting and general administration.

(k) Surcharge - A charge added to the normal user charge when the BOD, TSS, or other pollutant concentration from a user exceed the range of concentration of these pollutants in normal domestic sewage.

(l) Suspended Solids (SS) or Total Suspended Solids (TSS) - The quantity of solids that either float on the surface, or are in suspension in water, sewage, or other liquids and which are largely removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods".

(m) User Charge - That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement, debt service, taxes, and capital outlay of the wastewater treatment and collection system.

(n) Wastewater Treatment System - The transport of wastewaters from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished; to remove pollutants, dispose, recycle, or reuse the treated wastewater and residues which results from the treatment process, and can include one or more connected or integrated treatment plants.

Section 2 - That this User Charge Ordinance shall take precedence over any terms or conditions of agreements or contracts between the City and the users including commercial, industrial, special districts, other municipalities, or Federal agencies or installations which are inconsistent with this Ordinance.

Section 3 - That the City will apply charges for operation and maintenance pertaining to extraneous flows (i.e., infiltration/inflow) in the same manner that it distributes the cost of operation and maintenance among users for their actual use.

Section 4 - That the City will apply excess revenues collected from the various charges and rates to the same class costs for the next year and adjust the rates and charges accordingly.

Section 5 - That users connected to and served by the sewer system of the City shall be classified as either normal or industrial.

Section 6 - That there is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions and all other entities using the wastewater collection and treatment system of the City, a schedule of charges as hereinafter provided.

Section 7 - That the following monthly rates and charges for normal sewage which the City Council hereby finds and declares are fair, reasonable, and necessary, and they are hereby fixed:

User Charge - \$1.00 per 1,000 gallons.

Service Charge - \$2.15 per User per month.

Of the total User Charge of \$1.00 per 1,000 gallons, \$0.35 per 1,000 gallons is for debt service.

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Section 8 - That the quantity of water consumed as indicated by the customers water meter will be assumed to be equal to the quantity of wastewater discharged to the sewage collection system, unless a sewer user installs and maintains a control structure and equipment, which is acceptable to the City, for the measurement of the quantity of wastewater discharged.

Section 9 - That every user who discharges sanitary sewage, industrial wastes, water or other liquids other than normal sewage be charged and pay a surcharge in addition to the charge for normal sewage.

Section 10 - That the following surcharge schedule will be implemented. The surcharge is to be payment for the additional costs of operation, maintenance, and debt service due to BOD and SS strengths in excess of normal sewage:

BOD Surcharge - 6.6¢ per pound

SS Surcharge - 0.01¢ per pound

Charges shall be based on the following formula:

$$S = 0.0834 \times [6.6 \times V_s \times (BOD - 250) + 0.01 \times V_s \times (SS - 250)]$$

where:

S = Surcharge in dollars monthly

V_s = Volume of sewage in million gallons per month

0.0834 = Conversion factor for pounds per million gallons and cents per dollar.

Section 11 - That there shall be a tapping fee equal to the actual cost to the City for all customers who connect with and use the sewer facilities. In addition, all connections to the System shall be made in accordance with the Arkansas State Plumbing Code and the connection to the public main shall be inspected by an authorized representative of the City. The inspection fee for each new sewer connection shall be \$15.00.

Section 12 - That the user charge portion of the rate structure will be reviewed at least biannually to insure that rates are adequate to cover costs and these costs are distributed fairly.

Section 13 - That any user which discharges any toxic pollutants which cause an increase in Operation, Maintenance and Replacement Costs shall pay for such increased costs.

Section 14 - That the City shall notify each user annually in conjunction with a regular bill of the rate and that part of the user charge attributable to operation and maintenance.

Section 15 - Vacant unoccupied property not actually using the sewer facilities shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under the provisions of Ark. Stat. Ann. Section 19-4113 (Repl. 1980), a lien is fixed upon the land for any unpaid charge, even though the use of the System is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the due date, a 10% penalty can be added, and if any sewer charge is not paid on or before the 30th day after its due date, suit can be brought to enforce the lien and to collect the amount due, together with the expenses of collection and a reasonable attorney's fee.

Section 16 - That the said rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the said sewer system and for the payment of the principal of and interest on existing bonds, and shall, when necessary, be increased to provide for said operation and maintenance and for the payment of the principal of and interest on existing bonds.

Section 17 - (a) A person who continues discharging wastewater in violation of this ordinance is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200 for each violation and for each day of violation.

(b) In addition to proceeding under authority of subsection (a) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

Section 18 - That the provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 19 - That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed, and specifically Section 2 of Ordinance No. 83-10 is hereby repealed.

Section 20 - That a single statement will be submitted for monthly water and sewer charges. Payment shall be due on the 10th day after the bill therefor shall be rendered. Collections shall be applied first to the discharge of sewer charges.

Section 21 - It is hereby ascertained and declared that the revenues from the rates and charges embodied in this Ordinance are necessary in order to operate the sewer system and thus remove a hazard to the health, safety, and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety take effect and be in force from and after its passage.

PASSED this 29th day of JANUARY, 1985.

APPROVED:

Maiford N Burns
Mayor



Ronald A. Bennett
City Clerk

(SEAL)

ORIGINAL

ORDINANCE NO. 85-6

AN ORDINANCE AMENDING A PORTION OF
ORDINANCE NO. 84-8.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ALMA,
ARKANSAS:

SECTION 1 - That Section 6.02, subsection B of Ordinance No. 84-8
is hereby amended to read as follows:

B. Industrial Users who are not subject to a National Categorical
Pretreatment Standard or are not required to have pretreatment to
comply with state or federal requirements, but who discharge wastes or
waters exceeding the BOD and/or SS concentration as previously cited
may, upon approval by the Superintendent, discharge their wastewaters
without pretreatment for reduction of the BOD and/or SS if all of the
following requirements are met:

1. The wastes will not impair the sewage treatment process.
2. The waste will not cause the treatment plant to violate its NPDES
and/or State Disposal System Permit or the receiving stream water
quality standards.
3. The discharger of the wastes enters into a contractual agreement
with the City providing for payment of a surcharge to cover the
additional operation, maintenance, and replacement cost for
treating such higher-strength wastewaters.

SECTION 2 - That Section 6.02, subsection D of Ordinance No. 84-8
is hereby amended to read as follows:

D. Since the wastewaters from the existing Industrial Users are not
subject to National Categorical Pretreatment Standards; are not
required to have pretreatment to comply with state or federal
requirements; and since the City's wastewater treatment facility has
been designed to treat the high BOD in the wastewaters from the
existing Industrial Users within the City, the existing Industrial
Users are specifically exempted from having to install pretreatment
facilities for the reduction of BOD up to the BOD loading of such
industrial wastewaters used in the design of the wastewater treatment
facility. The BOD loading from the Industrial Users wastewater used in
the design of the City wastewater treatment facility are as follows:

<u>Industry</u>	<u>Flow</u> MGD	<u>BOD Loading</u>			
		<u>March 1-Nov. 30</u>		<u>Dec. 1-Feb. 28</u>	
		<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>lbs/day</u>
Allen Canning Company	0.44	1500	5500	1000	3700
Bryant Preserving Co.	0.03	3100	780	---	---

The existing Industrial Users will be subject to the pretreatment requirements included in this section for discharges of wastewater greater than the BOD loading in pounds per day used in the design of the wastewater treatment facility. The existing Industrial Users will be subject to payment of surcharges on concentrations of BOD and SS which exceed 250 mg/l.

SECTION 3 - That it is hereby determined and declared that an emergency exists by reason of the necessity of establishing reasonable controls over the disposal of waste and wastewaters within the City and with reference to the operation of the City's sewage treatment facilities and that the immediate effect of the provisions of this Ordinance is necessary to preserve the health, safety, and welfare of the inhabitants of the City so that it is hereby declared and determined that this Ordinance shall be in full force and effect as of the date of its adoption.

PASSED this 29th day of JANUARY, 1985.

APPROVED:

Mafoed N. Burns

Mayor

ATTEST:

Ronald A. Bennett

City Clerk

(SEAL)

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWERAGE WORKS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE

CITY OF ALMA, CRAWFORD COUNTY, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ALMA, ARKANSAS, AS FOLLOWS:

SECTION 1 - GENERAL PROVISIONS

1.01 PURPOSE AND POLICY

- A. This ordinance sets forth uniform requirements for direct and indirect contributors into the sewage collection and treatment system for the City of Alma and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).
- B. The objectives of this ordinance are:
 - 1. To regulate the use of public and private sewers and drains and private sewage disposal;
 - 2. To regulate the installation of public and private sewerage works and connections of building sewers to the City's sewerage works;
 - 3. To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - 4. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 5. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - 6. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Ordinance provides for the regulation of direct and indirect contributors to the public sewerage works through the issuance of permits to certain industrial users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the installation, operation, and maintenance of the public sewerage works.
- D. This ordinance shall apply to the City of Alma and to persons outside the City who are, by contract or agreement with the City, Users of the City sewerage works. Except as otherwise provided herein, the Director of Public Works of the City shall administer, implement, and enforce the provisions of this Ordinance.

1.02 Definitions

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

1. Administrator - The Administrator of the U.S. Environmental Protection Agency.
2. Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
3. Approval Authority - The Administrator of EPA or, at such time as the State of Arkansas becomes an NPDES State with an Approved State Pretreatment Program, the Director of the Arkansas Department of Pollution Control and Ecology.
4. Authorized Representative of Industrial User - An authorized representative of an Industrial User may be:
 - (a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
 - (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
5. BOD (Biochemical Oxygen Demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20° Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
6. Building Drain - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at the inner face of the building wall or structure.
7. Building Sewer - The extension from the building drain to the public sewer or other place of disposal.
8. CFR - The Code of Federal Regulations of the U.S. Government.
9. Categorical Standards - National Categorical Pretreatment Standards or Pretreatment Standard.
10. City - The City of Alma, Arkansas.
11. Cooling Water - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
12. Control Authority - The Director of Public Works or the Superintendent.
13. Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.
14. Domestic Sewage - Sewage normally discharged into the sanitary sewers from houses, apartments, hotels, office buildings, and institutions and that is free from industrial wastes and storm water runoff.
15. Environmental Protection Agency (EPA) - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized officials of said agency.

16. Garbage - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
17. Grab Sample - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
18. Holding Tank Waste - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
19. Industrial User - Either of the following users:
 - a. Any non-governmental, non-residential user of a public sewer system which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:
 - Division "A" - Agriculture, Forestry, and Fishing.
 - Division "B" - Mining
 - Division "D" - Manufacturing
 - Division "E" - Transportation, Communications, Electric, Gas, and Sanitary Services.
 - Division "I" - Services
 - b. Any non-governmental user of a public sewer system which discharges sewage to the system containing toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system; or to injure or to interfere with any sewage treatment process; or which constitutes a hazard to humans or animals; or creates a public nuisance; or creates any hazard in or has an adverse affect on the water receiving any discharge from the treatment system; or is regulated under Section 3.07(b) or (c) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the system).
20. Industrial Wastes - The sewage from Industrial Users.
21. Interference - The inhibition or disruption of the sewage treatment processes or operations which contribute to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the City.
22. Milligrams per Liter (mg/l) - The same as parts per million and is a weight-to-volume ratio. The mg/l value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
23. National Categorical Pretreatment Standard or Pretreatment Standard - Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
24. National Prohibitive Discharge Standard or Prohibitive Discharge Standard - Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

- National Pollution Discharge Elimination System or NPDES Permit - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
26. Natural Outlet - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
27. New Source - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standards is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
28. pH - The logarithm (Base 10) of the reciprocal of the hydrogen ion concentration in water or sewage, expressed in moles per liter, and is determined by one of the procedures outlined in "Standard Methods".
29. 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. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
30. Pollution - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
31. Pollutant - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
32. Pretreatment or Treatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sewer. The reduction of alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
33. Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
34. Publicly Owned Treatment Works (POTW) - A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the public sewage treatment plant, but does not include pipes, sewers or other conveyances not connected to the public sewage treatment plant. For the purposes of this ordinance, POTW shall also include any sewers that convey wastewaters to the public sewage treatment plant from persons outside the City who are, by contract or agreement with the City, users of the City's sewerage works.
35. POTW Treatment Plant - That portion of the public sewerage works designed to provide treatment to wastewater.
36. Public - All facilities controlled by the City.

37. Sanitary Sewer or Sewer - The pipe and other appurtenances which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
38. Sewage - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated. Sewage means the same as wastewater.
39. Sewage Treatment Plant - Any arrangement of devices and structures used for treating sewage.
40. Sewage Works - All facilities for collecting, pumping, treating, and disposing of sewage.
41. Shall is mandatory: May is permissive.
42. Significant Industrial User - Any Industrial User of the City's wastewater disposal system who:
 - (a) Has a discharge flow of 25,000 gallons or more per average work day, or
 - (b) Has a flow greater than 5% of the flow in the City's wastewater treatment system, or
 - (c) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Arkansas Statutes and Rules, or
 - (d) Is found by the City of Alma, the Arkansas Department of Pollution Control and Ecology, or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
43. Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
44. Standard Methods - The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for 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 Federation.
45. Storm Drain - A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
46. Storm Water - Any flow occurring during or following any form of natural precipitation and resulting runoff therefrom.
47. Superintendent - The Director of Public Works or other person designated by the City to supervise the operation of the public sewerage works and who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized representative.
48. Suspended Solids (SS) or Total Suspended Solids (TSS) - The quantity of solids that either float on the surface, or are in suspension in water, sewage, or other liquids and which are largely removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods".

- 49. Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- 50. User - Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
- 51. Wastewater - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 52. Waters of the State - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- 53. Watercourse - A channel in which a flow of water occurs, either continuously or intermittently.

B. The following abbreviations shall have the designated meanings:

- 1. BOD - Biochemical Oxygen Demand
- 2. CFR - Code of Federal Regulations
- 3. COD - Chemical Oxygen Demand
- 4. CWA - Clean Water Act
- 5. EPA - Environmental Protection Agency
- 6. l - Liter
- 7. mg - Milligrams
- 8. mg/l - Milligrams per Liter
- 9. NPDES - National Pollutant Discharge Elimination System
- 10. O&M - Operation and Maintenance
- 11. POTW - Publicly Owned Treatment Works
- 12. SIC - Standard Industrial Classification
- 13. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq
- 14. USC - United States Code
- 15. TSS - Total Suspended Solids

SECTION 2 - USE OF PUBLIC SEWER REQUIRED

2.01 GENERAL

- A. It shall be unlawful for any person to place, deposit, discharge, or permit to be placed, deposited or discharged in any unsanitary manner on public or private property within the City of Alma, Arkansas, or in any area under the jurisdiction of the City of Alma, Arkansas, any human or animal excrement, garbage, or other objectionable wastes.
- B. It shall be unlawful to discharge to any natural outlet within the City of Alma, Arkansas, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where a permit is obtained from the City and suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

2.02 CONNECTION TO PUBLIC SEWER

- A. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City of Alma, Arkansas, and where the property of such structure is located within 300 feet of a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities to such accessible public sewer.
- B. Where such property is not within 300 feet of a sanitary public sewer and the existing pit type toilet becomes a sanitary problem or nuisance or requires extensive repairs, it shall be closed and a private sewage disposal system as set forth in Section 3 shall be installed in accordance with Arkansas State Department of Health regulations.

2.03 FEES

Every person using the public sewer system of the City of Alma, Arkansas, shall pay the sewer charges as set forth by an Ordinance of the City.

SECTION 3 - PRIVATE SEWAGE DISPOSAL

3.01 GENERAL

- A. When a public sanitary sewer is not available under the provisions of Section 2.02, the building sewer shall be connected to a private sewage disposal system.
- B. The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the State Department of Health.
- C. 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 10,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- E. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

3.02 CONNECTION TO PUBLIC SEWER

When a public sewer becomes available as defined in Section 2.02 A, and the private sewage disposal system of such structure which was installed prior to the availability of such public sewer, functions improperly, the owner of such structure shall connect the building sewer to the public sewer pursuant to the provisions of Section 2.02 A and the private sewage disposal system shall be cleaned of sludge and filled with sand or other suitable material.

3.03 PERMITS, INSPECTION AND FEES

- A. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent.

- B. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.
- C. A permit and inspection fee shall be paid as set forth in Section 7.02.

SECTION 4 - BUILDING SEWERS AND CONNECTIONS

4.01 GENERAL

- A. All connections of building sewers, laterals, or other sewer lines to the public sewer system, whether within or without the City, shall be made subject to such terms and conditions as the City may prescribe in accordance with this Ordinance.
- B. 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 written permit from the Control Authority. A permit and inspection fee shall be paid as set forth in Section 7.02.
- C. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or agent shall make application on a special form furnished by the Control Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority.

4.02 BUILDING SEWERS

- A. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly be occasioned by the installation of the building sewer.
- B. A separate and independent building sewer shall be provided for every building except as follows:
 - 1. 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 "collector building sewer" provided that only one person is responsible for maintenance of the building sewer.
 - 2. 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 the same lot.
- C. Old building sewers, or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this Ordinance.
- D. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Alma and the State of Arkansas.

- E. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials specifications, except that no backfill shall be placed until the work has been inspected by the Superintendent.
- F. 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.
- G. The connection of the building sewer into the public sewer shall conform to the building and plumbing codes or other applicable rules and regulations of the City. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Control Authority before installation.
- H. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be accomplished under the supervision of the Superintendent.
- I. All excavations for building sewer installation shall be adequately guarded with barricades and light 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 Control Authority.

4.03 PUBLIC SEWERS

- A. If the public sewer is extended, or reconstructed, or a new public sewer system installed, the size, slope, alignment, and materials for construction of the public sewer shall be properly designed and constructed; and the methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, and construction of all appurtenant structures shall all conform to the requirements of the City's minimum sewer standards, and to the applicable rules and regulations of the State of Arkansas.
- B. Approval of the plans and specifications for the construction of a public sewer by the City and State Department of Health is required prior to the start of any construction.

SECTION 5 - DISCHARGE REGULATIONS

5.01 GREASE, OIL AND GRIT INTERCEPTORS

Suitable interceptors shall be installed when the Superintendent determines they are necessary for the removal of excessive amounts of grease, oils and grit from sewage before such sewage is discharged into any public sewer. All interceptors shall be of a type, construction, and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be installed and maintained continuously in efficient operation by the owner at his expense. Intercepted material shall be returned to the industrial process, be disposed of at a sanitary landfill, or in other approved manner accepted by the City and the Arkansas State Department of Health.

5.02 GENERAL DISCHARGE PROHIBITIONS

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer or appurtenances thereof, but such waters shall be discharged into such sewers as are specifically designated as storm sewers or into a natural drainage outlet. The discharge into any storm sewer or into a natural drainage outlet of any waters which may have a deleterious effect upon the receiving stream is prohibited.
- B. No person shall discharge or cause to be discharged into any public sanitary sewer any substances, material, water or waste which, by reason of their nature or quantity are or may be sufficient singly or by interaction with other substances, materials, water or wastes, is corrosive, irritating to human beings and animals, toxic, or noxious, or is capable of causing objectionable odors, hazard to life, limb, or property, creates a public nuisance, has a deleterious action on the sewerage works, adversely affects or interferes with the operation or performance of the sewage treatment process, adversely affects the receiving stream, or is included on the following list:
1. Any substance which will cause the POTW to violate: (a) its NPDES and/or State Disposal System Permit, (b) the receiving water quality standards, or (c) any statute, rule, regulation, or ordinance of any city, county, state, or Federal public agency.
 2. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 3. Any wastewater containing toxic pollutants which exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
 4. Any substance to cause a fire or explosion. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphta, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the City, the State, or EPA has notified the User is a fire hazard or a hazard to the system.
 5. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature that raises the wastewater temperature of the influent to the treatment plant to more than 40°C (104°F), and in no case any wastewater with a temperature in excess of 65°C (150°F) measured as it enters the public sewer.
 6. Any wastewater having a pH less than 5.5, or having a pH greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

7. Garbage that has not been sufficiently shredded (with particles larger than 1/2-inch in any dimension) so as to pass through the City sewer system without causing blockage or obstruction. The installation and operation of any garbage grinder equipped with a motor of 3/4-horsepower or greater shall be subject to the review and approval of the Superintendent.
8. Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° Fahrenheit and 150° Fahrenheit.
9. Any solid or viscous material which could cause an obstruction to the flow in the sewers or in any way interfere with the treatment process. Examples of such materials include, but are not limited to, ashes, grease, oil, gas, plastic, paraffin, cinders, sand, stone, marble dust, mud, straw, shavings, metal, wood, sawdust, paunch manure, feathers, hair, hides, fleshings, animal guts, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding or polishing compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, glass, rags, asphalt residues, wastepaper, tar, paper plates, paper cups, milk containers.
10. Septic tank sludge.
11. Concentrated dye wastes, vegetable tanning solution, or other wastes which are either highly colored or could become highly colored by reacting with other wastes and are not removed in the treatment process.
12. Any waters or wastes containing materials or substances not amenable to biological treatment and will therefore pass to the receiving waters without being affected by normal sewage treatment processes which could cause the treatment facility to not be able to meet the effluent requirements of Federal or State agencies having jurisdiction over discharge to the receiving water.
13. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state and federal regulations. The introduction of radioactive wastes into the public sewers shall be permitted only if a special written permit is obtained from the Superintendent 60 days prior to introducing such waters.
14. Any wastes containing phenols or other taste-producing substances in such concentrations as to produce odor or taste in the effluent so as to affect the taste and odor of the receiving waters.
15. Any wastes which are unusual in composition, i.e., are high in dissolved solids such as sodium chloride, calcium chloride, sodium sulfate, etc., contain substances conducive to creating tastes or odors in drinking water supplies or otherwise making such waters unpalatable after treatment.
16. Any pollutants, including chlorine and oxygen demanding pollutants, released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or concentration or quantities or pollutants that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities, or flow during normal operation.

Any wastes containing any of the following substances in solution or suspension in excess of the following concentrations:

MAXIMUM CONCENTRATIONS OF HEAVY METALS OR TOXIC MATERIALS

<u>Heavy Metal or Toxic Material</u>	<u>Limit Discharged by Industry (mg/l)</u>	<u>Limit Received at POTW (mg/l)</u>
Arsenic	0.05	0.05
Barium	5.0	5.00
Boron	1.0	1.00
Cadmium	1.2	0.02
Copper	4.5	0.20
Cyanide	0.8	0.05
Lead	0.6	0.10
Manganese	2.0	1.00
Mercury	0.005	0.005
Nickel	4.1	0.50
Selenium	0.02	0.02
Silver	0.1	0.10
Total Chromium	7.0	0.50
Zinc	4.2	0.50

If industry compliance with the above stated limits fails to maintain the concentration limits received at the POTW, then limits for industry may be further reduced to the extent necessary to prevent concentrations from exceeding the limits received at the POTW.

- C. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- D. When the Superintendent determines that a User is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall:
 - 1. Advise the User(s) of the impact of the contribution on the POTW.
 - 2. Develop effluent limitations for such User(s) to correct the interference with the POTW.
- E. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.01 of this Ordinance.

5.03 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

- A. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.
- B. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

5.04 STATE REQUIREMENTS AND LIMITATIONS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

5.05 ACCIDENTAL DISCHARGES

- A. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility.
- B. All existing Users which could potentially discharge any prohibited material shall complete such a plan within 90 days following the effective date of this Ordinance. No User, which could potentially discharge any prohibited material into the public sewer system, will be permitted to discharge any wastewater into the public sewer system after the effective date of this Ordinance until accidental discharge procedures have been approved by the City.
- C. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.
- D. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- E. Within 5 days following an accidental discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by the article or other applicable law.
- F. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 6 - INDUSTRIAL USERS

6.01 PERMITS

- A. No user shall discharge into the public sanitary sewer, without an approved Industrial User Sewer Permit, any wastes or waters having:
 1. A five-day B.O.D. greater than 250 mg/l or a Suspended Solids (SS) concentration greater than 250 mg/l.
 2. Substances prohibited from being discharged to the sanitary sewer system described in Section 5.
 3. Users that install pretreatment facilities to treat their industrial wastewaters prior to discharging to the City sewer system.

B. 1 industrial users proposing to connect to the City sewer system shall complete and file with the City a permit application on a form prescribed by the City. Existing industrial users shall complete and file a permit application within 90 days after the effective date of this Ordinance. The industrial user shall include on the application, in terms and units appropriate for evaluation, the following information:

1. Name, address, and location (if different from the address).
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
3. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.
4. Wastewater constituents and characteristics including but not limited to those mentioned in Section 5 of this Ordinance as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
5. Time and duration of contribution.
6. Average daily and 3-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
7. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the 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 for the User to meet applicable Pretreatment Standards.
9. 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
 - a. 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 User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment referred to in "paragraph a" shall exceed nine months.
 - c. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

10. Each product produced by type, amount, process or processes and rate of production.
 11. Type and amount of raw materials processed (average and maximum per day).
 12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 13. Plans, specifications, design calculations, or any other pertinent information as may be deemed necessary by the Superintendent to evaluate the permit application.
 14. A permit and inspection fee shall be paid as set forth in Section 7.02.
- C. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue an Industrial User Sewer Permit subject to terms and conditions provided herein.

An Industrial User Sewer Permit shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
2. Limits on the average and maximum wastewater constituents and characteristics.
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
4. Requirements for installation and maintenance of inspection and sampling facilities.
5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
6. Compliance schedules.
7. Requirements for submission of technical reports or discharge reports (Section 6.03).
8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
9. Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
10. Requirements for notification of slug discharges.
11. Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

- D. Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 5 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- E. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Industrial User Sewer Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial User Sewer Permit, the user shall apply for an Industrial User Sewer Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Industrial User Sewer Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs 8 and 9 of Section 6.01 B.
- F. Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

6.02 PRETREATMENT

- A. An Industrial User who discharges wastes or waters exceeding the BOD or suspended solids concentration (as set forth in Section 6.01A) or whose wastewater contains substances prohibited from being discharged to the sanitary sewer system (as described in Section 5), or who is subject to a Federal Categorical Pretreatment Standard, or who is required to have pretreatment to comply with state or federal requirements, shall provide, at his expense, such preliminary treatment or processing facilities as may be determined by the Superintendent necessary to render his wastes acceptable for admission to the public sanitary sewers.
- B. Industrial Users who are not subject to a National Categorical Pretreatment Standard or are not required to have pretreatment to comply with state or federal requirements, but who discharge wastes or waters exceeding the BOD concentration as previously cited may, upon approval by the Superintendent, discharge their wastewaters without pretreatment for reduction of the BOD if all of the following requirements are met:
 1. The wastes will not impair the sewage treatment process.
 2. The waste will not cause the treatment plant to violate its NPDES and/or State Disposal System Permit or the receiving stream water quality standards.
 3. The discharger of the wastes enters into a contractual agreement with the City providing for payment of a surcharge to cover the additional operation, maintenance, and replacement cost for treating such higher-strength wastewaters.

Amended by Ordinance 85-6

- C. If the industrial wastes are accepted into the City's sewer system without pretreatment as set forth in Section 6.02 B herein, the City reserves the right to require subsequent pretreatment of such industrial user's wastewater as set forth in Section 6.02 A if the City's sewage treatment facility is not able to treat the sewage to a level as required by the State or federal agencies having jurisdiction over the discharges to the receiving stream. Such pretreatment shall be required whether the inability of the treatment plant to treat the wastewaters to the required level of treatment is due to the characteristics of such industrial wastewater or is due to the increase in volume of flow associated with the growth in users discharging domestic sewage only subsequent to the acceptance of such industrial wastewater into the City's sewer system.
- D. Since the wastewaters from the existing Industrial Users are not subject to National Categorical Pretreatment Standards; are not required to have pretreatment to comply with state or federal requirements; and since the City's wastewater treatment facility has been designed to treat the high BOD in the wastewaters from the existing Industrial Users within the City, the existing Industrial Users are exempted from having to install pretreatment facilities for the reduction of BOD up to the BOD loading of such industrial wastewaters used in the design of the wastewater treatment facility. The BOD loading from the Industrial Users wastewater used in the design of the City wastewater treatment facility are as follows:

Industry	Flow MGD	BOD Loading			
		March 1-Nov. 30		Dec. 1-Feb. 28	
		mg/l	lbs/day	mg/l	lbs/day
Allen Canning Company	0.44	1500	5500	1000	3650
Bryant Preserving Co.	0.03	3100	780	400	100

The existing Industrial Users will be subject to the pretreatment requirements and payment of surcharges included in this section for discharges of wastewater greater than the BOD loading in pounds per day used in the design of the wastewater treatment facility.

- E. 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 the limitations in the concentrations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation in concentration developed by the City or State.
- F. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- G. The City shall annually publish in a newspaper having general circulation within the county, a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.
- H. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request subject to Section 6.07.

6.03 PRETREATMENT REPORTING REQUIREMENTS

- A. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.
- B. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standards or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Paragraph 6.03 A. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
- C. The Superintendent may impose mass limitations on users to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.
- D. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

6.04 MONITORING FACILITIES

- A. An Industrial User shall have installed and shall maintain at his own expense a suitable monitoring facility to allow inspection, sampling, and flow measurement of the building sewer.
- B. The monitoring facility should normally be situated on the Industrial User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

- C. There shall be ample room in or near such sampling manhole or facility allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- D. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

6.05 VOLUME CONTROL FACILITIES

Wastes which, in the opinion of the Superintendent, have an unusually high volume or are highly variable in flow shall be subject to flow equalization or other forms of regulation as deemed necessary by him, in order to limit the discharge into the sanitary sewer facilities to a level of flow that will not adversely affect the capacity of the sanitary sewer system or the quality of the effluent from the sewage treatment plant. A flow is considered to be highly variable in which the flow over a period of 15 minutes or longer exceeds the average daily flow rate by a factor of 5.

6.06 INSPECTION AND SAMPLING

The City shall inspect the facilities of any Industrial User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties. The City, Approval Authority, and, when the State of Arkansas is the Approval Authority, EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

6.07 CONFIDENTIAL INFORMATION

- A. Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User.
- B. When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a 10-day notification is given to the user.

SECTION 7 - SEWER USER CHAP

7.01 GENERAL

The City shall adopt an Ordinance for the collection of fees from the various users of the City's sewerage works which will insure that sufficient revenues are collected to offset the operation, maintenance and replacement costs of the sewage collection and treatment system and to insure that each user will pay their proportionate share of such costs.

7.02 PERMIT, INSPECTION AND CONNECTION FEES

- A. Each sewer user wishing to construct a building sewer, public sewer, private sewage disposal system, industrial wastewater pretreatment, and/or other sewerage facility shall pay a permit, inspection, and connection fee to the City in the amount(s) as set forth by an Ordinance of the City.
- B. The permit fee shall be paid at the time the permit application is filed and is for processing of the permit application and review of any design, plans, and specifications as may be submitted.
- C. The inspection fee is also to be paid at the time the permit application is filed and is for inspecting the construction work. If the commencement of the construction is expected to be later than 6 months from the date the application is filed, the Superintendent may defer payment of the inspection fee until just prior to commencement of construction.

7.03 SEWER USER CHARGES

The Ordinance will incorporate a system of sewer user charges to be levied that will include the following areas:

- A. A monthly customer service charge to cover the cost of meter reading, billing, collection and general administrative expenses.
- B. A unit sewer usage charge based on the quantity of wastewater discharged to the sewage collection system to pay for the operation, maintenance and replacement costs of the sewerage works.
 - 1. The quantity of water consumed as indicated by the customer's water meter will be assumed to be equal to the quantity of wastewater discharged to the sewage collection system, unless a sewer user installs and maintains a control structure for the measurement of the quantity of wastewater discharged which is acceptable to the Superintendent.
- C. A surcharge for industrial users that discharge wastewaters having a BOD concentration above 250 mg/l and a Suspended Solids concentration above 250 mg/l to cover the operation, maintenance, and replacement cost for treating such higher strength wastewaters.
- D. For each Industrial User included in a pretreatment program as set forth in Section 6, such fees and charges may include:
 - 1. Cost reimbursement for setting up and operating the City's Pretreatment Program.
 - 2. Monitoring, inspections, and surveillance procedures.
 - 3. Reviewing accidental discharge procedures and construction.
 - 4. Permit applications.
 - 5. Filing appeals.

Consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards.

7. Other fees as the City may deem necessary to carry out the requirements of the Pretreatment Program.
- E. The operation and maintenance cost associated with all flows not directly attributable to sewer users (such as infiltration and inflow) will be distributed among all sewer users on the same basis as operation and maintenance charges.

SECTION 8 - ENFORCEMENT

8.01 VIOLATIONS

- A. Any person found to be violating any provision of this Ordinance or its Sewer Use Permit shall be notified in writing by the Superintendent stating the nature of the violation and providing 30 days or other reasonable time limit for correction thereof. Such person shall permanently cease all violations within the time stated in the notice, and shall certify to the Superintendent that the corrections have been accomplished.
- B. If the correction of such violation is expected to take longer than 30 days, a plan for the satisfactory correction thereof, including dates, shall be submitted to the City by the user.
- C. In cases of repeated violation, the Superintendent may revoke the permit for discharge of wastes into the sewer system, and effect the discontinuation of water or sewer service, or both.

8.02 HARMFUL CONTRIBUTIONS

- A. The City may immediately suspend the wastewater collection service to a user when, in the opinion of the Superintendent, such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or to cause interference to the POTW or cause the City to violate any condition of its NPDES permit.
- B. Any person notified of an immediate suspension of the wastewater collection service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, discontinuance of water service or other measures to prevent or minimize damage to persons or the environment.
- C. Any person who is subject to an immediate suspension is also subject to a revocation of its sewer use permit.
- D. The City shall reinstate the wastewater collection, potable water service and/or sewer use permit upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

8.03 REVOCATION OF PERMIT

- A. Any user who violates any of the following conditions of this Ordinance or applicable state and federal regulations is subject to having his sewer use permit revoked, in accordance with the procedures set forth in Section 8.04.
1. Failure of an Industrial User to factually report the wastewater constituents and characteristics of his discharge.
 2. Failure of an Industrial User to report significant changes in operations, or wastewater constituents and characteristics.
 3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
 4. Violation of this Ordinance or conditions of the Sewer Use Permit.

8.04 SHOW CAUSE HEARING

- A. The City may order any user who causes or allows an unauthorized discharge to enter the public sewer system to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The City Council may, itself, conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:
1. Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 2. Take the evidence.
 3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- C. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

8.05 UNLAWFUL ENTRY

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.

8.06 LEGAL ACTION

If any person discharges wastewater or other substances into the City's sewer system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Crawford County, Arkansas.

8.07 POWER AND AUTHORITY OF INSPECTORS

The Superintendent, Building Inspector, and other duly authorized employees of the City bearing proper identification shall be permitted to enter upon all properties for the purpose of inspections, observations, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

SECTION 9 - PENALTIES

9.01 CIVIL PENALTIES

- A. Any user who is found to have violated an Order of the City Council, or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
- B. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or other orders, rules, regulations, and permits issued hereunder.

9.02 FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or Sewer Use Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both.

SECTION 10 - SPECIAL PROVISIONS

10.01 SEVERANCE

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

10.02 CONFLICT

Ordinance No. 236 is hereby repealed. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

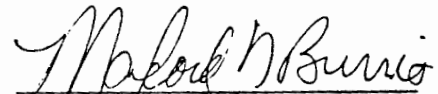
10.03 EMERGENCY CLAUSE

It is hereby determined and declared that an emergency exists by reason of the necessity of establishing reasonable controls over the disposal of waste and wastewaters within the City and with reference to the operation of the City's sewage treatment facilities and that the immediate effect of the provisions of this ordinance is necessary to preserve the health, safety, and welfare of the inhabitants of the City so that it is hereby declared and determined that this ordinance shall be in full force and effect as of the date of its adoption.

PASSED AND ADOPTED by the City Council of Alma, Arkansas, this 14th day of AUGUST, 1984.

Ayes 5

Nays 0



Manford N. Burris, Mayor
City of Alma, Arkansas

ATTEST:



Ronald A. Bennett
City Clerk

(SEAL)