SEARCY WATER AND SEWER SYSTEM

300 NORTH ELM STREET

P.O. BOX 1319

SEARCY, ARKANSAS

72145-1319

DANIEL K. DAWSON, MANAGER

May 13, 2011

FedEx Airbill No. 8560 7834 4867

Rufus Torrence
ADEQ
5301 Northshore Dr.
North Little Rock, AR 72118-5317

Re: Pretreatment Program Modification
NPDES Permit No. AR0021601, AFIN 73-00055

Rufus:

Per your request, I am sending you a copy of our full pretreatment program, including all appendices. It is enclosed.

Please let me know if there is additional information that you require. We look forward to receiving your letter of approval of this modification request.

Sincerely,

SEARCY BOARD OF PUBLIC UTILITIES

Daniel K. Dawson
General Manager

Enclosures

INDUSTRIAL WASTEWATER PRETREATMENT

PROGRAM FOR THE

SEARCY BOARD OF PUBLIC UTILITIES

Searcy, Arkansas

February, 2011

Table of Contents

1.0 INTRODUCTION 3

2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS 3

3.0 EXISTING WASTEWATER TREATMENT FACILITIES 5

4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION 6

5.0 INDUSTRIAL USERS SURVEY 6

6.0 TECHNICAL INFORMATION 7

7.0 SLUG CONTROL EVALUATION 8

8.0 BEST MANAGEMENT PRACTICES (BMP) 8

9.0 LEGAL AUTHORITY AND PROPOSED AUTHORITY 8

10.0 SPECIFIC LIMITATIONS FOR DISCHARGE 9

11.0 ORGANIZATION AND STAFFING 15

12.0 PRETREATMENT MONITORING AND REPORTING 19

13.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST 25

14.0 PRETREATMENT PROGRAM IMPLEMENTATION 26

15.0 CONFIDENTIAL INFORMATION 26

TABLE OF APPENDICES

Appendix A ---------- Staffing Diagram
Appendix B ----------Industrial User's Survey Information
Appendix C ---------- POTW Sampling Results
Appendix D ---------- Attorney's Letter
Appendix E ---------- Pretreatment Ordinances
Appendix F ---------- Local Limits Criteria
Appendix G ---------- List of Monitoring Equipment
Appendix H ---------- Chain of Custody
Appendix J ---------- Pertinent Federal Regulations
Appendix K ---------- Financial Information
Appendix L ---------- Pretreatment Annual Report
Appendix M ---------- Industrial Inspection Report Form
Appendix N ---------- Enforcement Response Plan
Appendix 0 ---------- Resolution of Support
Appendix P ---------- EPA and ADEQ Guidance

1.0 INTRODUCTION

The Federal Water Pollution Control Act (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 95-217) established responsibilities of Federal, State, and local governments, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTW's) or which may contaminate sewage sludge.

General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403) were promulgated by the U.S. Environmental Protection Agency (EPA) on June 26, 1978 and have been amended. The basic objectives of the Pretreatment Program were defined as follows:

1. Prevent the introduction of pollutants into a POTW which will interfere with the treatment operations and the use or disposal of digested sludge.
2. Prevent the introduction of pollutants into a POTW which would pass through untreated and remain in unacceptably high concentrations in the plant effluent.
3. Improve the feasibility of recycling and reclaiming the industrial wastewaters and sludges.
4. Enforce applicable EPA Categorical Standards.
5. Generally, to reduce the health and environmental risk of pollution caused by discharges to POTW's.

The Pretreatment Regulations (40 CFR, Part 403) require any POTW with a total design flow of greater than 5 million gallons per day (MGD) and receiving from Industrial Users pollutants which could pass through or interfere with the operation of the POTW, or are otherwise subject to Categorical Pretreatment Standards, to establish a POTW Pretreatment Program. The Regional Administrator or Director may require a POTW with a design flow of 5 MGD or less to develop a Pretreatment Program if he or she finds that the nature or volume of the industrial effluent causes: treatment plant upsets, violations of POTW effluent limitations, contamination of municipal sludge, or passes through untreated.

The EPA has deemed that the City of Searcy must develop a Pretreatment Program under the direction of its Board of Public Utilities. This document outlines various Pretreatment Program requirements and serves as an instrument to develop, implement and carry on an Industrial Pretreatment Program for the Searcy Board of Public Utilities.

2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS

The EPA has defined five (5) essential components of any pretreatment program. They are:

1. Technical Information Support
2. Legal Authority
3. Program Implementation
4. Staffing and Organization
5. Funding

The following paragraphs provide a summary of the regulatory requirements of each of these five components.

2.1 Technical Information Support

This component of a Pretreatment Program requires a POTW to adequately identify the pollutants entering its systems from its Industrial Users. This information is normally obtained by conducting an Industrial Waste Survey. From the results of the survey, types of pollutants can be identified and appropriate sampling and analysis can then be conducted in order to quantify and qualify the volume and type of pollutants being discharged into the POTW system. The technical information component provides the necessary background to determine the extent and magnitude of the Pretreatment Program.

2.2 Legal Authority

One of the most significant components of a Pretreatment Program is the provision of adequate legal authority to develop, administer, and enforce the program. At a minimum, the POTW should have the legal authority to perform the following functions:

1. Deny or condition new or increased contributions.
2. Require compliance with applicable Pretreatment Standards.
3. Control industrial discharges to the POTW to insure compliance.
4. Require development of compliance schedules for installation of technology.
5. Require submission of notices and self-monitoring reports.
6. Carry out inspections, surveillance, and monitoring reports.
7. Obtain remedies for noncompliance.
8. Authority to immediately and effectively halt or prevent any discharge.

A required part of any Pretreatment Program is a letter from the utility's attorney. The attorney's letter should specifically refer to the basic statutory authority for the Pretreatment Program, and summarize a review of the city's existing ordinances and whether the POTW (i.e. Searcy Board of Public Utilities) has the necessary authority to implement a Pretreatment Program.

2.3 Program Implementation

The success of a local Pretreatment Program largely depends upon the existence of procedures which are well thought out and easy to follow. A POTW Pretreatment Program should be flexible enough to allow adjustments to day-to-day operating situations. At a minimum, a Pretreatment Program should provide procedures that will enable the POTW to:

1. Identify and locate industrial users subject to discharge controls.
2. Identify the character and volume of pollutants discharged to the POTW system.
3. Notify industrial users of applicable standards and requirements.
4. Receive and analyze self-monitoring reports and other notices from industrial users subject to National Categorical Standards
5. Randomly sample and analyze industrial effluents and conduct surveillance and inspection to identify noncompliance.
6. Investigate instances of noncompliance.
7. Provide for public participation and publish annually in the largest local newspaper a list of industrial users that were significantly not in compliance with pretreatment standards that year.

2.4 Staffing and Organization

The POTW must have sufficient qualified personnel to carry out the authorities and procedures required by a Pretreatment Program. The Program includes a description of the POTW organization that will administer the Program, including organization charts.

2.5 Funding

Pretreatment Program regulatory requirements simply specify that the POTW have sufficient resources to carry out the responsibilities and procedures required in the Program. A description of the POTW's funding levels is part of this document.

3.0 EXISTING WASTEWATER TREATMENT FACILITIES

The Searcy Board of Public Utilities currently operates a wastewater treatment facility (i.e. POTW) north of the city. The 2010 census population of Searcy was 22,858. Approximately 80% of the population is currently served by the existing collection system.

At the time when this program was initially submitted for approval in 1984, the utility operated a treatment facility consisting of 3 oxidation ponds having a total combined surface

area of about 100 acres. The lagoons had been built in the mid 1960's and were severely overloaded by the time a new facility was under construction.

Since program approval in 1984, a new 5.0 million gallon per day (MGD) treatment plant has been constructed and put into operation. This new facility was upgraded and retrofitted in 1994. The Searcy Wastewater Treatment Facility now consists of bar screening, grit removal, flow measurement, primary clarification, conventional activated sludge, secondary clarification, flow measurement, disinfection, and dechlorination. The secondary sludge produced from this process is facultatively digested and stored in lagoons on site, while the primary sludge is dewatered and disposed of at a composting facility. A flow equalization basin is also incorporated into this facility, and discharge from final treatment is to the Little Red River. Operations first began on February 26, 1986, and the plant has consistently met its NPDES permit since that time, except for periods of construction and start-up of the new facilities that were built in 1994.

The industrial contributory flow to the Searcy POTW is 0.197 MGD. This translated to 5.6% of last year's average treatment plant flow.

4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION

The Water and Sewer System for Searcy is owned and operated by the Searcy Board of Public Utilities. The operation of the utilities is under the direct control of the Searcy Board of Public Utilities. The Searcy City Council must approve Board appointments and rate increases proposed by the Utility Board. The current organization of the Utility is as shown on the staffing diagram located in Appendix A.

The General Manager of the utilities is responsible for all day to day administrative and management functions including all operation and maintenance responsibilities. Overall goals and objectives of the utilities are established by the Board of Public Utilities with assistance from the Board's attorney and consulting engineer. The maintenance of the water distribution and wastewater collection system is performed by the foreman of maintenance and his crew. Wastewater laboratory analyses are performed in-house at the Wastewater Treatment Plant. All billings are done through the office manager and his/her staff. Both water and sewer fees are billed to residential, commercial and industrial customers based upon monthly water consumption volumes.

5.0 INDUSTRIAL USERS SURVEY

In July of 1981, a questionnaire was sent to the industries of Searcy. In October of 1984, an update questionnaire was sent to those industries which either exhibited incomplete, or no information at all. It was also sent to the industries that had moved to Searcy since the July 1981 submittals.

Since the program was implemented in 1985, periodic updates of the vital information from each significant industrial user (SIU) have been received. The format of this update is given in Appendix B. The current

list of SIU's regulated under Searcy's industrial pretreatment program is given in Appendix B, Table 5. This list, as updated annually, will be included with the annual POTW Pretreatment Report, as required under 40 CFR 403.12(i).

Prior to allowing any discharge into the POTW by a user outside the city's legal jurisdiction, the utility shall require proof that discharges to be treated will not contain hazardous materials that would be regulated under the Resource Conservation and Recovery Act (RCRA), heavy metals, or toxic organic materials. The utility shall notify potential users of any applicable requirements under subtitles C and D of RCRA. Currently the only users outside the utility's legal jurisdiction are generators of liquid waste whose wastewater is brought to the POTW via permitted waste haulers. Additionally, the utility shall be able to subject the potential user to all provisions of the Pretreatment Ordinance and User Charge Ordinance.

Since the population of industries is a dynamic, rather than static, factor, a system of periodically updating the industrial users survey will be necessary. Updating is accomplished by review of water service installation records, participation in the Searcy Chamber of Commerce, review of new telephone directories, watching the local daily newspaper for articles in regard to industrial activity, and site review of the industrial areas for visual evidence of additions to the industrial population. New industry will be subject to permit application procedures as outlined in the Pretreatment Ordinance, and existing industry must update its information annually. Submission of monitoring analysis by some industries may fulfill this updating requirement, but if not, an updated questionnaire and plant inspection will be required.

The Pretreatment Ordinance shall require any indirect discharger to the POTW to comply with the reporting requirements of Sections 204 (b), 307, and 308 of the Clean Water Act of 1977, including any requirements established under 40 CFR 403.

6.0 TECHNICAL INFORMATION

When the pretreatment program was initially conceived, the utility had to determine the extent to which prohibited pollutants were being discharged to the Utility's treatment facility. Twenty-four hour composite influent samples were collected July 9 and 10, 1981 at the head of the existing treatment facility. The sample results indicated that the quality of wastewater entering the treatment facility at that time did not contain any grossly excessive concentrations of pollutants. Only one pollutant, lead, exceeded the specific limits established in Section 8 of the 1984 program submittal. Results of the latest priority pollutant scan conducted at the Searcy WWTP are also in Appendix C. After the construction and start-up of the new treatment facility was completed, a more comprehensive approach to influent and effluent monitoring was taken. 24-hour composite samples are taken several times per week and analyzed for BOD5 and TSS. Other parameters are analyzed throughout the plant for process control.

The Utility conducts an annual scan for the priority pollutants in the plant influent, effluent, and sludge. The source(s) of the pollutants will be determined if present in the scans. All sludge will be maintained on site and it is analyzed annually and disposed of in accordance with 40 CFR 503. The monitoring program outlined in this section and also other sections of this document is necessary to provide adequate protection to the new facility.

7.0 SLUG CONTROL EVALUATION

All Significant Industrial Users (SIU) are required to be evaluated for the need to implement a Slug Control Plan. All existing SIUs were evaluated prior to October 14, 2006 and are continuously evaluated during their annual inspection by the utility. Any new SIUs will be evaluated within one year of their date of being designated as an SIU.

Furthermore, SIUs are required to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a Slug Control Plan, or other actions to prevent such discharges.

Legal authority for these requirements is found in City of Searcy Ordinance 2011-9, Section 28-28-3, Section 28-30-2 (A)(7), and Section 28-31-6 (C).

8.0 BEST MANAGEMENT PRACTICES (BMP)

SIUs that are subject to BMP-based categorical Pretreatment Standards will be required in their individual permits to maintain and submit to the POTW adequate documentation of their compliance with the BMP-based standard. Some SIUs will be required to maintain compliance with a BMP in lieu of numerical limits, or may be required to maintain compliance in addition to having numerical limits. In either case, the SIU's individual permit will dictate what is required. Legal authority for these requirements is found in City of Searcy Ordinance 2011-9, Section 28-27-4 (C).

9.0 LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR IMPLEMENTATION OF PRETREATMENT PROGRAM

An evaluation of the legal authority required by the City of Searcy and the Board of Public Utilities to enact, implement, operate and enforce a pretreatment program was conducted by the Board of Public Utilities' attorney. A letter from the Board's attorney addressing these various aspects is contained in Appendix D. Included in Appendix E are applicable City ordinances relating to the City's wastewater treatment and sewer system.

The opinions drawn from the legal authority review by the Board's attorney, are summarized as follows:

> The Searcy Board of Public Utilities does have all of the necessary legal authority and powers as set forth in Section 403.8(f) of the General Pretreatment Regulations for Existing and New Sources of Pollution. The Arkansas Legislature has vested the authority in the cities of the State to construct, operate, and maintain their sewer systems, delegating the requisite authority to

establish a pretreatment program as required by the above referenced section of the General Pretreatment Regulations.

The manner in which the Utility will implement the pretreatment program requirements and enforce them are set forth in the ordinances and their amendments.

10.0 SPECIFIC LIMITATIONS FOR DISCHARGE OF PROHIBITED POLLUTANTS

National Pretreatment Standards for Prohibited Discharges are specified in 40 CFR 403.5. These general standards specify that pollutants discharged into POTW's by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the POTW nor cause pass-through. These general and specific prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State or local pretreatment requirements. The following are classified as specific prohibitions and may not be introduced into a POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (sixty degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 and pollutants which cause an exceedence of 10% of the lower explosive limit (LEL) at any point in the POTW;
2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or greater than 11.0 standard units;
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interferences with the operation of the POTW;
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees C. (104 degrees F.);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute workers health and safety problems; and,
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

The establishment of specific limits for prohibition may be required of the POTW by the State or EPA and may be incorporated in the NPDES Permit issued to the POTW.

The National Categorical Standards being developed by EPA also specify quantities or concentrations of pollutants which may be discharged to a POTW by existing or new Industrial Users in specific industrial categories and subcategories. The Pretreatment Coordinator will keep updated with all existing newly promulgated standards and information concerning newly issued National Categorical Standards or Revisions to Existing Standards by review of the Federal Register, review of government regulatory literature, and annual participation in regional and state pretreatment seminars. The Pretreatment Coordinator will notify all users subject to existing or newly issued or revised standards.

In accordance with 40 CFR 403.12(b), all existing industries subject to newly promulgated categorical standards will be informed of their responsibility to submit Baseline Monitoring Reports, as well as other monitoring requirements per Section 28-31 of the Pretreatment Ordinance. While the utility is responsible for this notification and administrative process, failure of the utility to do so does not remove the industry's responsibility to submit all the proper information at the proper time.

Industries will be notified in writing of any change in State and/or Local limitations that affects the monitoring and permit conditions. Also, those users not required to have permits will be notified of these changes affecting them.

The pretreatment program establishes specific limits on pollutants that may interfere with or inhibit the treatment process by limiting the loading of various pollutants at the influent to the POTW.

The following specific limits are established for the influent of the wastewater treatment plant, based upon last year's average POTW flow of 3.53 MGD:

Pollutant	Maximum Allowable Headworks Loading (Lbs/day)	Concentration (ug/L)
Arsenic	0.543	18.5
Cadmium	0.578	19.7
Chromium	11.927	406.3
Copper	3.829	130.4
Cyanide	3.289	112.0
Lead	1.221	41.6
Mercury	0.006	0.20
Molybdenum	0.489	16.7
Nickel	3.260	111.0
Selenium	0.652	22.2
Silver	0.421	14.3
Zinc	10.208	347.7

To ensure that these limits are not exceeded, any Industrial Users discharging or who has the potential to discharge wastewater containing the above pollutants may be assigned specific limits by the Board of Public Utilities. Industrial users that have a variable discharge or batch discharge may be assigned appropriate discharge limitations to ensure acceptable wastewater treatment plant effluent characteristics. This assignment of limitations will be accomplished through the use of issuing discharge permits to applicable significant industrial users. Conditions in the permit will be in accordance with Pretreatment Ordinance Section 28-30-2.

The specific limits noted above reflect the more conservative and stringent approach available in protecting the water quality of the Little Red River and the treatment processes of the Searcy POTW. Several different sets of values were considered in an effort to arrive at defensible technically-based local limits. Three main criteria were addressed. They are:

1. Actual Stream Quality Data
2. Actual POTW Inhibitory Affect Data
3. Sludge Disposal Option Inhibitory Data

For each parameter listed above, an allowable headworks loading (AHL) was calculated using each criteria. The most stringent, and thus most protective, headworks loading was adopted as the Maximum Allowable Headworks Loading for the Searcy POTW influent. A summary of the data considered, the references for the data, and the formulas for each type of calculation is given in Appendix F.

This pretreatment program, in its initial implementation, used maximum concentration levels based upon the old A.D.E.Q. Guideline values as applied to the influent. Maximum loadings were then calculated from these values directly and apportioned out to each I.U.

As noted in Section 6 (Technical Information) the sampling and analysis for priority pollutants revealed that lead was the only pollutant entering the treatment facility in 1981 that was exceeding the established maximum concentration limit of 0.10 mg/1. The lead concentration to the treatment facility during the July 9th and 10th, 1981, sampling was measured to be 0.198 mg/1. Actually, from a review of all metals analysis data since the new facility became operational, this 0.198 mg/L result appears to be the exception rather than the rule. Influent and effluent concentrations of these parameters are generally so low that any inhibitory affect caused by them would be difficult, if not impossible, to detect. To continue to adequately protect the POTW and the environment of the receiving stream, influent loadings must be kept at or below the above levels.

The specific methodology used to set each industry's limits for the above pollutants is known as "Concentration Limits Based on Industrial Contributory Flow," and is described on page 3-34 of the Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA, December 1987. Based on average flow, the maximum quantity of each pollutant that can be discharged by all industries on a daily basis are listed below. The quantities have been reduced by 10% to allow for Safety Factor, and an amount equal to the loading contributed by uncontrollable background sources. Actual domestic metals analyses have shown little or no metals present as seen in the tables of Appendix F, but a loading was calculated and used, nonetheless. The table below shows the amount of each parameter allocated to Safety Factor, Domestic/Background Load, and Industrial Load. The quantities below will be adjusted every 3 years and are based on actual average flow influent data. All the following values are in Lbs/day.

Example: POTW average flow = 3.53 MGD

Pollutant	Safety Factor	Domestic/ Background	Maximum Industrial Discharge
Arsenic	0.0543	0.01	0.479
Cadmium	0.0578	0.18	0.340
Chromium	1.1927	0.09	10.644
Copper	0.3829	0.18	3.266
Cyanide	0.3289	0.13	2.830
Lead	0.1221	0.25	0.849
Mercury	0.0006	0.00	0.005
Nickel	0.3260	0.25	2.684
Selenium	0.0652	0.03	0.557
Silver	0.0421	0.09	0.289
Zinc	1.0208	2.59	6.597
Molybdenum	0.0489	0.00	0.440

Allocation of this Maximum Industrial Discharge loading will be in accordance with the allocation formula noted on page 3-32 of the above referenced USEPA Implementation manual.

Before allocating the Maximum IU Load to the industries using the chosen allocation method, an evaluation of the current POTW influent metals concentrations was made and compared to these maximum allowable influent concentrations. The last 4 quarterly influent metals analyses were averaged in an effort to find out the "normal" influent metals concentration. This evaluation, which is detailed in Appendix F and summarized on the next page, is also compared to the maximum influent concentration numbers from earlier in this section.

For reference, the last 4 quarterly influent metals analyses are noted in the copy of the latest annual report in Appendix L.

Pollutant	Concentration (uq/L)	
	Maximum Allowable	Average Influent
Arsenic	18.5	ND
Cadmium	19.7	0.96
Chromium	406.3	ND
Copper	130.4	20.6
Cyanide	112.0	ND
Lead	41.6	2.65
Mercury	0.20	0.0385
Nickel	111.0	5.85
Selenium	22.2	ND
Silver	14.3	2.13
Zinc	347.7	69.25
Molybdenum	16.7	ND

ND = not detected

It is clear to see that the current influent concentration, on the average, is significantly lower than the maximum allowable concentrations.

Given this analysis and evaluation, it is logical and reasonable to determine that the Utility's existing IU controls are adequate for protection of the required criteria. Still, using the appropriate allocation formula from the EPA guidance manual, technically-based local limits were calculated using the Maximum Allowable Industrial Loading and flows from IUs known to contribute concentrations of these parameters above background levels. Details of this calculation are in Appendix F.

Some parameters are consistently ND in the influent to the POTW and so no local limit was calculated for these parameters (Arsenic, Selenium, Chromium and Molybdenum). For other parameters, such as Silver, Mercury and Cyanide, there are no IUs contributing these pollutants except below background levels, so again, no local limits were calculated for these parameters, either. For those parameters that remain, the following local limits were calculated in 2011:

Pollutant	Local Limit, mq/L
Cadmium	9.95
Copper	33.81
Lead	11.32
Nickel	27.78
Zinc	305.42

The local limits for Copper, Nickel and Zinc are so high in this evaluation so as to render them useless as a compliance tool. The others, however, are lower and will be applied to the discharges of the appropriate contributory IUs in their next round of permits.

When the pretreatment program was originally implemented in 1984, the metals loading allocation was made and then recalculated annually. As stated before, this will now be done every 3 years based on the previous years IU and POTW flow data, if in the future it is determined that Local Limits must be reallocated. Allocations and local limits are issued to metals discharging industries in their individual Wastewater Contribution Permits. Any new user or change in existing user contributions will be evaluated at the time of the permit application or permit revision. The addition of a new user or significant change in existing user contributions may result in a revision of all user permits limiting the discharge of a particular pollutant.

The Utility reserves the right to make appropriate adjustments to the allocated quantity due to improper dilution of industrial discharges. Refer to Section 28-27-6, Dilution, of the Pretreatment Ordinance.

In addition to the regular sewer user rates in effect, the following charges shall be imposed on all Significant Industrial Users. Refer to Appendix E for the User Charge Ordinance.

Biochemical Oxygen Demand

There shall be a surcharge of $0.05 per pound for discharge with concentrations of BOD5 in excess of 225 mg/l to be computed by use of the following formula:

$$SB = \frac{(V)(1000)(8.33)}{1,000,000}(CB - 225)\ (0.05)$$

Where:
SB = Surcharge for BOD5 in excess of 225 mg/l
V = Volume in 1000 gallons per month
CB = Concentration of BOD5 in mg/l
BOD5 (Biochemical Oxygen Demand) is defined as:
The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 deg. centigrade expressed in terms of weight and concentration - milligrams per liter (mg/l).

Total Suspended Solids

There shall be a surcharge of $0.054 per pound for discharge with concentrations of Total Suspended Solids (TSS) in excess of 225 mg/1 to be computed by use of the following formula:

$$STS = \frac{V\ (1000)\ (8.33)}{1{,}000{,}000}\ (CTS - 225)\ (0.054)$$

Where:

STS = Surcharge for TSS in excess of 225 mg/1
V = Volume in 1000 gallons per month
CTS = Concentration of TSS in mg/1

Oil and Grease

There shall be a surcharge of $0.01 per pound for discharge with concentrations of oil and grease (0 & G) excess of 100 mg/1 to be computed by use of the following formula:

$$SO\&G = \frac{(V)\ (1000)\ (8.33)}{1{,}000{,}000}\ (CO\&G - 100)\ (0.01)$$

Where:

SO&G = Surcharge for oil and grease in excess of 100 mg/1
V = Volume in 1000 gallons per month
CO&G = Concentrations of oil and grease in mg/1

Surcharges for the above mentioned pollutants shall be computed separately. In the event of discharge containing more than one type of these pollutants, there shall be a separate surcharge imposed for each pollutant. There shall be no credit or reduction of surcharges for a specific pollutant because of lower concentrations of other pollutants.

11.0 ORGANIZATION AND STAFFING

The Pretreatment Coordinator will have the day to day responsibility of implementation and carrying out the pretreatment program.

The Utility operates its pretreatment program by sharing various program tasks among its existing staff (refer to the Searcy Board of Public Utilities Staffing Diagram located in Appendix A of this document). As stated above, the

Pretreatment Coordinator is responsible for the day to day operation of the program and serves as the initial reviewer of permit applications with some periodic assistance from the consulting engineer. However, the General Manager of the Utility is to be the final reviewer and the permits will be issued under his signature. The Pretreatment Coordinator is responsible for establishing the monitoring schedule along with records and filing procedures. The Coordinator will also be responsible for review of compliance reports and initiating noncompliance actions against any industry not complying with its particular permit. The final decision of enforcement is the decision of the General Manager with the concurrence of the Utility Board. The Pretreatment Coordinator will have the management staff of the Wastewater Treatment Plant and the operators and additional maintenance staff available to assist in the monitoring and implementation program, along with office employees for clerical support.

The Board of Public Utilities currently has agreements with the Board's consulting engineer and attorney to assist in implementing and enforcing the pretreatment program. A wastewater laboratory is available as part of the wastewater treatment plant operations.

The responsibilities of the pretreatment program are proposed to be distributed as follows:

Searcy Board of Public Utilities

1. Set overall goals and objectives.
2. Provide support both financially and legislatively.

General Manager

1. Implement objectives and goals of the Board.
2. Provide appropriate staffing, budget, and administrative support for implementation and operation of the program.
3. Final review and issuance of permits to industrial users.

Pretreatment Coordinator

1. Day to day responsibility of implementing and carrying out the pretreatment program.
2. Receive and review discharge permit applications.
3. Develop necessary permit conditions and compliance schedules.
4. Develop discharge permits for issuance by Utility Manager.
5. Review, develop and maintain permits, monitoring report records and filing procedures.
6. Reporting and documentation of instances of noncompliance.

7. Initiate noncompliance actions against any industry not complying with its particular permit.
8. Provide assistance to General Manager on all administrative matters concerning the pretreatment program.
9. Provide assistance to the Consulting Engineer and Attorney and serve as primary contact on all matters requiring technical and legal assistance.
10. Publish yearly public notice in the local newspaper.
11. Keep updated on newly promulgated Federal and State standards and requirements. Identify to whom they apply and notify those industries of the conditions which are applicable.

Office Manager

1. Assist and maintain all files and records of all permits, monitoring reports, and documentation of instances of noncompliance.

Board Attorney

1. Provide assistance in the development and adoption of required ordinances and revisions of existing ordinances necessary to implement and maintain the pretreatment program.
2. Provide legal consultation with the Board, Utility Manager and Pretreatment Coordinator in the administration of the pretreatment program.
3. Represent the Board at show cause hearings.
4. Administer enforcement or legal action as directed by the Searcy Board of Public Utilities.

Consulting Engineer

1. Provide technical consultation and assistance in implementation, revision and maintaining the pretreatment program.
2. Assist as directed in review of permit applications for industrial discharge to the City sewer system.
3. Assist as directed in industrial user monitoring and reporting requirements.
4. Assist as directed in review and make recommendations regarding proposed or existing pretreatment facilities, compliance schedules and compliance schedule reports.
5. Technical representation of the Board at show cause hearings.

Inspector

1. Develop and maintain IU inspection schedule
2. Perform annual IU inspections.
3. Assist in review of state and federal pretreatment regulations.

Wastewater Treatment Plant Laboratory

1. Collect all samples and perform all laboratory testing and analysis, other than the IU self-monitoring samples and testing.
2. Maintain complete set of records of all analysis and reports.
3. Submit reports of all laboratory testing and analysis to the pretreatment coordinator.
4. Insure that all samples are collected and analyzed in accordance with approved EPA and State procedures and methods.
5. Develop, maintain and perform functions of the IU monitoring schedule.

The qualifications of the Pretreatment Program key positions are as follows:

General Manager

1. A minimum of Arkansas Class II Wastewater Plant Operators License.
2. A minimum of 10 years water and wastewater treatment experience.
3. Established managerial skills.
4. A minimum of 2 years college education preferred.
5. Firm knowledge and understanding of appropriate environmental regulations and codes.

Pretreatment Coordinator

1. A minimum of Arkansas Class III Wastewater Plant Operators License.
2. A minimum of 3 years wastewater treatment experience.
3. A basic understanding of wastewater chemistry.
4. Established managerial skills.
5. A minimum 2 years college education preferred.
6. Firm knowledge and understanding of appropriate environmental regulations and codes.

Wastewater Treatment Plant Manager

1. A minimum of Arkansas Class IV Wastewater Plant Operators License.
2. A minimum of 3 years wastewater treatment experience.
3. A basic understanding of wastewater chemistry.
4. Basic managerial skills.
5. A minimum of 2 years college education preferred.

Wastewater Plant Operator/Pretreatment Field Inspector

1. A valid Arkansas Wastewater Treatment Plant Operators License.
2. High School Diploma or G.E.D.

Office Manager

1. A minimum of 1 year of file and record management.
2. Basic office managerial skills.

Board Attorney

1. License to practice law in the State of Arkansas.
2. Understanding of municipal and environmental law.

Consulting Engineer

1. Licensed to practice engineering in the State of Arkansas.
2. College Degree in civil or sanitary engineering.
3. A minimum of 3 years experience in environmental engineering.

Wastewater Laboratory

1. A minimum of 3 years experience in N.P.D.E.S. wastewater analysis.
2. Must have manpower and demonstrate willingness to respond to emergency request for assistance.

12.0 PRETREATMENT MONITORING AND REPORTING

The initial 1984 industrial users survey identified 45 industries as contributors to the Searcy Sewer System. Now only 11 of these are considered to be Significant I.U.'s (SIU's) and will require a regular monitoring program. The utility defines an SIU as one which meets the criteria per 40 CFR 403.3(t), as noted in the Pretreatment Ordinance Section 28-26-4 (KK).

Reporting requirements for POTW's and SIU's are described in 40 CFR 403.12 with paragraph (b) of that section discussing reporting requirements for SIU's upon the effective date of an applicable Categorical Pretreatment Standard; paragraph (e) describing periodic reports of continued compliance for Categorical SIU's; paragraph (g) discussing monitoring and analysis requirements to demonstrate compliance; paragraph (h) describing minimum reporting requirements for significant non-categorical industrial users (refer to Appendix J, 40 CFR 403, and Section 28-31 of the Searcy Pretreatment Ordinance); and paragraph (p) outlining hazardous waste notification requirements under 40 CFR 261, and RCRA.

When sampling for BMR and initial permit applications, the Utility intends for these guidelines to be used in establishing initial flow measurement, sampling, and analysis requirements in order to identify the volume and the concentration (average and maximum) of various pollutants in the discharges from new industries. Subsequent "spot sampling" of SIUs will determine if the parameters being required to be monitored in their permit actually reflect the parameters known to be present in the IU permit.

After submittal and review of all information from the new industries on their wastewater discharges; specific pollutant limits, pretreatment requirements, and any required compliance schedule will be proposed. The frequency of self-monitoring shall be as specified by the Utility, or in the case of categorical industries, monitoring must be monthly at a minimum. All other SIU's will be once/quarterly at a minimum, with most being once or twice per month, determined at the discretion of the Utility. Necessary requirements will be specified and recorded on the discharge permit to be issued to the industrial user.

Conditions in the industrial users discharge permit may include:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
(b) Limits on the average and maximum wastewater constituents and characteristics;
(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
(d) Requirements for installation and maintenance of inspection and sampling facilities;
(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
(f) Compliance Schedules;
(g) Requirements for submission of technical reports or discharge reports, and signatory and certification requirements (per Ordinance Section 28-31);
(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
(i) 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.

(j) Requirements of notification of slug discharges.
(k) A specified duration in which the permit is effective (per Ordinance Section 28-30-1).
(l) Requirements in regard to transferability (per Ordinance Section 28-30-4).
(m) Statements of applicable civil and criminal penalties for violations of pretreatment standards and requirements (per Ordinance Sections 28-35 and 28-36).
(n) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

The Utility shall be responsible for receiving and reviewing self-monitoring reports from the various industries. Annually, the Utility shall submit a report to the Arkansas Department of Environmental Quality summarizing monitoring activity from the industrial dischargers required to monitor. The contents of this report are outlined in Section III of the Utility's NPDES permit. A copy of the latest Annual Report is located in Appendix L. Depending on the industrial discharger, any or all of the following compliance sampling and analysis types will be followed:

A. Scheduled monitoring (sampling and analysis on a fixed schedule)
B. Random monitoring (sampling and analysis that is unannounced or performed with short notice)
C. Demand monitoring (sampling and analysis triggered by an event such as a public complaint or an observed POTW operating problem)

Once a year the Utility will publish in the local newspaper (The Daily Citizen) the names of SIU's which are significantly noncompliant of their established permit limits, and any other pretreatment standards. The Pretreatment Ordinance defines significantly noncompliant as being violations of such consequence to meet the latest 40 CFR 403 criteria {Section 28-34-1}.

12.1 Pretreatment Monitoring Equipment

The Utility has xxxx composite samplers which are used to collect samples from each industry and also to collect periodic composite samples of the influent to the Utility's Wastewater Treatment Facilities. Based on two random samplings per year for each industry and two samples per year at the treatment facilities, a minimum of {(# SIUs x 2) + 2} random samples will be taken during each Pretreatment year. Refer to Appendix G for list of all monitoring equipment.

12.2 Industrial User Site Inspections

The Utility shall retain the right of entry into the I.U.'s premises for the purpose of sampling, inspection, or wastewater records examination. All Significant industries shall be inspected annually.

A typical industrial site inspection report form is located in Appendix M.

12.3 Procedures for Follow Up of Instances of Noncompliance

Procedures for follow up of instances of noncompliance if detected from self-monitoring reports, random sampling, or POTW monitoring shall be as follows:

A. Noncompliance Detected from Reviewing Self-Monitoring Reports:

Should a noncompliance instance be detected from reviewing self-monitoring reports the Utility shall notify the industry by letter noting the date, time, and parameter(s) resulting in noncompliance. The industry will be required to submit a written response within 30 days noting reason for noncompliance and stating a plan of action to get into compliance and to prevent future violations of noncompliance.

B. Noncompliance Detected from Random Sampling:

Should a noncompliance instance be detected from a random sampling and should the Utility suspect or have reason to suspect that noncompliance is occurring frequently the Utility shall perform a representative sample collection and analysis of the wastewater discharge from the industry in question. Should the analysis verify that the industry is in noncompliance, the Utility shall notify the industry in writing of such noncompliance requesting a written response from the industry within 30 days noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violations of noncompliance.

C. Noncompliance Detected from Analysis of POTW Influent:

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Utility shall perform a follow up investigation
to determine cause and probable source of pollutant. The investigation shall include contacting suspected industry or industries, either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industry shall be notified in writing of the results of the investigation requesting written response

within a specified time noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violation of noncompliance.

D. Emergency, Quick Response Sampling:

Due to the nature of industrial wastes being discharged and the type of waste treatment employed at the City's POTW, a quick response for sampling and investigation for possible acute treatment plant disturbances is not likely to be required. Should it appear an emergency situation exists, however, the Wastewater Treatment Plant staff will be able to perform sample collection and analysis of discharges from suspected industry or industries. Should an industry be identified as the cause for treatment plant disturbance, they shall be notified in writing of any violations requesting written response within a specified time noting reason for violations and requesting plan of action to get into compliance and to prevent future violations of noncompliance.

E. Enforcement Procedures - Alternatives:

In situations involving emergencies or where the involved industry has failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in Searcy City Ordinance 2011-9 of February 15, 2011, and any new ordinance shall be utilized, as outlined in the Enforcement Response Plan (Appendix N). The options include immediate cutoff of discharge, revocation of permit, administrative procedures, imposition of fines and surcharges and suits by the utility for injunctive relief and/or damages caused to the system. All such remedies are authorized by the ordinances and can be utilized singly or in combination. These remedies, as appropriate, shall be promptly sought in cases of improper discharge.

E.1. Enforcement Hierarchy and Steps

Specific steps to be used in enforcement are listed below. These procedures can be used singly or in conjunction with each other in an effort to bring about I.U. compliance. Generally speaking, the steps are listed in the order of increasing severity. It should also be noted that the first item listed may or may not necessarily be the first step due to the severity of the violation. For example, a late self-monitoring report might bring about a (step 1) Notice of Violation. A chemical spill, on the other hand, may force an immediate (step 10) Termination of Service.

1. Telephone Call

2. Notice of Violation
3. 2nd Notice of Violation
4. Notice sent from Board Attorney
5. Increase monitoring frequency and/or parameters
6. Corrective Order/Compliance Schedule
7. Administrative Fines
8. Show-Cause Hearing
9. Revocation of Permit
10. Termination of Water and/or Sewer Services
11. Civil Fines
12. Court Injunctions
13. Criminal Prosecution

It has been the experience of the Searcy Board of Public Utilities that by far the majority of the violations are rectified upon the issuance of a single Notice of Violation. Only one time each has it been necessary for enforcement actions to progress as far as steps 4, 5, and 6, although the utility is prepared to do so should the need arise. Refer to the Enforcement Response Plan in Appendix N for more detailed enforcement information.

E.2. Enforcement Response Plan

40 CFR 403.8(f)(5) describes the responsibility of the POTW to develop and set up an Enforcement Response Plan. This plan is detailed in Appendix N.

12.4 Chain of Custody Provision

The Utility will perform random sampling with most analytical work to be done by the Wastewater Treatment Plant Laboratory. Most analysis will be done by Utility staff, with some volatile organics and priority pollutants analyses being done by contract laboratories. Noncompliance sampling, i.e., sampling performed when the industry is suspected of being in noncompliance, will be done by the Utility's staff. The Wastewater Treatment Plant Laboratory personnel shall be trained and qualified in EPA approved methods of sample collection and analysis; shall be responsible for developing any required system of log books or other documents that documents and/or provides a sequential series of signed receipts from the time of sample collection through laboratory analysis.

The chain of custody report form to be employed and chain of custody record used are contained in Appendix H.

12.5 Sampling and Analysis Methods and Procedures

As noted in the Pretreatment Ordinance Section 28-31-10, all analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administration (See Appendix J).

Where 40 CFR, Part 136, does not include a sampling and 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 E.P.A. Administrator or ADEQ.

12.6 Safety

Whether sampling and monitoring activities are conducted in-house or by contract, appropriate safety equipment (e.g. first aid kits, gas masks, hard hats, ladders, traffic equipment, blowers, etc.) must be provided and maintained by the staff and/or contractor. The implementation of a sampling and monitoring program involving personnel working in and under hazardous conditions (industrial processors, manholes, sewer lines, etc.) must follow proper safety considerations. The pretreatment coordinator should fully investigate each monitoring point for safety considerations prior to monitoring and sampling at that location.

13.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST

The original pretreatment program for the Searcy Board of Public Utilities was approved on April 5, 1986 and was later modified on at least two occasions. The industrial user survey is an ongoing process. The legal authority review has was completed and updated. Sampling and analysis of the treatment plant influent is an ongoing process. Specific limitations have been developed and will be updated from time to time. A method of monitoring and reporting are outlined, and the pretreatment program is properly staffed and organized. All of the above are necessary in order to gain basic information on the extent of industrial pollutants being discharged to the Utility's sewer system and to maintain an appropriate pretreatment program. Since the program has already been developed, the only costs still being incurred by the Utility are the daily operating costs. The current estimated pretreatment program operating cost in listed in Appendix K.

The Utility has contracted some occasional technical assistance from the Consulting Engineer. The handling of the permit application from the industrial users and program administration will be handled by the Utility's staff. Legal assistance will be provided by the Board's attorney. Sampling is performed by staff personnel and analysis of those samples through the Wastewater Treatment Plant Laboratory. Monitoring equipment has been purchased and is maintained through the Utility's normal purchasing procedures.

The pretreatment program operating cost as noted in Appendix K is estimated at $77,000.00. Those costs associated with technical and legal assistance should vary drastically from year to year depending on industrial activity in the community.

The cost associated with the pretreatment program will be funded from the Sewer Department Operating Budget. A copy of the Utility's most recent financial statement is also located in Appendix K. The sewer ordinances allow the Utility to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the pretreatment program.

14.0 PRETREATMENT PROGRAM IMPLEMENTATION

As noted previously the major elements in implementing the pretreatment program is the development and adoption of a sewer use ordinance following EPA and ADEQ guidelines. An ordinance patterned after the EPA model ordinance has been passed by the Searcy City Council has been approved by ADEQ. This ordinance outlines the major components of the pretreatment program for the Utility. The ordinance is located in Appendix E.

The Searcy Board of Public Utilities recognizes the fact that federal regulations, not unlike growing communities such as Searcy, are constantly changing to match the needs of the populations they serve. Since original program approval, new federal pretreatment regulations in the form of the Pretreatment Implementation Review Task (PIRT) Force recommendations, the Domestic Sewage Study and the Streamlining Regulations, have been brought to the forefront. An attempt has been made to incorporate the pertinent changes outlined in these regulatory revisions into this document.

As the Pretreatment Coordinator continues to attend Pretreatment Seminars and review pending regulatory changes, it can be expected that this program will again be revised to meet the changes that come about.

15.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industry specifically requests and is able to demonstrate to the satisfaction of the Utility that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industry.

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 program, and the National Pollutant Discharge Elimination System (NPDES) Permit; 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

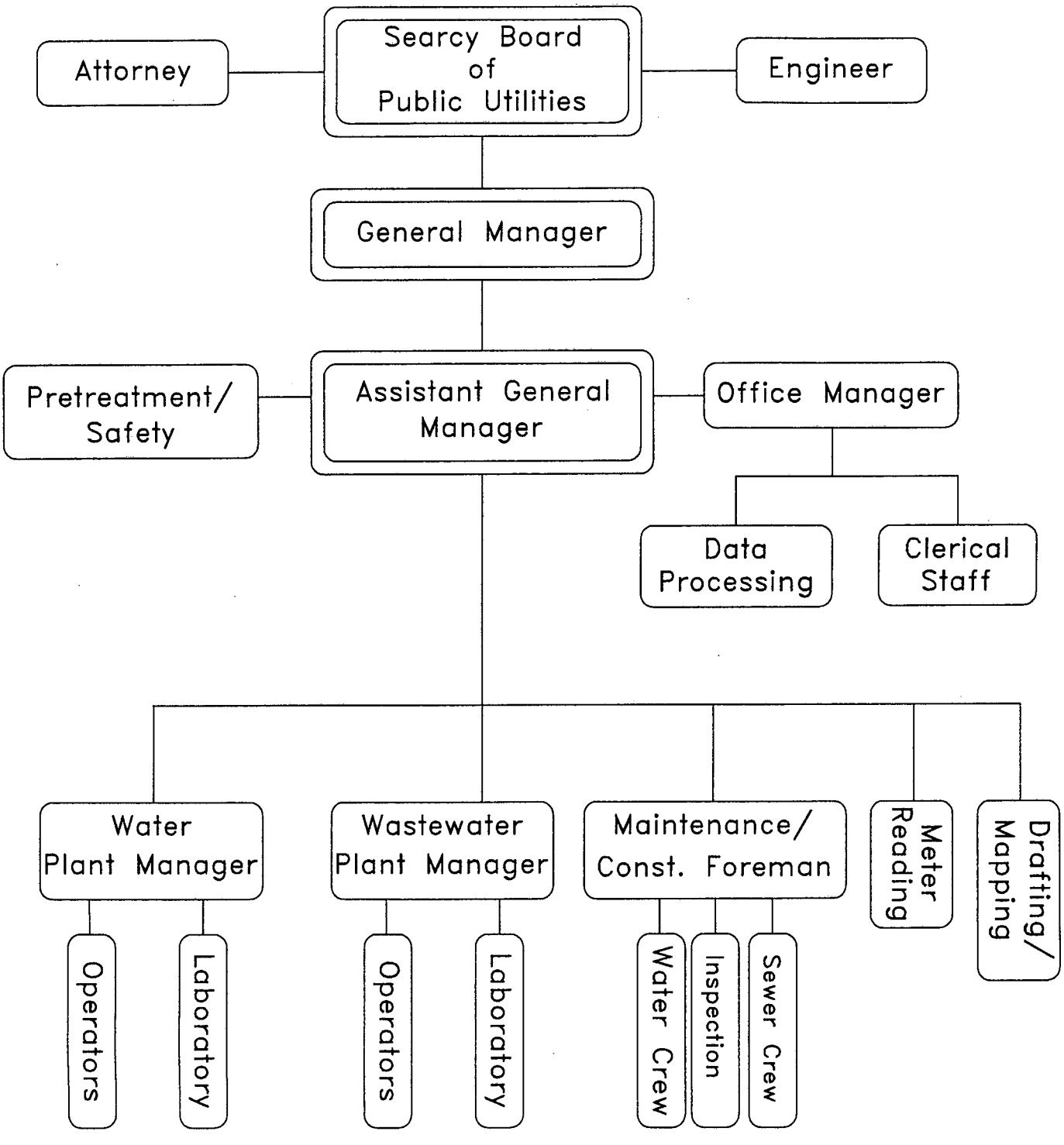
constituents and characteristics will not be recognized as confidential information.

Information accepted by the Utility as confidential, shall not be transmitted to any governmental agency or to the general public by the Utility until and unless a ten day notification is given to the industry.

All public information concerning this program will be available for inspection and review during the hours of 8:00 a.m. to 4:30 p.m. at the office to the Searcy Board of Public Utilities, Post Office Box 1319, 300 North Elm Street, Searcy, Arkansas 72143-1319.

APPENDIX A

Staffing Diagram



APPENDIX B

INDUSTRIAL USERS SURVEY, UPDATE FORM

1. LEGAL name of industry:_____

2. Mailing address:_____

3. Name and title of individual who has local signatory authority and is responsible for all operations:

   Name:_____

   Title:_____

4. Name and title of individual to whom all correspondence should be addressed, if different from #3 above:

   Name:_____

   Title:_____

5. Include here a BRIEF, accurate description of the location of your company's wastewater monitoring point, <u>if it has been changed</u> since the last survey. Please use exact measurements, making directional references to non-movable objects. Use additional paper, if necessary.

6. What are your hours of operation:_____

7. How many employees do you employ, per shift:

   _____

<u>CERTIFICATION</u> (Must be completed by individual named in #3 above)

The information contained in this survey form is familiar to me and to the best of my knowledge and belief, is true, complete and accurate.

Signed:_____

Date:_____

Please return this completed form to:

Assistant Manager
Searcy Water and Sewer System
P.O. Box 1319
Searcy, AR 72143-1319

Production Survey

Industry Name: _____

Address: _____

_____

Principal Product or Raw Material

_____

_____

IF Principal Product:

Quantity of Product produced: _____

Unit of measure used for product produced: _____
(finished units, 1000 lbs./day, 1000 ft./day, or other industry standard)

IF Raw Material:

Quantity of Material Used: _____

Unit of measure used for raw material used: _____
(1000 lbs./day, tons/day, or other industry standard)

This information submitted by:

Person's name: _____

Title: _____

Date: _____

Please return this survey by August 15, 1990 to:

Daniel K. Dawson
SEARCY WATER AND SEWER SYSTEM
P.O. Box 1319
Searcy, AR 72143-1319

Table 5

Significant Industrial Users, February 2011

1. Bryce Corporation
2. White County Medical Center South
3. Land O' Frost, Inc.
4. Road Systems
5. Cintas, Inc.
6. Schulze & Burch
7. Eaton Corp.
8. Wal-Mart Distribution Center #6018
9. White County Medical Center North
10. Yarnell Ice Cream Co., Inc.
11. BJ Services

APPENDIX C

Latest analytical results

December 2010

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143703-1
Sample Identification: Inf 12-2-10 12:25am, 9:15am, 1:30pm, 10:30pm

Analyte		Result	RL	Units	Qualifier
Total Recoverable Phenolics		**0.054**	0.005	mg/l	
EPA 420.1	Prep: 06-Dec-2010 0855 by 292	Analyzed: 07-Dec-2010 1405 by 258		Batch: W34632	
Total Cyanide		**< 0.01**	0.01	mg/l	
SM4500-CN C,E	Prep: 07-Dec-2010 0929 by 292	Analyzed: 07-Dec-2010 1243 by 258		Batch: W34644	
Mercury, low level		**27**	1.8	ng/l	
EPA 245.7	Prep: 03-Dec-2010 1040 by 297	Analyzed: 03-Dec-2010 1148 by 297		Batch: S29073	

AIC No. 143703-2
Sample Identification: Eff 12-2-10 12:35am, 8:45am, 1:15pm, 10:15pm

Analyte		Result	RL	Units	Qualifier
Total Recoverable Phenolics		**0.037**	0.005	mg/l	
EPA 420.1	Prep: 06-Dec-2010 0855 by 292	Analyzed: 07-Dec-2010 1405 by 258		Batch: W34632	
Total Cyanide		**< 0.01**	0.01	mg/l	
SM4500-CN C,E	Prep: 07-Dec-2010 0929 by 292	Analyzed: 07-Dec-2010 1249 by 258		Batch: W34644	
Mercury, low level		**2.0**	1.8	ng/l	J
EPA 245.7	Prep: 03-Dec-2010 1040 by 297	Analyzed: 03-Dec-2010 1152 by 297		Batch: S29073	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Recoverable Phenolics	0.1 mg/l	104	85.0-115			W34632	06Dec10 0856 by 292	07Dec10 1405 by 258		
Total Cyanide	0.1 mg/l	102	85.0-115			W34644	07Dec10 0929 by 292	07Dec10 1241 by 258		
Mercury, low level	10 ng/l	101	72.8-115			S29073	03Dec10 1040 by 297	03Dec10 1221 by 297		

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Recoverable Phenolics	143652-1	0.1 mg/l	80.5	80.0-120	W34632	06Dec10 0856 by 292	07Dec10 1405 by 258		
	143652-1	0.1 mg/l	82.1	80.0-120	W34632	06Dec10 0856 by 292	07Dec10 1405 by 258		
	Relative Percent Difference:		1.33	10.0	W34632				
Total Cyanide	143703-1	0.1 mg/l	94.0	75.0-125	W34644	07Dec10 0929 by 292	07Dec10 1245 by 258		
	143703-1	0.1 mg/l	96.1	75.0-125	W34644	07Dec10 0929 by 292	07Dec10 1247 by 258		
	Relative Percent Difference:		2.13	20.0	W34644				
Mercury, low level	143708-1	10 ng/l	79.3	67.5-127	S29073	03Dec10 1040 by 297	03Dec10 1225 by 297		
	143708-1	10 ng/l	74.0	67.5-127	S29073	03Dec10 1040 by 297	03Dec10 1229 by 297		
	Relative Percent Difference:		6.75	14.7	S29073				

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Total Recoverable Phenolics	< 0.005 mg/l	0.005	0.005	W34632-1	06Dec10 0856 by 292	07Dec10 1405 by 258	
Total Cyanide	< 0.01 mg/l	0.01	0.01	W34644-1	07Dec10 0929 by 292	07Dec10 1239 by 258	
Mercury, low level	< 1.8 ng/l	1.8	5	S29073-1	03Dec10 1040 by 297	03Dec10 1119 by 297	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143706-1
Sample Identification: Effluent 12-1-10 11:45pm - 12-2-10 11:45pm

Analyte		Result	RL	Units	Qualifier
Total Recoverable Antimony		< 60	60	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Arsenic		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Beryllium		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Cadmium		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Chromium		< 10	10	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Copper		4.4	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Lead		0.50	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Molybdenum		< 8	8	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Nickel		6.0	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Selenium		< 5	5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Silver		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Thallium		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	
Total Recoverable Zinc		32	20	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1836 by 297		Batch: S29072	

AIC No. 143706-2
Sample Identification: Influent 12-1-10 11:40pm - 12-2-10 11:40pm

Analyte		Result	RL	Units	Qualifier
Total Recoverable Antimony		< 60	60	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Arsenic		0.74	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Beryllium		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Cadmium		2.0	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Chromium		< 10	10	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143706-2 (Continued)
Sample Identification: Influent 12-1-10 11:40pm - 12-2-10 11:40pm

Analyte		Result	RL	Units	Qualifier
Total Recoverable Copper		43	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Lead		3.8	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Molybdenum		< 8	8	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Nickel		10	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Selenium		< 5	5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Silver		1.4	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Thallium		< 0.5	0.5	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	
Total Recoverable Zinc		140	20	ug/l	
EPA 200.8	Prep: 03-Dec-2010 0957 by 271	Analyzed: 06-Dec-2010 1843 by 297		Batch: S29072	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Recoverable Antimony	0.05 mg/l	98.1	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Arsenic	0.05 mg/l	95.5	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Beryllium	0.05 mg/l	95.3	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Cadmium	0.05 mg/l	100	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Chromium	0.05 mg/l	97.7	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Copper	0.05 mg/l	100	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Lead	0.05 mg/l	97.8	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Molybdenum	0.05 mg/l	101	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Nickel	0.05 mg/l	101	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Selenium	0.05 mg/l	97.1	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Silver	0.02 mg/l	98.9	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Thallium	0.05 mg/l	100	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		
Total Recoverable Zinc	0.05 mg/l	111	85.0-115			S29072	03Dec10 0958 by 271	06Dec10 1726 by 297		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Recoverable Antimony	143696-1	0.05 mg/l	95.7	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	97.9	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		2.24	20.0	S29072				
Total Recoverable Arsenic	143696-1	0.05 mg/l	95.4	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	95.7	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.338	20.0	S29072				
Total Recoverable Beryllium	143696-1	0.05 mg/l	94.8	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	94.6	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.252	20.0	S29072				
Total Recoverable Cadmium	143696-1	0.05 mg/l	97.8	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	98.7	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.900	20.0	S29072				
Total Recoverable Chromium	143696-1	0.05 mg/l	103	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	104	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.766	20.0	S29072				
Total Recoverable Copper	143696-1	0.05 mg/l	96.7	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	95.3	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		1.08	20.0	S29072				
Total Recoverable Lead	143696-1	0.05 mg/l	96.3	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	97.4	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		1.11	20.0	S29072				
Total Recoverable Molybdenum	143696-1	0.05 mg/l	99.4	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	100	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.922	20.0	S29072				
Total Recoverable Nickel	143696-1	0.05 mg/l	106	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	106	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.449	20.0	S29072				
Total Recoverable Selenium	143696-1	0.05 mg/l	94.6	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	94.0	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.666	20.0	S29072				
Total Recoverable Silver	143696-1	0.02 mg/l	97.2	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.02 mg/l	98.0	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.825	20.0	S29072				
Total Recoverable Thallium	143696-1	0.05 mg/l	100	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		
	143696-1	0.05 mg/l	99.8	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		
	Relative Percent Difference:		0.304	20.0	S29072				
Total Recoverable Zinc	143696-1	0.05 mg/l	-	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1732 by 297		X
	143696-1	0.05 mg/l	-	75.0-125	S29072	03Dec10 0958 by 271	06Dec10 1737 by 297		X
	Relative Percent Difference:		0.341	20.0	S29072				

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Total Recoverable Antimony	< 0.03 mg/l	0.03	0.03	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Arsenic	< 0.0005 mg/l	0.0005	0.0005	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Beryllium	< 0.0002 mg/l	0.0002	0.0002	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Cadmium	< 0.0001 mg/l	0.0001	0.0001	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Chromium	< 0.007 mg/l	0.007	0.007	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Copper	< 0.0005 mg/l	0.0005	0.0005	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Lead	< 0.0005 mg/l	0.0005	0.0005	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Molybdenum	< 0.008 mg/l	0.008	0.008	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Nickel	< 0.0005 mg/l	0.0005	0.0005	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Selenium	< 0.002 mg/l	0.002	0.002	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Silver	< 0.0002 mg/l	0.0002	0.0002	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Thallium	< 0.0005 mg/l	0.0005	0.0005	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	
Total Recoverable Zinc	< 0.002 mg/l	0.002	0.002	S29072-1	03Dec10 0958 by 271	06Dec10 1721 by 297	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-1
Sample Identification: EFF 12-1-10 11:45pm 12-2-10 11:45pm

Analyte	Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625				
Acenaphthene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Acenaphthylene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Anthracene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzidine	< 50	50	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzo(a)anthracene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzo(a)pyrene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzo(b)fluoranthene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzo(g,h,i)perylene	< 20	20	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Benzo(k)fluoranthene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
bis(2-Chloroethoxy)methane	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
bis(2-Chloroethyl)ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
bis(2-Chloroisopropyl)ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
bis(2-Ethylhexyl)phthalate	28	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
4-Bromophenyl phenyl ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Butyl benzyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
4-Chloro-3-methylphenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2-Chloronaphthalene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2-Chlorophenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
4-Chlorophenyl phenyl ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Chrysene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-1 (Continued)
Sample Identification: EFF 12-1-10 11:45pm 12-2-10 11:45pm

Analyte		Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625 (Continued)					
Di-n-octyl phthalate		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Dibenz(a,h)anthracene		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Dibutyl phthalate		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
3,3'-Dichlorobenzidine		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,4-Dichlorophenol		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Diethyl phthalate		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Dimethyl phthalate		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,4-Dimethylphenol		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,4-Dinitrophenol		< 50	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,4-Dinitrotoluene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,6-Dinitrotoluene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
1,2-Diphenylhydrazine		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Fluorene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Hexachlorobenzene		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Hexachlorobutadiene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Hexachlorocyclopentadiene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Hexachloroethane		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Indeno(1,2,3-cd)pyrene		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Isophorone		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2-Methyl-4,6-dinitrophenol		< 50	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-1 (Continued)
Sample Identification: EFF 12-1-10 11:45pm 12-2-10 11:45pm

Analyte		Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625 (Continued)					
N-Nitroso-di-n-propylamine		**< 20**	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
N-Nitrosodimethylamine		**< 50**	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
n-Nitrosodiphenylamine		**< 20**	20	ug/l	R
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Naphthalene		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Nitrobenzene		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2-Nitrophenol		**< 20**	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
4-Nitrophenol		**< 50**	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Pentachlorophenol		**< 5**	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Phenanthrene		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Phenol		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Pyrene		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
1,2,4-Trichlorobenzene		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
2,4,6-Trichlorophenol		**< 10**	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: 2-Fluorobiphenyl (50.0-110%)		75.5		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: 2-Fluorophenol (20.0-110%)		49.5		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: Nitrobenzene-D5 (40.0-110%)		64.5		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: Phenol-D5 (10.0-115%)		41.5		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: Terphenyl-D14 (50.0-135%)		72.0		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Surrogate: 2,4,6-Tribromophenol (40.0-125%)		64.0		%	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 06-Dec-2010 2356 by 167		Batch: B6645	
Organochlorine Pesticides and PCBs By EPA 608					
Aldrin		**< 0.01**	0.01	ug/l	
EPA 608	Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-1 (Continued)
Sample Identification: EFF 12-1-10 11:45pm 12-2-10 11:45pm

Analyte	Result	RL	Units	Qualifier
Organochlorine Pesticides and PCBs By EPA 608 (Continued)				
Alpha-BHC	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1016	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1221	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1232	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1242	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1248	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1254	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Aroclor-1260	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Beta-BHC	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Chlordane	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Chlorpyrifos	< 0.07	0.07	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
4,4'-DDD	< 0.1	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
4,4'-DDE	< 0.1	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
4,4'-DDT	< 0.02	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Delta-BHC	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Dieldrin	< 0.02	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Endosulfan I	< 0.01	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Endosulfan II	< 0.02	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Endosulfan sulfate	< 0.1	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Endrin	< 0.02	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-1 (Continued)
Sample Identification: EFF 12-1-10 11:45pm 12-2-10 11:45pm

Analyte	Result	RL	Units	Qualifier
Organochlorine Pesticides and PCBs By EPA 608 (Continued)				
Endrin aldehyde	< 0.1	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Gamma-BHC (Lindane)	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Heptachlor	< 0.01	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Heptachlor epoxide	< 0.01	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Toxaphene	< 0.3	0.3	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Surrogate: Decachlorobiphenyl (30.0-135%)	98.2		%	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	
Surrogate: Tetrachloro-m-xylene (25.0-140%)	79.1		%	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1545 by 288		Batch: G8319	

AIC No. 143704-2
Sample Identification: INF 12-1-10 11:40pm 12-2-10 11:40pm

Analyte	Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625				
Acenaphthene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Acenaphthylene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Anthracene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzidine	< 50	50	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzo(a)anthracene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzo(a)pyrene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzo(b)fluoranthene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzo(g,h,i)perylene	< 20	20	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Benzo(k)fluoranthene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
bis(2-Chloroethoxy)methane	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-2 (Continued)
Sample Identification: INF 12-1-10 11:40pm 12-2-10 11:40pm

Analyte	Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625 (Continued)				
bis(2-Chloroethyl)ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
bis(2-Chloroisopropyl)ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
bis(2-Ethylhexyl)phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
4-Bromophenyl phenyl ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Butyl benzyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
4-Chloro-3-methylphenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2-Chloronaphthalene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2-Chlorophenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
4-Chlorophenyl phenyl ether	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Chrysene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Di-n-octyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Dibenz(a,h)anthracene	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Dibutyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
3,3'-Dichlorobenzidine	< 5	5	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2,4-Dichlorophenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Diethyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Dimethyl phthalate	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2,4-Dimethylphenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2,4-Dinitrophenol	< 50	50	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2,4-Dinitrotoluene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-2 (Continued)
Sample Identification: INF 12-1-10 11:40pm 12-2-10 11:40pm

Analyte		Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625 (Continued)					
2,6-Dinitrotoluene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
1,2-Diphenylhydrazine		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Fluorene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Hexachlorobenzene		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Hexachlorobutadiene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Hexachlorocyclopentadiene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Hexachloroethane		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Indeno(1,2,3-cd)pyrene		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Isophorone		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2-Methyl-4,6-dinitrophenol		< 50	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
N-Nitroso-di-n-propylamine		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
N-Nitrosodimethylamine		< 50	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
n-Nitrosodiphenylamine		< 20	20	ug/l	R
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Naphthalene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Nitrobenzene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2-Nitrophenol		< 20	20	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
4-Nitrophenol		< 50	50	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Pentachlorophenol		< 5	5	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Phenanthrene		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Phenol		< 10	10	ug/l	
EPA 625	Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-2 (Continued)
Sample Identification: INF 12-1-10 11:40pm 12-2-10 11:40pm

Analyte	Result	RL	Units	Qualifier
Base/Neutral and Acid Compounds By EPA 625 (Continued)				
Pyrene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
1,2,4-Trichlorobenzene	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
2,4,6-Trichlorophenol	< 10	10	ug/l	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: 2-Fluorobiphenyl (50.0-110%)	75.0		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: 2-Fluorophenol (20.0-110%)	60.0		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: Nitrobenzene-D5 (40.0-110%)	68.0		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: Phenol-D5 (10.0-115%)	47.5		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: Terphenyl-D14 (50.0-135%)	78.0		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Surrogate: 2,4,6-Tribromophenol (40.0-125%)	63.5		%	
EPA 625 Prep: 03-Dec-2010 0948 by 290	Analyzed: 08-Dec-2010 1133 by 167		Batch: B6645	
Organochlorine Pesticides and PCBs By EPA 608				
Aldrin	< 0.01	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Alpha-BHC	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1016	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1221	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1232	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1242	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1248	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1254	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Aroclor-1260	< 0.2	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Beta-BHC	< 0.05	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143704-2 (Continued)
Sample Identification: INF 12-1-10 11:40pm 12-2-10 11:40pm

Analyte	Result	RL	Units	Qualifier
Organochlorine Pesticides and PCBs By EPA 608 (Continued)				
Chlordane	**< 0.2**	0.2	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Chlorpyrifos	**< 0.07**	0.07	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
4,4'-DDD	**< 0.1**	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
4,4'-DDE	**< 0.1**	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
4,4'-DDT	**< 0.02**	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Delta-BHC	**< 0.05**	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Dieldrin	**< 0.02**	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Endosulfan I	**< 0.01**	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Endosulfan II	**< 0.02**	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Endosulfan sulfate	**< 0.1**	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Endrin	**< 0.02**	0.02	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Endrin aldehyde	**< 0.1**	0.1	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Gamma-BHC (Lindane)	**< 0.05**	0.05	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Heptachlor	**< 0.01**	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Heptachlor epoxide	**< 0.01**	0.01	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Toxaphene	**< 0.3**	0.3	ug/l	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Surrogate: Decachlorobiphenyl (30.0-135%)	47.0		%	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	
Surrogate: Tetrachloro-m-xylene (25.0-140%)	78.3		%	
EPA 608 Prep: 06-Dec-2010 1112 by 290	Analyzed: 07-Dec-2010 1604 by 288		Batch: G8319	

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

DUPLICATE RESULTS

Analyte		AIC No.	Result	RPD	RPD Limit	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds									
Acenaphthene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Acenaphthylene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Anthracene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzidine		143654-2	< 50 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 50 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzo(a)anthracene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzo(a)pyrene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzo(b)fluoranthene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzo(g,h,i)perylene		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Benzo(k)fluoranthene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
bis(2-Chloroethoxy)methane		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
bis(2-Chloroethyl)ether		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
bis(2-Chloroisopropyl)ether		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
bis(2-Ethylhexyl)phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
4-Bromophenyl phenyl ether		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Butyl benzyl phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
4-Chloro-3-methylphenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Chloronaphthalene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Chlorophenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
4-Chlorophenyl phenyl ether		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Chrysene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Di-n-octyl phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Dibenz(a,h)anthracene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Dibutyl phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

DUPLICATE RESULTS

Analyte		AIC No.	Result	RPD	RPD Limit	Preparation Date	Analysis Date	Dil	Qual
3,3'-Dichlorobenzidine		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4-Dichlorophenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Diethyl phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Dimethyl phthalate		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4-Dimethylphenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4-Dinitrophenol		143654-2	< 50 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 50 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4-Dinitrotoluene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,6-Dinitrotoluene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
1,2-Diphenylhydrazine		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Fluorene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Hexachlorobenzene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Hexachlorobutadiene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Hexachlorocyclopentadiene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Hexachloroethane		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Indeno(1,2,3-cd)pyrene		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Isophorone		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Methyl-4,6-dinitrophenol		143654-2	< 50 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 50 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
N-Nitroso-di-n-propylamine		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
N-Nitrosodimethylamine		143654-2	< 50 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 50 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
n-Nitrosodiphenylamine		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		R
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		R
Naphthalene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Nitrobenzene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Nitrophenol		143654-2	< 20 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 20 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
4-Nitrophenol		143654-2	< 50 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 50 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

DUPLICATE RESULTS

Analyte		AIC No.	Result	RPD	RPD Limit	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds (Continued)									
Pentachlorophenol		143654-2	< 5 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 5 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Phenanthrene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Phenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
Pyrene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
1,2,4-Trichlorobenzene		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4,6-Trichlorophenol		143654-2	< 10 ug/l			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	< 10 ug/l	0.00	30.0	03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Fluorobiphenyl (50.0-110%)		143654-2	92.5 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	94.0 %			03Dec10 0936 by 290	03Dec10 1907 by 167		
2-Fluorophenol (20.0-110%)		143654-2	60.0 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	69.0 %			03Dec10 0936 by 290	03Dec10 1907 by 167		
Nitrobenzene-D5 (40.0-110%)		143654-2	84.0 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	86.0 %			03Dec10 0936 by 290	03Dec10 1907 by 167		
Phenol-D5 (10.0-115%)		143654-2	55.0 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	53.0 %			03Dec10 0936 by 290	03Dec10 1907 by 167		
Terphenyl-D14 (50.0-135%)		143654-2	112 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	110 %			03Dec10 0936 by 290	03Dec10 1907 by 167		
2,4,6-Tribromophenol (40.0-125%)		143654-2	77.0 %			03Dec10 0935 by 290	03Dec10 1831 by 167		
	Batch: B6645	Duplicate	81.5 %			03Dec10 0936 by 290	03Dec10 1907 by 167		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds										
Acenaphthene	20 ug/l	94.5	45.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Acenaphthylene	20 ug/l	93.0	50.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Anthracene	20 ug/l	97.5	55.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Benzo(a)anthracene	20 ug/l	92.0	55.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Benzo(a)pyrene	20 ug/l	96.0	55.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Benzo(g,h,i)perylene	20 ug/l	86.0	40.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Benzo(k)fluoranthene	20 ug/l	100	45.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
3,4-Benzofluoranthene	20 ug/l	96.0	45.0-120			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Bis(2-chloroethoxy)methane	20 ug/l	92.0	45.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Bis(2-chloroethyl)ether	20 ug/l	101	35.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Bis(2-chloroisopropyl)ether	20 ug/l	97.0	25.0-130			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Bis(2-ethylhexyl)phthalate	20 ug/l	92.0	40.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
4-Bromophenyl phenyl ether	20 ug/l	88.0	50.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Butylbenzyl phthalate	20 ug/l	89.5	45.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
-Chloronaphthalene	20 ug/l	92.5	50.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
-Chlorophenol	20 ug/l	90.5	35.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
4-Chlorophenyl phenyl ether	20 ug/l	92.0	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Chrysene	20 ug/l	92.5	55.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Di-n-butyl phthalate	20 ug/l	102	55.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Di-n-octyl phthalate	20 ug/l	100	35.0-135			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Dibenz(a,h)anthracene	20 ug/l	89.0	40.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4-Dichlorophenol	20 ug/l	87.5	50.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Diethyl phthalate	20 ug/l	94.0	40.0-120			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Dimethyl phthalate	20 ug/l	93.0	25.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4-Dimethylphenol	20 ug/l	71.0	30.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
4,6-Dinitro-o-cresol	20 ug/l	86.0	40.0-130			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4-Dinitrophenol	20 ug/l	78.5	15.0-140			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4-Dinitrotoluene	20 ug/l	92.5	50.0-120			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,6-Dinitrotoluene	20 ug/l	93.5	50.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
1,2-Diphenylhydrazine	20 ug/l	95.0	55.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Fluorene	20 ug/l	94.5	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Hexachlorobenzene	20 ug/l	85.5	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Hexachlorobutadiene	20 ug/l	79.0	25.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Hexachlorocyclopentadiene	20 ug/l	73.5	50.5-104			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Hexachloroethane	20 ug/l	78.0	30.0-100			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Indeno(1,2,3-cd)pyrene	20 ug/l	87.5	45.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
sophorone	20 ug/l	82.5	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
-Nitrosodi-n-propylamine	20 ug/l	109	35.0-130			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
n-Nitrosodimethylamine	20 ug/l	61.5	25.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
n-Nitrosodiphenylamine	20 ug/l	91.0	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds (Continued)										
Naphthalene	20 ug/l	101	40.0-100			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		Q
Nitrobenzene	20 ug/l	86.5	45.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2-Nitrophenol	20 ug/l	84.0	40.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
4-Nitrophenol	20 ug/l	43.5	0.00-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
p-Chloro-m-cresol	20 ug/l	85.0	45.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Pentachlorophenol	20 ug/l	90.0	40.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Phenanthrene	20 ug/l	95.5	50.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Phenol	20 ug/l	51.5	0.00-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Pyrene	20 ug/l	81.5	50.0-130			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
1,2,4-Trichlorobenzene	20 ug/l	80.0	35.0-105			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4,6-Trichlorophenol	20 ug/l	89.5	50.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Base/Neutral and Acid Compounds Surrogates:										
2-Fluorobiphenyl	20 ug/l	93.0	50.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2-Fluorophenol	20 ug/l	71.0	20.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Nitrobenzene-D5	20 ug/l	86.0	40.0-110			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
henol-D5	20 ug/l	64.5	10.0-115			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Terphenyl-D14	20 ug/l	80.0	50.0-135			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
2,4,6-Tribromophenol	20 ug/l	81.5	40.0-125			B6645	03Dec10 0936 by 290	03Dec10 1646 by 167		
Organochlorine Pesticides and PCBs										
Aldrin	0.2 ug/l	89.3	25.0-140			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
alpha-BHC	0.2 ug/l	97.0	60.0-130			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
alpha-Endosulfan	0.2 ug/l	101	50.0-110			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
beta-BHC	0.2 ug/l	95.5	65.0-125			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
beta-Endosulfan	0.2 ug/l	105	30.0-130			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Chlorpyrifos	0.4 ug/l	84.0	62.1-102			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
4,4'-DDD	0.2 ug/l	109	25.0-150			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
4,4'-DDE	0.2 ug/l	108	35.0-140			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
4,4'-DDT	0.2 ug/l	117	45.0-140			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
delta-BHC	0.2 ug/l	104	45.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Dieldrin	0.2 ug/l	107	60.0-130			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Endosulfan sulfate	0.2 ug/l	113	55.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Endrin	0.2 ug/l	109	55.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Endrin aldehyde	0.2 ug/l	107	55.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
gamma-BHC (Lindane)	0.2 ug/l	100	25.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Heptachlor	0.2 ug/l	99.2	40.0-130			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Heptachlor epoxide	0.2 ug/l	102	60.0-130			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Organochlorine Pesticides and PCBs Surrogates:										
ecachlorobiphenyl	0.2 ug/l	74.6	30.0-135			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		
Tetrachloro-m-xylene	0.2 ug/l	80.2	25.0-140			G8319	06Dec10 1113 by 290	07Dec10 1104 by 288		

AMERICAN INTERPLEX
CORPORATION
LABORATORIES

Searcy Water and Sewer System
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AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds									
Acenaphthene	143692-2	20 ug/l	99.0	45.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Acenaphthylene	143692-2	20 ug/l	98.0	50.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Anthracene	143692-2	20 ug/l	102	55.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Benzo(a)anthracene	143692-2	20 ug/l	97.5	55.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Benzo(a)pyrene	143692-2	20 ug/l	102	55.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Benzo(g,h,i)perylene	143692-2	20 ug/l	92.5	40.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Benzo(k)fluoranthene	143692-2	20 ug/l	102	45.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
3,4-Benzofluoranthene	143692-2	20 ug/l	102	45.0-120	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Bis(2-chloroethoxy)methane	143692-2	20 ug/l	97.0	45.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Bis(2-chloroethyl)ether	143692-2	20 ug/l	106	35.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Bis(2-chloroisopropyl)ether	143692-2	20 ug/l	104	25.0-130	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Bis(2-ethylhexyl)phthalate	143692-2	20 ug/l	96.5	40.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
4-Bromophenyl phenyl ether	143692-2	20 ug/l	93.0	50.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Butylbenzyl phthalate	143692-2	20 ug/l	95.0	45.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2-Chloronaphthalene	143692-2	20 ug/l	97.5	50.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2-Chlorophenol	143692-2	20 ug/l	95.0	35.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
4-Chlorophenyl phenyl ether	143692-2	20 ug/l	96.5	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Chrysene	143692-2	20 ug/l	97.5	55.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Di-n-butyl phthalate	143692-2	20 ug/l	115	55.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Di-n-octyl phthalate	143692-2	20 ug/l	102	35.0-135	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Dibenz(a,h)anthracene	143692-2	20 ug/l	97.5	40.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4-Dichlorophenol	143692-2	20 ug/l	93.0	50.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Diethyl phthalate	143692-2	20 ug/l	100	40.0-120	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Dimethyl phthalate	143692-2	20 ug/l	100	25.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4-Dimethylphenol	143692-2	20 ug/l	68.0	30.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
4,6-Dinitro-o-cresol	143692-2	20 ug/l	98.0	40.0-130	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4-Dinitrophenol	143692-2	20 ug/l	101	15.0-140	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4-Dinitrotoluene	143692-2	20 ug/l	104	50.0-120	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,6-Dinitrotoluene	143692-2	20 ug/l	100	50.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
1,2-Diphenylhydrazine	143692-2	20 ug/l	98.0	55.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Fluorene	143692-2	20 ug/l	100	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Hexachlorobenzene	143692-2	20 ug/l	90.0	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Hexachlorobutadiene	143692-2	20 ug/l	79.5	25.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Hexachlorocyclopentadiene	143692-2	20 ug/l	71.5	20.7-149	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Hexachloroethane	143692-2	20 ug/l	79.0	30.0-100	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Indeno(1,2,3-cd)pyrene	143692-2	20 ug/l	96.0	45.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Isophorone	143692-2	20 ug/l	88.0	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
N-Nitrosodi-n-propylamine	143692-2	20 ug/l	117	35.0-130	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
n-Nitrosodimethylamine	143692-2	20 ug/l	63.5	25.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
n-Nitrosodiphenylamine	143692-2	20 ug/l	94.0	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Base/Neutral and Acid Compounds (Continued)									
Naphthalene	143692-2	20 ug/l	104	40.0-100	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		Q
Nitrobenzene	143692-2	20 ug/l	91.0	45.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2-Nitrophenol	143692-2	20 ug/l	86.0	40.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
4-Nitrophenol	143692-2	20 ug/l	62.0	0.00-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
p-Chloro-m-cresol	143692-2	20 ug/l	90.5	45.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Pentachlorophenol	143692-2	20 ug/l	110	40.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Phenanthrene	143692-2	20 ug/l	100	50.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Phenol	143692-2	20 ug/l	53.0	0.00-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Pyrene	143692-2	20 ug/l	82.0	50.0-130	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
1,2,4-Trichlorobenzene	143692-2	20 ug/l	83.5	35.0-105	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4,6-Trichlorophenol	143692-2	20 ug/l	93.5	50.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Base/Neutral and Acid Compounds Surrogates:									
2-Fluorobiphenyl	143692-2	20 ug/l	98.5	50.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2-Fluorophenol	143692-2	20 ug/l	72.5	20.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Nitrobenzene-D5	143692-2	20 ug/l	89.5	40.0-110	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
enol-D5	143692-2	20 ug/l	64.5	10.0-115	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Terphenyl-D14	143692-2	20 ug/l	82.0	50.0-135	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
2,4,6-Tribromophenol	143692-2	20 ug/l	89.0	40.0-125	B6645	03Dec10 0936 by 290	03Dec10 1721 by 167		
Organochlorine Pesticides and PCBs									
Aldrin	143654-2	0.2 ug/l	87.8	25.0-140	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	74.7	25.0-140	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		16.1	30.0	G8319				
alpha-BHC	143654-2	0.2 ug/l	61.8	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	67.2	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		8.30	30.0	G8319				
alpha-Endosulfan	143654-2	0.2 ug/l	99.6	50.0-110	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	84.7	50.0-110	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		16.2	30.0	G8319				
beta-BHC	143654-2	0.2 ug/l	74.4	65.0-125	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	96.0	65.0-125	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		25.3	30.0	G8319				
beta-Endosulfan	143654-2	0.2 ug/l	68.8	30.0-130	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	57.1	30.0-130	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		18.7	30.0	G8319				
Chlorpyrifos	143654-2	0.4 ug/l	72.6	33.0-127	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.4 ug/l	63.8	33.0-127	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		13.0	21.3	G8319				
4,4'-DDD	143654-2	0.2 ug/l	86.8	25.0-150	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	68.2	25.0-150	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		23.9	30.0	G8319				
4,4'-DDE	143654-2	0.2 ug/l	75.9	35.0-140	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	61.6	35.0-140	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		20.7	30.0	G8319				

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
4,4'-DDT	143654-2	0.2 ug/l	102	45.0-140	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	106	45.0-140	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		3.22	30.0	G8319				
delta-BHC	143654-2	0.2 ug/l	66.0	45.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	78.6	45.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		17.5	30.0	G8319				
Dieldrin	143654-2	0.2 ug/l	79.6	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	62.4	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		24.3	30.0	G8319				
Endosulfan sulfate	143654-2	0.2 ug/l	69.0	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	63.8	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		7.89	30.0	G8319				
Endrin	143654-2	0.2 ug/l	66.2	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	76.0	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		13.6	30.0	G8319				
Endrin aldehyde	143654-2	0.2 ug/l	55.8	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.2 ug/l	58.3	55.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		4.29	30.0	G8319				
gamma-BHC (Lindane)	143654-2	0.2 ug/l	86.8	25.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	102	25.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		15.6	30.0	G8319				
Heptachlor	143654-2	0.2 ug/l	127	40.0-130	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	70.6	40.0-130	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		21.6	30.0	G8319				
Heptachlor epoxide	143654-2	0.2 ug/l	97.2	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	95.4	60.0-130	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
	Relative Percent Difference:		1.89		G8319				
Organochlorine Pesticides and PCBs Surrogates:									
Decachlorobiphenyl	143654-2	0.2 ug/l	82.9	30.0-135	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	62.2	30.0-135	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		
Tetrachloro-m-xylene	143654-2	0.2 ug/l	88.6	25.0-140	G8319	06Dec10 1113 by 290	07Dec10 1125 by 288		
	143654-2	0.002 ug/l	82.9	25.0-140	G8319	06Dec10 1113 by 290	07Dec10 1144 by 288		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Base/Neutral and Acid Compounds							
Acenaphthene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Acenaphthylene	< 3.5 ug/l	3.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Anthracene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Benzidine	< 44 ug/l	44	44	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Benzo(a)anthracene	< 5 ug/l	5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Benzo(a)pyrene	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Benzo(g,h,i)perylene	< 4.1 ug/l	4.1	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Benzo(k)fluoranthene	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
3,4-Benzofluoranthene	< 4.8 ug/l	4.8	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Bis(2-chloroethoxy)methane	< 5.3 ug/l	5.3	5.3	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Bis(2-chloroethyl)ether	< 5.7 ug/l	5.7	5.7	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Bis(2-chloroisopropyl)ether	< 5.7 ug/l	5.7	5.7	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Bis(2-ethylhexyl)phthalate	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
4-Bromophenyl phenyl ether	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Butylbenzyl phthalate	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2-Chloronaphthalene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2-Chlorophenol	< 3.3 ug/l	3.3	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
4-Chlorophenyl phenyl ether	< 4.2 ug/l	4.2	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Chrysene	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Di-n-butyl phthalate	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Di-n-octyl phthalate	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Dibenzo(a,h)anthracene	< 2.5 ug/l	2.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
3,3'-Dichlorobenzidine	< 5 ug/l	5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4-Dichlorophenol	< 2.7 ug/l	2.7	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Diethyl phthalate	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Dimethyl phthalate	< 1.6 ug/l	1.6	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4-Dimethylphenol	< 2.7 ug/l	2.7	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
4,6-Dinitro-o-cresol	< 24 ug/l	24	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4-Dinitrophenol	< 42 ug/l	42	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4-Dinitrotoluene	< 5.7 ug/l	5.7	5.7	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,6-Dinitrotoluene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
1,2-Diphenylhydrazine	< 11 ug/l	11	11	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Fluorene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Hexachlorobenzene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Hexachlorobutadiene	< 0.9 ug/l	0.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Hexachlorocyclopentadiene	< 0.78 ug/l	0.78	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Hexachloroethane	< 1.6 ug/l	1.6	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Indeno(1,2,3-cd)pyrene	< 3.7 ug/l	3.7	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Isophorone	< 2.2 ug/l	2.2	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
n-Nitrosodi-n-propylamine	< 0.84 ug/l	0.84	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
n-Nitrosodimethylamine	< 0.96 ug/l	0.96	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
n-Nitrosodiphenylamine	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	R
Naphthalene	< 1.6 ug/l	1.6	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Nitrobenzene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2-Nitrophenol	< 3.6 ug/l	3.6	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
4-Nitrophenol	< 2.4 ug/l	2.4	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
4-Chloro-m-cresol	< 3 ug/l	3	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Pentachlorophenol	< 3.6 ug/l	3.6	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Phenanthrene	< 5.4 ug/l	5.4	5.4	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Base/Neutral and Acid Compounds							
Phenol	< 1.5 ug/l	1.5	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Pyrene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
1,2,4-Trichlorobenzene	< 1.9 ug/l	1.9	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4,6-Trichlorophenol	< 2.7 ug/l	2.7	5	B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Base/Neutral and Acid Compounds Surrogates:							
2-Fluorobiphenyl (50.0-110%)	97.0 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2-Fluorophenol (20.0-110%)	69.0 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Nitrobenzene-D5 (40.0-110%)	89.0 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Phenol-D5 (10.0-115%)	68.0 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Terphenyl-D14 (50.0-135%)	82.5 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
2,4,6-Tribromophenol (40.0-125%)	70.0 %			B6645-1	03Dec10 0936 by 290	03Dec10 1611 by 167	
Organochlorine Pesticides and PCBs							
Aldrin	< 0.004 ug/l	0.004	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
alpha-BHC	< 0.003 ug/l	0.003	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
alpha-Endosulfan	< 0.014 ug/l	0.014	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
beta-BHC	< 0.006 ug/l	0.006	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
beta-Endosulfan	< 0.004 ug/l	0.004	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Chlordane	< 0.014 ug/l	0.014	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Chlorpyrifos	< 0.05 ug/l	0.05	0.1	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
4,4'-DDD	< 0.011 ug/l	0.011	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
4,4'-DDE	< 0.004 ug/l	0.004	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
4,4'-DDT	< 0.012 ug/l	0.012	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
delta-BHC	< 0.009 ug/l	0.009	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Dieldrin	< 0.002 ug/l	0.002	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Endosulfan sulfate	< 0.066 ug/l	0.066	0.066	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Endrin	< 0.006 ug/l	0.006	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Endrin aldehyde	< 0.023 ug/l	0.023	0.023	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
gamma-BHC (Lindane)	< 0.005 ug/l	0.005	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Heptachlor	< 0.003 ug/l	0.003	0.02	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Heptachlor epoxide	< 0.01 ug/l	0.01	0.083	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Toxaphene	< 0.24 ug/l	0.24	0.24	G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Organochlorine Pesticides and PCBs Surrogates:							
Decachlorobiphenyl (30.0-135%)	74.6 %			G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	
Tetrachloro-m-xylene (25.0-140%)	87.6 %			G8319-1	06Dec10 1113 by 290	07Dec10 1044 by 288	

APPENDIX D

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Cecil A. Tedder, Jr. (1957-78)

April 20, 2011

Mr. Dan Dawson, Manager
Searcy Board of Public Utilities
300 North Elm Street
Searcy, AR 72143

Ref: Searcy Ordinance 2011-9

Dear Dan,

Please accept this letter as the attorney for the Searcy Board of Public Utilities that the board in my opinion has with the adoption of Ordinance 2011-9 the adequate authority to carry out the pretreatment program as outline in and required by the ordinance.

With the adoption of Ordinance 2011-9 a completely new and complete pretreatment program has been implemented for the Searcy system. The system is in a position to not only implement the pretreatment program as set forth in the ordinance but also has the necessary authority and power to enforce the provisions of the program and impose penalties for noncompliance with the program as set forth in the ordinance.

Sincerely,

Donald P. Raney

Donald P. Raney

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February 21, 1992

Arkansas Department of Pollution
Control & Ecology
P. O. Box 8913
Little Rock, AR 72219-8913

Attn: Allen R. Gilliam NPDES
Pretreatment Coordinator

RE: Searcy, Arkansas, Pretreatment Program,
NPDES Permit No. AR0021601

Dear Coordinator:

I am the attorney for the Searcy Board of Public Utilities. This letter is an opinion regarding the requisite city authority under Section 403.9(b)(1) and Section 403.8(f) of applicable regulations promulgated under the Federal Clean Water Act.

In my opinion upon the passage of the updating pretreatment ordinance, the City through the Searcy Board of Public Utilities will have the necessary authority and powers to carry out the program as set forth in Section 403.8 of the applicable regulations.

When the Searcy City Council enacts the updating pretreatment ordinance subject to the approval of the Arkansas Department of Pollution Control & Ecology and the United States Environmental Protection Agency, the Searcy Board of Public Utilities, in my opinion, will have requisite authority and powers to enforce the pretreatment program.

The Arkansas legislature has vested the authority in the cities of the State to construct, operate, and maintain their sewer systems, delegating the requisite authority, in my opinion, to establish a pretreatment program as required by Section 403.8(f). It is, therefore, my opinion that the Searcy Board of Public Utilities can enact such a pretreatment program when authorized so to do by the updating ordinance to be enacted by the City Council of Searcy, Arkansas.

There are other ordinances in effect which give the City via the Searcy Board of Public Utilities broad general powers of regulation of its system (Ordinance #557 of January 8, 1973) and

which require compliance with applicable federal and state laws and regulations (Section 1, Par. 1.12.1 and 1.12.2 of Ordinance #598 of August 7, 1977).

In my opinion, when the updated ordinance is enacted the City via the Searcy Board of Public Utilities will have all of the requisite powers under Section 403.8(f)(1) to properly administer the pretreatment program. The specific provisions of the Ordinance creating such authority are set forth as follows, to-wit:

Section of Regulations	Brief Description	Citation to City's Authority (To be found in Ordinance 678, references are to section of the Ordinance)
403.8(f)(1)(i)	Denial of Pollutant contribution	2.1 General Discharge Prohibitions 2.4 Specific Pollutant Limitations 4.2 Permits 5.1 Harmful Contributions 5.2 Revocation of Permits
403.8(f)(1)(ii)	Requirement of compliance with applicable standards	2.2 Federal Categorical Pretreatment Standards 2.3 Modification of Standards 2.4 Specific Pollution Limitations 2.5 State Requirements 2.6 City's Right of Revision
403.8(f)(1)(iii)	Control contribution by permit	4.2 Wastewater Contribution Permits (with all subsections)
403.8(f)(1)(iv)	Compliance schedules and notices of self monitoring reports	4.2.4(f) Compliance schedule 4.2.2(i) Application compliance schedule 4.3 Reporting Requirements for Permittee

Section of Regulations	Brief Description	Citation to City's Authority (To be found in proposed ordinance, references are to section of the ordinance
403.8(f)(1)(v)	Inspection and monitoring	4.4 Monitoring Facilities 4.5 Inspection and Sampling
403.8(f)(1)(vi)(A)	Legal and equitable remedies available	5.2 Revocation of Permits 5.3 Compliance Order 5.4 Show Cause Hearing 5.5 Injunctive Relief 6.1 Administrative Fines 6.2 Civil and Criminal penalties 6.4 Cumulative nature of remedies
403.8(f)(1)(vi)(B)	Halt harmful discharge	2.1 General Discharge Prohibitions 5.1 Harmful Contributions 5.2 Revocation of Permits
403.8(f)(1)(vii)	Confidentiality of trade secrets	4.7 Confidential Information

The pretreatment program requirements will be implemented and pretreatment standards applied to individual industrial users pursuant to this ordinance, which utilizes a permit system and pursuant to the surcharge ordinance.

The Searcy Board of Public Utilities intends to require that all reporting and monitoring standards be kept and to exercise its rights of admission, inspection and monitoring. The enforcement method to be used can be denials of permits and hookups, refusal to allow discharge, administration sanctions, and court action where necessary asking for injunctive and damage relief.

Sincerely,

ORIGINAL SIGNED BY
DONALD P. RANEY
Donald P. Raney

DPR:raa
cc: Mr. Clarence Buckner
Mr. Dan Dawson
Mr. Ron Pierce
Mr. Dewayne Treat

APPENDIX E

ORDINANCE NUMBER 2011-9

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE III – SEWAGE PRETREATMENT OF THE SEARCY CODE OF ORDINANCES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas, meeting in regular session, makes the following findings of fact and enacts the following provisions:

WHEREAS, the Searcy City Council has received a report from the Searcy Board of Public Utilities concerning sewage pretreatment requirements; and

WHEREAS, the Searcy City Council recognizes the need to modify and amend the provision of the Code of Ordinances dealing with sewage pretreatment, all to comply with applicable state and federal laws required by the Clean Water Act (33 U.S.C. § 1251, et seq.) and the general pretreatment regulations (40 C.F.R. Part 403) ; and

WHEREAS, the Searcy Board of Public Utilities has prepared a proposed revision to Article III of Chapter 28 to the Searcy Code of Ordinances; and

WHEREAS, the Searcy City Council finds that the need to provide for modifications in the manner of sewage pretreatment is necessary to provide for the public peace, health, safety and welfare to the extent that an emergency exists.

NOW, THEREFORE, the Searcy City Council adopts the following amendment to the Code of Ordinances:

Section 1. Article III of Chapter 28 of the Code of Ordinances of the City of Searcy, Arkansas, is hereby amended to read as follows:

"ARTICLE III – Sewage Pretreatment.

Section 28-26 – GENERAL PROVISIONS

28-26-1 Purpose and Policy

This Article sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Searcy, Arkansas and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Article are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into

receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To encourage pollution prevention in waste reduction prior to recycling, treatment or disposal; and

F. To enable the City 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 Publicly Owned Treatment Works is subject.

This Article shall apply to all Users of the Publicly Owned Treatment Works. The Article authorizes the issuance of individual 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.

28-26-2 Administration

Except as otherwise provided herein, the General Manager of the Searcy Water and Sewer System shall administer, implement, and enforce the provisions of this Article. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized employee of the Searcy Water and Sewer System.

28-26-3 Abbreviations

The following abbreviations, when used in this Article, 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

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SBPU – Searcy Board of Public Utilities

SIU – Significant Industrial User

SNC – Significant Noncompliance

SWSS – Searcy Water and Sewer System

TSS – Total Suspended Solids

U.S.C. – United States Code

28-26-4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, 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. The Arkansas Department of Environmental Quality.

C. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(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 individual 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: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: 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 City.

D. Biochemical Oxygen Demand or BOD. 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).

E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 28-27-1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. 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.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. City. The Searcy Board of Public Utilities d/b/a the Searcy Water and Sewer System.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The The Searcy Board of Public Utilities-Searcy Wastewater Treatment Facility d/b/a Searcy Water and Sewer System.

K. Daily Maximum. The highest allowable "daily discharge" during the calendar month.

L. 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.

M. 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.

N. Existing Source. Any source of discharge that is not a "New Source."

O. General Manager. The person designated by the Searcy Board of Public Utilities to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Article. The term also means a Duly Authorized Representative of the General Manager.

P. 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.

Q. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

R. Instantaneous Limit. The maximum concentration of a pollutant 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.

S. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City'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.

T. Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

U. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

V. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

W. 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.

X. 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.

Y. 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.

Z. Pass Through. A discharge which exits the POTW into waters of the State 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's NPDES permit, including an increase in the magnitude or duration of a violation.

AA. Person. Any individual, partnership, copartnership, 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.

BB. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

CC. 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).

DD. 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.

EE. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

FF. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

GG. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 28-27-1 of this Article.

HH. 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. 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.

II. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

JJ. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

KK. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, 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 blowdown 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 on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City 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.

LL. 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 28-27-1 of this Article. 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.

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

NN. 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.

OO. User or Industrial User. A source of indirect discharge.

PP. 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.

QQ. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

RR. 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 of Arkansas or any portion thereof.

SECTION 28-27—GENERAL SEWER USE REQUIREMENTS

28-27-1 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 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 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case solids greater than one-half inch (1/2") or one and three-tenths centimeter(s) (1.3 cm) in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 28-28-4 of this Article;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except 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 General Manager;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical Wastes, except as specifically authorized by the General Manager in an individual wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Wastewater causing any single reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit of the meter.

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.

28-27-2 National Categorical Pretreatment Standards

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

A. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager 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. See 40 CFR 403.6(c)(2).

B. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

C. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. See 40 CFR 403.15.

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

D. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 28-27-2 in lieu of the promulgated categorical

Standards from which the equivalent limitations were derived. See 40 CFR 403.6(c)(7).

E. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. See 40 CFR 403.6(c)(9).

28-27-3 State Pretreatment Standards

Users must comply with State Pretreatment Standards in any case where they are more stringent than Federal requirements.

28-27-4 Local Limits

A. The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. No person shall discharge any waters or wastes into the wastewater system of the City, at a concentration which would exceed the concentration of pollutants prohibited by any federal, state or local rule, regulation or law, including but not limited to, the concentration of pollutants identified in the "Technically-Based Local Limits Development Document" or the "Industrial Pretreatment Program" as developed by and issued by the General Manager, and as directed, approved and adopted by the Searcy Board of Public Utilities, the Arkansas Department of Environmental Quality or the Environmental Protection Agency.

The General Manager will develop and assign specific discharge limitations for pollutants for permitted Users based on the criteria approved by the Searcy Board of Public Utilities and as directed, approved or adopted by the Arkansas Department of Environmental Quality or the Environmental Protection Agency. The specific permit limits shall ensure that the local limit pollutant concentrations will protect the publicly owned treatment works (POTW) from improper concentration levels, endangerment, or render the POTW sludge unacceptable or in violation of its National Pollutant Discharge Elimination System (NPDES) permitted discharge. In developing specific permit levels, the General Manager may impose mass local limitations in addition to or in the place of specific concentration-based local limits. In addition, the General Manager may develop specific discharge limitations for any other toxic pollutants which the General Manager may determine to be of sufficient quantity to cause the POTW interference or pass through thereby endangering the safety of the POTW personnel or the public health; causing a POTW permit violation or rendering the POTW sludge unacceptable for economic reuse or reclamation.

C. The General Manager may develop Best Management Practices (BMPs), by Article or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 28-27-1.

28-27-5 City's Right of Revision

The City reserves the right to establish, by Article or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Article.

28-27-6 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 General Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 28-28—PRETREATMENT OF WASTEWATER

28-28-1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 28-27-1 of this Article within the time limitations specified by EPA, the State, or the General Manager, 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 General Manager for review, and shall be acceptable to the General Manager 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 City under the provisions of this Article.

28-28-2 Additional Pretreatment Measures

A. Whenever deemed necessary, the General Manager may require 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 User's compliance with the requirements of this Article.

B. The General Manager 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. An individual 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 General Manager or the City's Code Enforcement Division, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager or City's Code Enforcement Division and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

28-28-3 Accidental Discharge/Slug Discharge Control Plans

The General Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The General Manager 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. Alternatively, the General Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, 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 General Manager of any accidental or Slug Discharge, as required by Section 28-31-6 of this Article; 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.

28-28-4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Section 28-27 of this Article or any other requirements established by the City. The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The General Manager may require haulers of industrial waste to obtain individual wastewater discharge permits. The General Manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Article.

C. Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. All waste haulers must provide a Waste Manifest form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste.

SECTION 28-29—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

28-29-1 Wastewater Analysis

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

28-29-2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 28-29-3 of this Article may continue to discharge for the time period specified therein.

B. The General Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Article.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sections 28-35 through 28-37 of this Article. Obtaining an individual 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.

28-29-3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Article and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, or, within sixty (60) days of the expiration date of their current discharge permit, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 28-29-5 of this Article, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Article except in accordance with an individual wastewater discharge permit issued by the General Manager.

28-29-4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual 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 individual wastewater discharge permit, in accordance with Section 28-29-5 of this Article, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

28-29-5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The General Manager 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;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

a. A brief 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 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 chemicals 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. 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. 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 Section 28-27-2C (40 CFR 403.6(e)).

(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 General Manager, 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 28-31-10 of this Article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 28-31-11 of this Article.

(8) Any other information as may be deemed necessary by the General Manager to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

28-29-6 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 28-31-14 A.

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 General Manager prior to or together with any reports to be signed by an Authorized Representative.

28-29-7 Individual Wastewater Discharge Permit Decisions

The General Manager will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the General Manager will determine whether to issue an individual wastewater discharge permit. The General Manager may deny any application for an individual wastewater discharge permit.

SECTION 28-30 —INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

28-30-1 Individual Wastewater Discharge Permit Duration

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

28-30-2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the General Manager 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. Individual wastewater discharge permits must contain:

(1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 28-30-5 of this Article,

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 (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 28-31-4 B.

(6) 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.

(7) Requirements to control Slug Discharge, if determined by the General Manager to be necessary.

(8) Any grant of the monitoring waiver by the General Manager (under Section 28-31- 4 B) must be included as a condition in the User's permit.

B. Individual 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) 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;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual 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 individual wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the General Manager to ensure compliance with this Article, and State and Federal laws, rules, and regulations.

28-30-3 Permit Modification

A. The General Manager may modify an individual 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 individual 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 the City's POTW, City personnel, or the receiving waters;

(5) Violation of any terms or conditions of the individual 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 individual 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 28-30-4.

28-30-4 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the General Manager and the General Manager approves the individual wastewater discharge permit transfer. The notice to the General Manager 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 individual wastewater discharge permit.

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

28-30-5 Individual Wastewater Discharge Permit Revocation

The General Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 28-31-5 of this Article;

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 General Manager timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

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 Article.

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

28-30-6 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 28-29-5 of this Article, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

28-30-7 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the General Manager shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the General Manager shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the General Manager may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use Article which is at least as stringent as this Article and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 28-27-4 of this Article. The requirement shall specify that such

Article and limits must be revised as necessary to reflect changes made to the City's Article or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the General Manager; and which of these activities will be conducted jointly by the contributing municipality and the General Manager;

(4) A requirement for the contributing municipality to provide the General Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the General Manager has access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the General Manager; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 28-31—REPORTING REQUIREMENTS

28-31-1 Baseline Monitoring Reports

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users.

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 Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager 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 Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager 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) All information required in Section 28-29-5A (1) (a), Section 28-29-5A (2), Section 28-29-5A (3) (a), and Section 28-29-5A (6). See 40 CFR 403.12(b)(1)-(7).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 28-29-5 A (7) (a) through (d).

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

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined 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;

d. Sampling and analysis shall be performed in accordance with Section 28-31-10;

e. The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 28-26-4 C 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.

(4) 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 28-31-2 of this Article.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 28-31-14 A of this Article and signed by an Authorized Representative as defined in Section 28-26-4C.

28-31-2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 28-31-1(B)(4) of this Article:

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 General Manager 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 General Manager.

28-31-3 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 General Manager a report containing the information described in Section 28-29-5A(6) and (7) and 28-31-1(B)(2) of this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section

28-27-2 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 28-31-14 A of this Article. All sampling will be done in conformance with Section 28-31-11.

28-31-4 Periodic Compliance Reports

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 28-31-4 C.

A. Except as specified in Section 28-31-4.C, all Significant Industrial Users must, at a frequency determined by the General Manager submit no less than twice per year reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

B. All periodic compliance reports must be signed and certified in accordance with Section 28-31-14 A of this Article.

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 General Manager, using the procedures prescribed in Section 28-31-11 of this Article, the results of this monitoring shall be included in the report. See 40 CFR 403.12(g)(6).

28-31-5 Reports of Changed Conditions

Each User must notify the General Manager 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 General Manager 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 28-29-5 of this Article.

B. The General Manager may issue an individual wastewater discharge permit under Section 28-30-7 of this Article or modify an existing wastewater discharge permit under Section 28-30-4 of this Article in response to changed conditions or anticipated changed conditions.

28-31-6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. 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.

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

28-31-7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

28-31-8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the General Manager 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 General Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City or the User performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

28-31-9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and 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 (undiluted mass) 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: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and 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 sixty (60) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 28-31-5 of this Article. 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 28-31-1, 28-31-3, and 28-31-4 of this Article.

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 (undiluted mass) 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 (undiluted mass) of nonacute 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 the General Manager, 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 Article, a permit issued thereunder, or any applicable Federal or State law.

28-31-10 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 General Manager or other parties approved by EPA.

28-31-11 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.

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 General Manager. Where time-proportional composite sampling or grab sampling is authorized by the City, 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 City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 28-31-1 and 28-31-3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by paragraphs Section 28-31-4 (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 with applicable Pretreatment Standards and Requirements.

28-31-12 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.

28-31-13 Recordkeeping

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article, 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 28-27-4 C. 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 the City, or where the User has been specifically notified of a longer retention period by the General Manager.

28-31-14 Certification Statements

Certification of Permit Applications and User Reports—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 28-29-7; Users submitting baseline monitoring reports under Section 28-31-1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 28-31-2; Users submitting periodic compliance reports required by Section 28-31-4 A–D. The following certification statement must be signed by an Authorized Representative as defined in Section 28-26-4 C:

> 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.

SECTION 28-32—COMPLIANCE MONITORING

28-32-1 Right of Entry: Inspection and Sampling

The General Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article and any individual wastewater discharge permit or order issued hereunder. Users shall allow the General Manager 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, the General

Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The General Manager 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 General Manager 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 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 General Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. Unreasonable delays in allowing the General Manager access to the User's premises shall be a violation of this Article.

28-32-2 Search Warrants

If the General Manager 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 Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the Searcy Municipal Court.

28-33-1—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager'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 General Manager, 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 28-34-1—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, 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 measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 28-27;

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 numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 28-27 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 28-26-2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 28-27 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the General Manager'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 an individual 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 violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 28-35—ADMINISTRATIVE ENFORCEMENT REMEDIES

28-35-1 Notification of Violation

When the General Manager finds that a User has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such 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 General Manager. 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 General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

28-35-2 Consent Orders

The General Manager may enter into Consent Orders, assurances of 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. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 28-35-4 and 28-35-5 of this Article and shall be judicially enforceable.

28-35-3 Show Cause Hearing

The General Manager may order a User which has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the General Manager and 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. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 28-26-4 C and required by Section 28-29-7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

28-35-4 Compliance Orders

When the General Manager finds that a User has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement, the General Manager may issue an order 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 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.

28-35-5 Cease and Desist Orders

When the General Manager finds that a User has violated, or continues to violate, any provision of this Article, an individual 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 General Manager may 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.

28-35-6 Administrative Fines

A. When the General Manager finds that a User has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may fine such User in an amount not to exceed $500.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The

General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

28-35-7 Emergency Suspensions

The General Manager may immediately suspend a User's discharge, after informal notice to the User, 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 General Manager 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 General Manager 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 General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 28-35-8 of this Article 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 General Manager prior to the date of any show cause or termination hearing under Sections 28-35-3 or 28-35-8 of this Article.

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

28-35-8 Termination of Discharge

In addition to the provisions in Section 28-30-6 of this Article, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual 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. Violation of the Pretreatment Standards in Section 28-27 of this Article.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 28-35-3 of this Article why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 28-36—JUDICIAL ENFORCEMENT REMEDIES

28-36-1 Injunctive Relief

When the General Manager finds that a User has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may petition the White County Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, issued hereunder, order, or other requirement imposed by this Article on activities of the User. The General Manager may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the User to conduct environmental remediation. Any action for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

28-36-2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the SWSS in the form of a civil penalty pursuant to A. C. A. § 14-55-606 (Repl. 1998) as amended in the amount of $500.00 per violation, per day. 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 General Manager may also 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 City.

C. In determining the amount of civil liability, the White County District Court pursuant to the aforesaid code section 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. The filing of a court action to obtain civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

28-36-3 Criminal Prosecution

A. It shall be unlawful for any User to willfully or negligently violate any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement. There is established under the Searcy Code of Articles as a criminal act of such willful or negligent violation which may be prosecuted shall, upon conviction, be guilty of a violation under the provisions of A. C. A. § 14-55-606 (Repl. 1998) as amended which is punishable by a fine up to but not more than of $500.00 per violation, per day, or imprisonment for not more than six (6) months, or both.

B. It is further established under the Searcy Code of Articles as a criminal act pursuant to A. C. A. § 5-38-205 (Repl. 2006) as amended for any User to willfully or negligently introduce any substance into the POTW which causes personal injury or property damage or the impairment of the SWSS sewer system which is defined under said code section as vital public facility and in such event and upon conviction, shall be guilty of a Class A Misdemeanor and be subject to a penalty of at least $1,000, per violation or be subject to imprisonment for not more than one year, or both, per violation. This criminal fine and penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. Additionally it is established under the Searcy Code of Ordinances as a prohibited conduct pursuant to A. C. A. § 14-55-501 (Repl. 1998) as amended for any User who knowingly make any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Article, individual wastewater discharge permit, or order issued hereunder. Additionally it shall be a criminal act under this Article for any User to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Article. Upon a conviction for any such act the User shall be punished by a fine of not more than $500 per violation, per day, or imprisonment for not more than six (6) months, or both.

D. In the event of a subsequent conviction of the same User for the same or similar act the fine for such subsequent conviction shall be $1,000 per violation, per day, or imprisonment for not more than one year, or both.

28-36-4 Remedies Nonexclusive

The remedies provided for in this Article are not exclusive. The General Manager 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 City's Enforcement Response Plan. However, the General Manager may take other action against any User when the

circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User.

SECTION 28-37—SUPPLEMENTAL ENFORCEMENT ACTION

28-37-1 Payment of Outstanding Fees and Penalties

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

28-37-2 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

SECTION 28-38—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

28-38-1 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 General Manager 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 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.

28-38-2 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 28-27-1(A) of this Article or the specific prohibitions in Sections 28-27-1(B)(1) through (17) of this Article 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 City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

28-38-3 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 General Manager, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the General Manager 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 General Manager 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 General Manager may take an enforcement action against a User for a bypass, unless

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

SECTION 28-39----MISCELLANEOUS PROVISIONS

28-39-1 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

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 and construction;

D. Fees for filing appeals;

E. Fees to recover administrative and legal costs (not included in Section 28-39-1 B) associated with the enforcement activity taken by the General Manager to address IU noncompliance; and

F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines, and penalties chargeable by the City."

Section 2. Article IV of Chapter 28 of the Code of Ordinances of the City of Searcy, Arkansas, is renumbered with the following sections to numbered as follows

a. Section 28-32 – Cross Connection Control – General Policy

Renumbered to be: Section 28-60

b. Section 28-33 – Definitions

Renumbered to be: Section 28-61

c. Section 28-34 -- Requirements

Renumbered to be: Section 28-62

d. Section 28-35 – Protection of Backflow Prevention Devices

Renumbered to be: Section 28-63

e. Section 28-36 – Powers and Authorities of Inspectors

Renumbered to be: Section 28-64

f. Section 28-37 -- Variance

Renumbered to be: Section 28-65

g. Section 28-38 – Violations and Penalties

Renumbered to be: Section 28-66

Section 3. The provision of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms.

Section 4. All ordinances, resolution or other acts of the City in conflict with the terms hereof are repealed to the extent of any such conflict.

Emergency Clause. The Searcy City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provision hereof shall be in full force and effect from and after its passage.

Adopted this 15th day of February, 2011.

The City of Searcy, Arkansas

By: _____
Mayor

Attest:

Margaret Meads
Searcy City Clerk-Treasurer

publish by one insertion

ORDINANCE NO. 679

AN ORDINANCE TO FIX SURCHARGE RATES FOR EXCESSIVE DISCHARGE OF BOD_5, TOTAL SUSPENDED SOLIDS, AND OIL AND GREASE INTO THE SEWER COLLECTION SYSTEM OF THE CITY OF SEARCY, ARKANSAS, AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS the City of Searcy, Arkansas, is constructing a new wastewater treatment plant and influent pump station which will be sensitive to and subject to damage by certain pollutants and the extra costs in treating such pollutants have been ascertained, and;

WHEREAS the City has implemented a pretreatment program pursuant to which Ordinance No. 678 was passed, and;

WHEREAS it is necessary for the City to enact a surcharge on discharges of these pollutants in excess of certain concentrations so as to cover the increased costs of treatment;

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

Section 1: In addition to the regular rates in effect, the following charges shall be imposed on all users of the Wastewater Collection System of the City of Searcy, Arkansas:

A. There shall be a surcharge of $0.05 per pound for discharge with concentrations of BOD_5 in excess of 225 mg/l (milligrams per liter) to be computed by use of the following formula:

$$S_B = \frac{(V)\ (1000)\ (8.33)}{1{,}000{,}000} \qquad (C_B - 225)\ \ (0.05)$$

Where:

S_B = Surcharge for BOD_5 in excess of 225 mg/l

V = Volume in 1000 gallons per month { use either flow data from lab analysis, or water bill, whichever is LOWER }

C_B = Concentration of BOD_5 in mg/l { Average for the monitoring period }

BOD_5 (Biochemical Oxygen Demand) is defined as:

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° centigrade expressed in terms of weight and concentration - milligrams per liter (mg/l).

B. There shall be a surcharge of $0.054 per pound for discharge with concentrations of Total Suspended Solids (TSS) in excess of 225 mg/l to be computed by use of the following formula:

$$S_{TS} = \frac{V\ (1000)\ (8.33)}{1,000,000}\ (C_{TS} - 225)\ (0.054)$$

Where:

S_{TS} = Surcharge for TSS in excess of 225 mg/l

V = Volume in 1000 gallons per month

C_{TS} = Concentration of TSS in mg/l

C. There shall be a surcharge of $0.01 per pound for discharge with concentrations of oil and grease (O & G) in excess of 100 mg/l to be computed by use of the following formula:

$$S_{O\&G} = \frac{(V)\ (1000)\ (8.33)}{1,000,000}\ (C_{O\&G} - 100)\ (0.01)$$

Where:

$S_{O\&G}$ = surcharge for oil and grease in excess of 100 mg/l

V = volume in 1000 gallons per month

$C_{O\&G}$ = concentrations of oil and grease in mg/l

Section 2: Surcharges for the above-mentioned pollutants shall be computed separately. In the event of discharge containing more than one type of these pollutants, there shall be a separate surcharge imposed for each pollutant. There shall be no credit or reduction of surcharges for a specific pollutant because of lower concentrations of other pollutants.

Section 3: Discharges of such pollutants and concentrations of such pollutants shall be monitored as set forth in Searcy City Ordinance No. 678 (the pretreatment ordinance).

The Board of Public Utilities is hereby given authority to establish time periods during which flow shall be monitored for purpose of determining whether flow exceeds the standards set forth herein and to set other policies necessary to the proper enforcement of this Ordinance.

Section 4: The City reserves the right to make any necessary changes in the levels of concentration which will lead to imposition of a surcharge and to the surcharges to be imposed for specific concentrations.

Section 5: This surcharge shall go into effect on the effective date of this Ordinance.

PASSED: 11-13, 1984.

APPROVED:

Jack O. Wiseman
Jack Wiseman, Mayor

ATTEST:

Truett Langley
Truett Langley, City Clerk

APPENDIX F

Table F-1
MAHL Calculation from ADEQ
Received: November 6, 2003; Revised February 10, 2011

Pollutant	Allowable Headworks Loadings per Criteria			MAHL	** MAHC
	Water Quality lbs/day	Sludge Disposal lbs/day	Plant Inhibition lbs/day	lbs/day	mg/L
Cadmium	0.5777	0.63	34.03	0.578	0.0197
Copper	3.8288	19.024	34.03	3.829	0.1304
Lead	1.2206	4.489	34.03	1.221	0.0416
Mercury	0.0059	0.31	3.4	0.006	0.0002
Nickel	29.3707	3.26	34.03	3.26	0.1110
Selenium	1.9607	0.652	6.81	0.652	0.0222
Silver	0.4211	***	8.51	0.421	0.0143
Zinc	73.983	27.784	10.21	10.208	0.3477
Chromium	288.3518	11.927	34.03	11.927	0.4063
Cyanide	3.2888	***	3.4	3.289	0.1120
Arsenic	89.7081	0.543	3.4	0.543	0.0185
Molybdenum	***	0.489	6.81	0.489	0.0167

Allowable Headworks Loadings values from ADEQ worksheet, dated November 6, 2003
** - MAHC calculated from MAHL, based on current POTW avg. flow of 3.52 MGD

Table F-2
Local Limits Calculations

11-Feb-11

Parameter	MAHL^	Allocations for: Domestic*	SF**	MAIL	IUCF^^	Local Limit
Cadmium	0.578	0.18	0.0578	0.340	0.0041	9.95
Copper	3.829	0.18	0.3829	3.266	0.0116	33.81
Lead	1.221	0.25	0.1221	0.849	0.0090	11.32
Mercury	0.006	0.00	0.0006	0.005		
Nickel	3.260	0.25	0.326	2.684	0.0116	27.78
Selenium	0.652	0.03	0.0652	0.557		
Silver	0.421	0.09	0.0421	0.289		
Zinc	10.208	2.59	1.0208	6.597	0.0026	305.42
Chromium	11.927	0.09	1.1927	10.644	0.0041	311.29
Cyanide	3.289	0.13	0.3289	2.830		
Arsenic	0.543	0.01	0.0543	0.479		
Molybdenum	0.489	0.00	0.0489	0.440		

MAHL^ - Value of MAHL from ADEQ calculation, dated 06-Nov-03
Domestic* - based upon 3.10 MGD domestic only flow and 3/26/03 domestic analysis results only
SF** - Safety Factor has been changed to 10% of MAHL--this is the amount to be subtracted from MAHL
IUCF^^ - Industrial User's Contributory Flow, used in Local Limit calculation for this parameter
MAIL = MAHL^ - (Domestic* + SF**)
Local Limit = MAIL/(8.34 x IUCF^^)

IUCF Calculation

IU Name	2010 Avg. flow (MG)	Avg. Daily Flow {2010 Avg. flow (MG)/30 days per month} Cd	Cu	Pb	Ni	Zn	Cr	CN
Road Systems	0.0777		0.00259		0.00259	0.00259		
BJ Services	0.147		0.005	0.005	0.005			
Eaton	0.123	0.0041	0.0041	0.0041	0.0041		0.0041	
IUCF for each parameter		0.0041	0.0116	0.0090	0.0116	0.0026	0.0041	

Table F-3
Summary of Searcy WWTP Influent Data
All analyses noted in ug/L

Pollutant	Influent Sample Dates				Average
	2/13/2003	4/3/2003	7/17/2003	11/20/2003	
Arsenic	ND	ND	ND	ND	ND
Cadmium	1.4	ND	0.52	ND	0.96
Chromium	ND	ND	ND	ND	0
Copper	12	24	42	4.4	20.6
Cyanide	ND	ND	ND	ND	ND
Lead	3.4	3.3	3.4	0.5	2.65
Mercury	0.021	0.051	0.055	0.027	0.0385
Nickel	4.7	6.8	5.9	6	5.85
Selenium	ND	ND	ND	ND	ND
Silver	1.3	3.4	1.7	ND	2.133333
Zinc	53	92	100	32	69.25
Molybdenum	ND	ND	ND	ND	ND

Latest analytical results

December, 2010

AMERICAN INTERPLEX CORPORATION LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143705-1
Sample Identification: INF 12-2-10 9:15,1:30,10:30

Analyte		Result	RL	Units	Qualifier
Volatile Organic Compounds By EPA 624					
Acrolein		< 50	50	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Acrylonitrile		< 20	20	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Benzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Bromoform		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Carbon tetrachloride		< 2	2	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Chlorobenzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Chlorodibromomethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Chloroethane		< 50	50	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
2-Chloroethyl vinyl ether		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Chloroform		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,2-Dichlorobenzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,3-Dichlorobenzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,4-Dichlorobenzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Dichlorobromomethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,1-Dichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,2-Dichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,1-Dichloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
trans-1,2-Dichloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,2-Dichloropropane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,3-Dichloropropylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143705-1 (Continued)
Sample Identification: INF 12-2-10 9:15,1:30,10:30

Analyte		Result	RL	Units	Qualifier
Volatile Organic Compounds By EPA 624 (Continued)					
Ethylbenzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Methyl bromide(Bromomethane)		< 50	50	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Methyl chloride(Chloromethane)		< 50	50	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Methylene chloride		< 20	20	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,1,2,2-Tetrachloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Tetrachloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Toluene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,1,1-Trichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
1,1,2-Trichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Trichloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Vinyl chloride		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Surrogate: 4-Bromofluorobenzene (75.0-120%)		98.5		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Surrogate: Dibromofluoromethane (85.0-115%)		103		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	
Surrogate: Toluene-D8 (85.0-120%)		99.9		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 1953 by 293		Batch: V7603	

AIC No. 143705-2
Sample Identification: EFF 12-2-10 8:48,1:15,10:15

Analyte		Result	RL	Units	Qualifier
Volatile Organic Compounds By EPA 624					
Acrolein		< 50	50	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Acrylonitrile		< 20	20	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Benzene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
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ANALYTICAL RESULTS

AIC No. 143705-2 (Continued)
Sample Identification: EFF 12-2-10 8:48,1:15,10:15

Analyte	Result	RL	Units	Qualifier
Volatile Organic Compounds By EPA 624 (Continued)				
Bromoform	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Carbon tetrachloride	< 2	2	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Chlorobenzene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Chlorodibromomethane	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Chloroethane	< 50	50	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
2-Chloroethyl vinyl ether	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Chloroform	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,2-Dichlorobenzene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,3-Dichlorobenzene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,4-Dichlorobenzene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Dichlorobromomethane	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,1-Dichloroethane	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,2-Dichloroethane	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,1-Dichloroethylene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
trans-1,2-Dichloroethylene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,2-Dichloropropane	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,3-Dichloropropylene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Ethylbenzene	< 10	10	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Methyl bromide(Bromomethane)	< 50	50	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Methyl chloride(Chloromethane)	< 50	50	ug/l	
EPA 624 Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143705-2 (Continued)
Sample Identification: EFF 12-2-10 8:48,1:15,10:15

Analyte		Result	RL	Units	Qualifier
Volatile Organic Compounds By EPA 624 (Continued)					
Methylene chloride		< 20	20	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,1,2,2-Tetrachloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Tetrachloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Toluene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,1,1-Trichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
1,1,2-Trichloroethane		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Trichloroethylene		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Vinyl chloride		< 10	10	ug/l	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Surrogate: 4-Bromofluorobenzene (75.0-120%)		97.9		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Surrogate: Dibromofluoromethane (85.0-115%)		102		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	
Surrogate: Toluene-D8 (85.0-120%)		99.7		%	
EPA 624	Prep: 08-Dec-2010 1705 by 293	Analyzed: 09-Dec-2010 2031 by 293		Batch: V7603	

AIC No. 143705-3
Sample Identification: North Sludge Pond 12-2-10 10:00am

Analyte		Result	RL	Units	Qualifier
Total Cyanide		< 4.3	4.3	mg/Kg	D
EPA 9010C, 9014	Prep: 08-Dec-2010 1019 by 292	Analyzed: 09-Dec-2010 1617 by 258		Batch: W34664	Dil: 10
Total Recoverable Phenolics		51	22	mg/Kg	D
EPA 9065	Prep: 08-Dec-2010 1419 by 292	Analyzed: 09-Dec-2010 1535 by 258		Batch: W34669	Dil: 100
Total Solids		2.3	0.01	%	
SM 2540G	Prep: 08-Dec-2010 1619 by 285	Analyzed: 09-Dec-2010 1053 by 285		Batch: W34675	
Antimony		< 3	3	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Arsenic		< 5	5	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Beryllium		0.48	0.03	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Cadmium		6.2	0.4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143705-3 (Continued)
Sample Identification: North Sludge Pond 12-2-10 10:00am

Analyte		Result	RL	Units	Qualifier
Chromium		450	0.7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Copper		270	0.6	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Lead		50	4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Molybdenum		17	0.8	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Nickel		230	1	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Selenium		14	7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Silver		15	0.7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Thallium		< 4	4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Zinc		760	0.2	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1746 by 235		Batch: S29079	
Mercury		0.69	0.1	mg/Kg	
EPA 7471B	Prep: 06-Dec-2010 1039 by 271	Analyzed: 06-Dec-2010 2310 by 297		Batch: S29080	

AIC No. 143705-4
Sample Identification: South Sludge Pond 12-2-10 10:05am

Analyte		Result	RL	Units	Qualifier
Total Cyanide		< 3	3	mg/Kg	D
EPA 9010C, 9014	Prep: 08-Dec-2010 1019 by 292	Analyzed: 09-Dec-2010 1623 by 258		Batch: W34664	Dil: 10
Total Recoverable Phenolics		91	15	mg/Kg	D
EPA 9065	Prep: 08-Dec-2010 1419 by 292	Analyzed: 10-Dec-2010 1625 by 258		Batch: W34669	Dil: 100
Total Solids		3.4	0.01	%	
SM 2540G	Prep: 08-Dec-2010 1619 by 285	Analyzed: 09-Dec-2010 1053 by 285		Batch: W34675	
Antimony		< 3	3	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Arsenic		7.0	5	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Beryllium		0.61	0.03	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Cadmium		3.1	0.4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Chromium		80	0.7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

ANALYTICAL RESULTS

AIC No. 143705-4 (Continued)
Sample Identification: South Sludge Pond 12-2-10 10:05am

Analyte		Result	RL	Units	Qualifier
Copper		220	0.6	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Lead		38	4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Molybdenum		12	0.8	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Nickel		45	1	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Selenium		7.7	7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Silver		16	0.7	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Thallium		< 4	4	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Zinc		600	0.2	mg/Kg	
EPA 3051A, 6010C	Prep: 06-Dec-2010 1038 by 271	Analyzed: 06-Dec-2010 1743 by 235		Batch: S29079	
Mercury		0.32	0.1	mg/Kg	
EPA 7471B	Prep: 06-Dec-2010 1039 by 271	Analyzed: 06-Dec-2010 2305 by 297		Batch: S29080	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

DUPLICATE RESULTS

Analyte	AIC No.	Result	RPD	RPD Limit	Preparation Date	Analysis Date	Dil	Qual
Total Solids	143789-1	13 %			08Dec10 1619 by 285	09Dec10 1053 by 285		
Batch: W34675	Duplicate	14 %	6.08	10.0	08Dec10 1619 by 285	09Dec10 1053 by 285		
Volatile Organic Compounds								
Acrolein	143654-1	< 50 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 50 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Acrylonitrile	143654-1	< 20 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 20 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Benzene	143654-1	< 4.4 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 4.4 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Bromoform	143654-1	< 4.7 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 4.7 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Carbon tetrachloride	143654-1	< 2 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 2 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Chlorobenzene	143654-1	< 6 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 6 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Chlorodibromomethane	143654-1	< 3.1 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 3.1 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Chloroethane	143654-1	< 8.7 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 8.7 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
2-Chloroethyl vinyl ether	143654-1	< 5.1 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 5.1 ug/l	0.00	20.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Chloroform	143654-1	4.1 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		J
Batch: V7603	Duplicate	4.1 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		J
1,2-Dichlorobenzene	143654-1	< 1.9 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 1.9 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,3-Dichlorobenzene	143654-1	< 1.9 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 1.9 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,4-Dichlorobenzene	143654-1	< 4.4 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 4.4 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Dichlorobromomethane	143654-1	< 2.2 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 2.2 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,1-Dichloroethane	143654-1	< 4.7 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 4.7 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,2-Dichloroethane	143654-1	< 2.8 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 2.8 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,1-Dichloroethylene	143654-1	< 2.8 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 2.8 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
trans-1,2-Dichloroethylene	143654-1	< 1.6 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 1.6 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,2-Dichloropropane	143654-1	< 6 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 6 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Ethylbenzene	143654-1	< 7.2 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 7.2 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Methyl bromide(Bromomethane)	143654-1	< 8.9 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 8.9 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Methyl chloride(Chloromethane)	143654-1	< 7.8 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
Batch: V7603	Duplicate	< 7.8 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

DUPLICATE RESULTS

Analyte		AIC No.	Result	RPD	RPD Limit	Preparation Date	Analysis Date	Dil	Qual
Methylene chloride		143654-1	< 10 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 10 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,1,2,2-Tetrachloroethane		143654-1	< 6.9 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 6.9 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Tetrachloroethylene		143654-1	< 4.1 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 4.1 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Toluene		143654-1	< 6 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 6 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,1,1-Trichloroethane		143654-1	< 3.8 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 3.8 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
1,1,2-Trichloroethane		143654-1	< 5 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 5 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Trichloroethylene		143654-1	< 1.9 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 1.9 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
Vinyl chloride		143654-1	< 6.4 ug/l			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	< 6.4 ug/l	0.00	30.0	08Dec10 1705 by 293	09Dec10 1205 by 293		
4-Bromofluorobenzene (75.0-120%)		143654-1	98.1 %			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	99.0 %			08Dec10 1705 by 293	09Dec10 1205 by 293		
Dibromofluoromethane (85.0-115%)		143654-1	97.8 %			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	99.7 %			08Dec10 1705 by 293	09Dec10 1205 by 293		
Toluene-D8 (85.0-120%)		143654-1	98.8 %			08Dec10 1705 by 293	09Dec10 1127 by 293		
	Batch: V7603	Duplicate	98.4 %			08Dec10 1705 by 293	09Dec10 1205 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Cyanide	0.1 mg/Kg	95.3	85.0-115			W34664	08Dec10 1020 by 292	09Dec10 1615 by 258		
Total Recoverable Phenolics	0.1 mg/Kg	91.6	85.0-115			W34669	08Dec10 1419 by 292	09Dec10 1535 by 258		
Antimony	5 mg/Kg	101	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Arsenic	5 mg/Kg	100	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Beryllium	0.5 mg/Kg	94.0	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Cadmium	5 mg/Kg	95.2	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Chromium	0.5 mg/Kg	98.8	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Copper	0.5 mg/Kg	100	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Lead	5 mg/Kg	97.7	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Molybdenum	0.5 mg/Kg	102	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Nickel	0.5 mg/Kg	99.1	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Selenium	5 mg/Kg	99.3	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Silver	0.1 mg/Kg	101	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Thallium	5 mg/Kg	99.9	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Zinc	0.5 mg/Kg	96.5	85.0-115			S29079	06Dec10 1038 by 271	06Dec10 1734 by 235		
Mercury	0.0025 mg/Kg	91.2	85.0-115			S29080	06Dec10 1040 by 271	06Dec10 2249 by 297		
Volatile Organic Compounds										
Acrylonitrile	100 ug/l	98.9	47.4-133			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Benzene	20 ug/l	97.0	80.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Bromodichloromethane	20 ug/l	100	75.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Bromoform	20 ug/l	95.8	70.0-130			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Bromomethane	20 ug/l	97.4	30.0-145			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Carbon tetrachloride	20 ug/l	96.4	65.0-140			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Chlorobenzene	20 ug/l	98.8	80.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Chloroethane	20 ug/l	103	60.0-135			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Chloroform	20 ug/l	99.0	65.0-135			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Chloromethane	20 ug/l	97.6	40.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Dibromochloromethane	20 ug/l	95.3	60.0-135			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,2-Dichlorobenzene	20 ug/l	99.8	70.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,3-Dichlorobenzene	20 ug/l	98.5	75.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,4-Dichlorobenzene	20 ug/l	96.0	75.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,1-Dichloroethane	20 ug/l	94.0	70.0-135			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,2-Dichloroethane	20 ug/l	99.2	70.0-130			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,1-Dichloroethene	20 ug/l	102	70.0-130			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
trans-1,2-Dichloroethene	20 ug/l	101	60.0-140			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,2-Dichloropropane	20 ug/l	99.2	75.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Ethylbenzene	20 ug/l	97.9	75.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Methylene chloride	20 ug/l	100	55.0-140			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,1,2,2-Tetrachloroethane	20 ug/l	102	65.0-130			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Tetrachloroethene	20 ug/l	101	45.0-150			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Toluene	20 ug/l	97.4	75.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY CONTROL SAMPLE RESULTS

Analyte	Spike Amount	%	Limits	RPD	Limit	Batch	Preparation Date	Analysis Date	Dil	Qual
Volatile Organic Compounds (Continued)										
1,1,1-Trichloroethane	20 ug/l	102	65.0-130			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
1,1,2-Trichloroethane	20 ug/l	100	75.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Trichloroethene	20 ug/l	97.6	70.0-125			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Vinyl chloride	20 ug/l	102	50.0-145			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Volatile Organic Compounds Surrogates:										
4-Bromofluorobenzene	50 ug/l	101	75.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Dibromofluoromethane	50 ug/l	101	85.0-115			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		
Toluene-D8	50 ug/l	101	85.0-120			V7603	08Dec10 1705 by 293	09Dec10 0105 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Total Cyanide	143705-3	0.1 mg/Kg	85.2	75.0-125	W34664	08Dec10 1020 by 292	09Dec10 1619 by 258		
	143705-3	0.1 mg/Kg	80.8	75.0-125	W34664	08Dec10 1020 by 292	09Dec10 1621 by 258		
	Relative Percent Difference:		5.13	20.0	W34664				
Total Recoverable Phenolics	143705-3	0.1 mg/Kg	89.3	80.0-120	W34669	08Dec10 1419 by 292	09Dec10 1535 by 258		
	143705-3	0.1 mg/Kg	86.8	80.0-120	W34669	08Dec10 1419 by 292	09Dec10 1535 by 258		
	Relative Percent Difference:		2.39	10.0	W34669				
Antimony	143705-4	499 mg/Kg	103	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	102	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.80	20.0	S29079				
Arsenic	143705-4	499 mg/Kg	104	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	103	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		0.870	20.0	S29079				
Beryllium	143705-4	49.9 mg/Kg	96.0	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	49.9 mg/Kg	95.0	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		0.955	20.0	S29079				
Cadmium	143705-4	499 mg/Kg	96.2	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	95.3	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		0.932	20.0	S29079				
Chromium	143705-4	49.9 mg/Kg	94.5	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	49.9 mg/Kg	91.3	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.28	20.0	S29079				
Copper	143705-4	49.9 mg/Kg	-	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		X
	143705-4	49.9 mg/Kg	-	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		X
	Relative Percent Difference:		1.36	20.0	S29079				
Lead	143705-4	499 mg/Kg	96.5	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	95.1	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.40	20.0	S29079				
Molybdenum	143705-4	49.9 mg/Kg	104	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	49.9 mg/Kg	103	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.30	20.0	S29079				
Nickel	143705-4	49.9 mg/Kg	87.8	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	49.9 mg/Kg	85.3	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.43	20.0	S29079				
Selenium	143705-4	499 mg/Kg	102	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	101	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		0.994	20.0	S29079				
Silver	143705-4	9.98 mg/Kg	94.2	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	9.99 mg/Kg	91.4	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.08	20.0	S29079				
Thallium	143705-4	499 mg/Kg	98.0	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		
	143705-4	499 mg/Kg	96.2	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		
	Relative Percent Difference:		1.82	20.0	S29079				
Zinc	143705-4	49.9 mg/Kg	-	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1737 by 235		X
	143705-4	49.9 mg/Kg	-	75.0-125	S29079	06Dec10 1038 by 271	06Dec10 1740 by 235		X
	Relative Percent Difference:		0.822	20.0	S29079				
Mercury	143705-4	1.24 mg/Kg	108	70.0-130	S29080	06Dec10 1040 by 271	06Dec10 2255 by 297		
	143705-4	1.25 mg/Kg	109	70.0-130	S29080	06Dec10 1040 by 271	06Dec10 2300 by 297		
	Relative Percent Difference:		0.637	20.0	S29080				
Volatile Organic Compounds									
Acrylonitrile	143654-1	100 ug/l	92.2	51.5-122	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

MATRIX SPIKE SAMPLE RESULTS

Analyte	Sample	Spike Amount	%	Limits	Batch	Preparation Date	Analysis Date	Dil	Qual
Volatile Organic Compounds (Continued)									
Benzene	143654-1	20 ug/l	98.0	80.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Bromodichloromethane	143654-1	20 ug/l	102	75.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Bromoform	143654-1	20 ug/l	91.6	70.0-130	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Bromomethane	143654-1	20 ug/l	97.0	30.0-145	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Carbon tetrachloride	143654-1	20 ug/l	98.8	65.0-140	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Chlorobenzene	143654-1	20 ug/l	95.8	80.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Chloroethane	143654-1	20 ug/l	101	60.0-135	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Chloroform	143654-1	20 ug/l	97.5	65.0-135	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Chloromethane	143654-1	20 ug/l	98.1	40.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Dibromochloromethane	143654-1	20 ug/l	91.9	60.0-135	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,2-Dichlorobenzene	143654-1	20 ug/l	96.8	70.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,3-Dichlorobenzene	143654-1	20 ug/l	94.6	75.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,4-Dichlorobenzene	143654-1	20 ug/l	93.2	75.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,1-Dichloroethane	143654-1	20 ug/l	98.3	70.0-135	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
[illegible]2-Dichloroethane	143654-1	20 ug/l	97.2	70.0-130	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
[illegible],1-Dichloroethene	143654-1	20 ug/l	102	70.0-130	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
trans-1,2-Dichloroethene	143654-1	20 ug/l	100	60.0-140	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,2-Dichloropropane	143654-1	20 ug/l	99.0	75.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Ethylbenzene	143654-1	20 ug/l	96.7	75.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Methylene chloride	143654-1	20 ug/l	91.8	55.0-140	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,1,2,2-Tetrachloroethane	143654-1	20 ug/l	100	65.0-130	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Tetrachloroethene	143654-1	20 ug/l	100	45.0-150	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Toluene	143654-1	20 ug/l	97.2	75.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,1,1-Trichloroethane	143654-1	20 ug/l	103	65.0-130	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
1,1,2-Trichloroethane	143654-1	20 ug/l	99.2	75.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Trichloroethene	143654-1	20 ug/l	99.0	70.0-125	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Vinyl chloride	143654-1	20 ug/l	102	50.0-145	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Volatile Organic Compounds Surrogates:									
4-Bromofluorobenzene	143654-1	50 ug/l	101	75.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Dibromofluoromethane	143654-1	50 ug/l	99.6	85.0-115	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		
Toluene-D8	143654-1	50 ug/l	99.5	85.0-120	V7603	08Dec10 1705 by 293	09Dec10 0144 by 293		

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Total Cyanide	< 0.01 mg/Kg	0.01	0.01	W34664-1	08Dec10 1020 by 292	09Dec10 1614 by 258	
Total Recoverable Phenolics	< 0.005 mg/Kg	0.005	0.005	W34669-1	08Dec10 1419 by 292	09Dec10 1535 by 258	
Total Solids	< 0.01 %	0.01	0.01	W34675-1	08Dec10 1619 by 285	09Dec10 1053 by 285	
Antimony	< 3 mg/Kg	3	3	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Arsenic	< 5 mg/Kg	5	5	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Beryllium	< 0.03 mg/Kg	0.03	0.03	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Cadmium	< 0.4 mg/Kg	0.4	0.4	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Chromium	< 0.7 mg/Kg	0.7	0.7	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Copper	< 0.6 mg/Kg	0.6	0.6	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Lead	< 4 mg/Kg	4	4	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Molybdenum	< 0.8 mg/Kg	0.8	0.8	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Nickel	< 1 mg/Kg	1	1	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Selenium	< 7 mg/Kg	7	7	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Silver	< 0.7 mg/Kg	0.7	0.7	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Thallium	< 4 mg/Kg	4	4	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Zinc	< 0.2 mg/Kg	0.2	0.2	S29079-1	06Dec10 1038 by 271	06Dec10 1731 by 235	
Mercury	< 0.1 mg/Kg	0.1	0.1	S29080-1	06Dec10 1040 by 271	06Dec10 2244 by 297	
Volatile Organic Compounds							
Acrolein	< 50 ug/l	50	50	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Acrylonitrile	< 20 ug/l	20	25	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Benzene	< 4.4 ug/l	4.4	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Bromoform	< 4.7 ug/l	4.7	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Carbon tetrachloride	< 2.8 ug/l	2.8	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Chlorobenzene	< 6 ug/l	6	6	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Chlorodibromomethane	< 3.1 ug/l	3.1	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Chloroethane	< 8.7 ug/l	8.7	8.7	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
2-Chloroethylvinyl ether	< 5.1 ug/l	5.1	5.1	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Chloroform	< 1.6 ug/l	1.6	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,2-Dichlorobenzene	< 1.9 ug/l	1.9	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,3-Dichlorobenzene	< 1.9 ug/l	1.9	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,4-Dichlorobenzene	< 4.4 ug/l	4.4	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Dichlorobromomethane	< 2.2 ug/l	2.2	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,1-Dichloroethane	< 4.7 ug/l	4.7	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,2-Dichloroethane	< 2.8 ug/l	2.8	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,1-Dichloroethylene	< 2.8 ug/l	2.8	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
trans-1,2-Dichloroethylene	< 1.6 ug/l	1.6	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,2-Dichloropropane	< 6 ug/l	6	6	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Ethylbenzene	< 7.2 ug/l	7.2	7.2	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Methyl bromide(Bromomethane)	< 8.9 ug/l	8.9	8.9	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Methyl chloride(Chloromethane)	< 7.8 ug/l	7.8	7.8	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Methylene chloride	< 10 ug/l	10	10	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,1,2,2-Tetrachloroethane	< 6.9 ug/l	6.9	6.9	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Tetrachloroethylene	< 4.1 ug/l	4.1	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Toluene	< 6 ug/l	6	6	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,1,1-Trichloroethane	< 3.8 ug/l	3.8	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
1,1,2-Trichloroethane	< 5 ug/l	5	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Trichloroethylene	< 1.9 ug/l	1.9	5	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Vinyl chloride	< 6.4 ug/l	6.4	6.4	V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Volatile Organic Compounds Surrogates:							
Bromofluorobenzene (75.0-120%)	97.5 %			V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	

AMERICAN INTERPLEX CORPORATION
LABORATORIES

Searcy Water and Sewer System
Post Office Box 1319
Searcy, AR 72145

LABORATORY BLANK RESULTS

Analyte	Result	RL	PQL	QC Sample	Preparation Date	Analysis Date	Qual
Volatile Organic Compounds							
Volatile Organic Compounds Surrogates:							
Dibromofluoromethane (85.0-115%)	99.7 %			V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	
Toluene-D8 (85.0-120%)	99.5 %			V7603-1	08Dec10 1705 by 293	09Dec10 0300 by 293	

APPENDIX G

Table G-1

List of Monitoring Equipment

Item No.	Quantity	Description
1.	2	American Sigma automatic composite samplers, Model #900
2.	3	Portable gas monitors GFG Dynamation CGM II Model 902
3.	1	Portable pH tester Oakton
4.	Misc.	Safety equipment

APPENDIX H

"EXAMPLE"

CHAIN OF CUSTODY PROCEDURES

GENERAL

The purpose of the chain of custody procedure is to demonstrate the reliability of evidence by creating an accurate written record of the possession of the sample from collection to possible introduction into evidence. This procedure will also insure that the samples are collected, transferred, stored, analyzed and destroyed only by authorized personnel.

CUSTODY

A sample is in custody if it is in any one of the following states:

a) In actual physical possession
b) In view, after being in physical possession
c) In physical possession and locked up
d) In a secure area, restricted to authorized personnel

SAMPLE COLLECTION

A. All samples must be tagged or labeled at the time of collection. The tag must contain at a minimum the following items; The station number and location; the date and time taken; the name of the sample collector; and any preservative used.

B. A bound field notebook must be used. It must contain at a minimum the same information as the sample tag and any field measurements and other information necessary to re-construct the sample collection process. All entries should be signed and all field notebooks should be stored in a safe place.

C. The sample collector is responsible for the care and custody of the samples until they are relinquished. The sample collector must provide the proper storage conditions and insure the delivery of the samples within the permitted holding times. The samples must be in his physical possession or in his view or stored in a locked place at all times.

SAMPLE SHIPMENT AND TRANSFER OF CUSTODY

A. When samples are shipped by common carrier, a bill of lading must be obtained. This bill of lading must be retained as part of the permanent chain of custody.

B. Samples transferred to other personnel for delivery must be accompanied by a chain of custody record. For individual samples, this can consist of a relinquished by signature and a received by signature on the sample tag. For bulk transfer of a group of samples, a separate chain of custody record sheet may be used. This sheet must include the collector's signature, station number and location, date, and time of collection. The transferrer and transferree must sign, date, and time the record sheet.

C. Samples must be delivered to authorized laboratory personnel and the transfer of custody recorded by signatures with the date and time of the person relinquishing and the person receiving the samples.

D. The only persons authorized to receive samples in the laboratory shall be the laboratory supervisor and an alternate.

LABORATORY CUSTODY

A. All samples received in the laboratory shall be recorded in a laboratory log book with the sample description, date and time collected, name of person collecting sample, the date and time received, and the person receiving the sample.

B. The person receiving the sample is responsible for distributing the samples to the laboratory personnel or storing the samples under the appropriate conditions.

C. Laboratory personnel are responsible for the care and custody of a sample once it is handed to them and should be prepared to testify that the sample was in their possession and view or secured in the laboratory at all times.

D. The laboratory area shall be maintained as a secured area and shall be restricted to authorized personnel.

E. Once sample analyses are completed, the unused portion of the sample, with identifying labels and other documentation must be returned to the laboratory supervisor for secure storage.

F. Samples should be destroyed only upon the order of the laboratory supervisor. Sample tags, like all laboratory records, must be retained for five years.

SEARCY WATER AND SEWER SYSTEM

SAMPLE CHAIN OF CUSTODY RECORD

Nº 299

SAMPLED BY _____ SIGNATURE _____

AFFILIATION / TITLE OF PERSON SAMPLING _____

Composite Date / Time START _____ STOP _____

Grab Date / Time _____

Facility Sampled _____ Permit No. _____

Facility Location _____

Sampling Location _____

Remarks _____

Sample Identification	PO No.	Sample Matrix: GRAB	COMP	WATER	SOIL	NO. OF BOTTLES	ANALYSIS REQUIRED
Container Type							
Preservative							

VOID

Symbol References: G = Glass, S = Sulfuric Acid pH2, P = Plastic, N = Nitric acid pH2, V = VOA vials, B = NaOH to pH12, T = Sodium Thiosulfate, Z = Zinc Acetate, NO = None

Turnaround Time Requested: (Please Circle)

NORMAL OR EXPEDITED IN _____ DAYS

Expedited results requested by: _____

Phone: _____ Fax: _____

Report Attention to: _____

Report Address to:

Relinquished By:	Date / Time	Received By:	Date / Time
Relinquished By:	Date / Time	Received By:	Date / Time

Comments

SEARCY INDUSTRIAL PRETREATMENT PROGRAM

SAMPLE LOG

Date Sampler Set Out	Date Sampler Retrieved	Industry Sampled	Sample Taken?	Chain/Cust #	Init.

APPENDIX J

Electronic Code of Federal Regulations
e-CFR™

e-CFR Data is current as of February 11, 2011

Title 40: Protection of Environment

Browse Previous | Browse Next

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Section Contents

§ 403.1 Purpose and applicability.
§ 403.2 Objectives of general pretreatment regulations.
§ 403.3 Definitions.
§ 403.4 State or local law.
§ 403.5 National pretreatment standards: Prohibited discharges.
§ 403.6 National pretreatment standards: Categorical standards.
§ 403.7 Removal credits.
§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.
§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.
§ 403.10 Development and submission of NPDES State pretreatment programs.
§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.
§ 403.12 Reporting requirements for POTW's and industrial users.
§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.
§ 403.14 Confidentiality.
§ 403.15 Net/Gross calculation.
§ 403.16 Upset provision.
§ 403.17 Bypass.
§ 403.18 Modification of POTW pretreatment programs.
§ 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.
§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.
Appendixes A–C to Part 403 [Reserved]
Appendix D to Part 403—Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula
Appendix E to Part 403—Sampling Procedures
Appendix F to Part 403 [Reserved]
Appendix G to Part 403—Pollutants Eligible for a Removal Credit

Authority: 33 U.S.C. 1251 *et seq*.

Source: 46 FR 9439, Jan. 28, 1981, unless otherwise noted.

§ 403.1 Purpose and applicability.

top

(a) This part implements sections 204(b)(1)(C), 208(b)(2) (C)(iii), 301(b)(1)(A)(ii), 301(b)(2) (A)(ii), 301(h) (5) and 301(i)(2), 304 (e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95–217) or "The Act". It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

(b) This regulation applies:

(1) To pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in §403.3;

(2) To POTWs which receive wastewater from sources subject to National Pretreatment Standards;

(3) To States which have or are applying for National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with section 402 of the Act; and

(4) To any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which Discharge to a sewer which is not connected to a POTW Treatment Plant.

[46 FR 9439, Jan. 28, 1981, as amended at 48 FR 2776, Jan. 21, 1983; 60 FR 33932, June 29, 1995]

§ 403.2 Objectives of general pretreatment regulations.

top

By establishing the responsibilities of government and industry to implement National Pretreatment Standards this regulation fulfills three objectives:

(a) To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

(b) To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and

(c) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

§ 403.3 Definitions.

top

For the purposes of this part:

(a) Except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this regulation.

(b) The term *Act* means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(c) The term *Approval Authority* means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

(d) The term *Approved POTW Pretreatment Program* or *Program* or *POTW Pretreatment Program* means a program administered by a POTW that meets the criteria established in this regulation (§§403.8 and 403.9) and which has been approved by a Regional Administrator or State Director in

accordance with §403.11 of this regulation.

(e) The term *Best Management Practices* or *BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) The term *Control Authority* refers to:

(1) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of §403.11; or

(2) The Approval Authority if the Submission has not been approved.

(g) The term *Director* means the chief administrative officer of a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved State pretreatment program.

(h) The term *Water Management Division Director* means one of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or this person's delegated representative.

(i) The term *Indirect Discharge* or *Discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

(j) The term *Industrial User* or *User* means a source of Indirect Discharge.

(k) The term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(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 any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(l) The term *National Pretreatment Standard, Pretreatment Standard,* or *Standard* means 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.

(m)(1) The term *New Source* means 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 which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that:*

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) 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 paragraphs (m)(1)(ii) or (m)(1)(iii) of this section, 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:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) 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

(ii) 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.

(n) The terms *NPDES Permit* or *Permit* means a permit issued to a POTW pursuant to section 402 of the Act.

(o) The term *NPDES State* means a State (as defined in 40 CFR 122.2) or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(p) The term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(q) The term *Publicly Owned Treatment Works* or *POTW* means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

(r) The term *POTW Treatment Plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(s) The term *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by §403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with §403.6(e).

(t) The term *Pretreatment requirements* means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(u) The term *Regional Administrator* means the appropriate EPA Regional Administrator.

(v) *Significant Industrial User.* (1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority 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 (in accordance with 40 CFR 403.8(f)(6)).

(2) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(w) The term *Submission* means:

(1) A request by a POTW for approval of a Pretreatment Program to the EPA or a Director;

(2) A request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or

(3) A request to the EPA by an NPDES State for approval of its State pretreatment program.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 49 FR 28059, July 10, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 52 FR 1600, Jan. 14, 1987; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 70 FR 60191, Oct. 14, 2005]

§ 403.4 State or local law.

 top

Nothing in this regulation is intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act or this regulation. States with an NPDES permit program approved in accordance with section 402 (b) and (c) of the Act, or States requesting NPDES programs, are responsible for developing a State pretreatment program in accordance with §403.10 of this regulation.

§ 403.5 National pretreatment standards: Prohibited discharges.

 top

(a)(1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

(2) *Affirmative Defenses.* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) of this section where the User can demonstrate that:

(i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and

(ii)(A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

(b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(c) *When specific limits must be developed by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to §403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(4) POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

(d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

(e) EPA enforcement actions under section 309(f) of the Clean Water Act.

If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20430, June 4, 1986; 52 FR 1600, Jan. 14, 1987; 55 FR 30129, July 24, 1990; 60 FR 33932, June 29, 1995; 70 FR 60192, Oct. 14, 2005]

§ 403.6 National pretreatment standards: Categorical standards.

top

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.

(a) *Category Determination Request* —(1) *Application Deadline.* Within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an Industrial User may be included, the Industrial User or POTW may request that the Water Management Division Director or Director, as appropriate, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed processes or operation. A New Source must request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, the POTW shall notify any affected Industrial User of such submission. The Industrial User may provide written comments on the POTW submission to the Water Management Division Director or Director, as appropriate, within 30 days of notification.

(2) *Contents of Application.* Each request shall contain a statement:

(i) Describing which subcategories might be applicable; and

(ii) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(3) *Deficient requests.* The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made

incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or the Director, the request for a determination shall be denied.

(4) *Final decision.* (i) When the Water Management Division Director or Director receives a submittal he or she will, after determining that it contains all of the information required by paragraph (2) of this section, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Water Management Division Director or Director will then make a written determination of the applicable subcategory and state the reasons for the determination.

(ii) Where the request is submitted to the Director, the Director shall forward the determination described in this paragraph to the Water Management Division Director who may make a final determination. The Water Management Division Director may waive receipt of these determinations. If the Water Management Division Director does not modify the Director's decision within 60 days after receipt thereof, or if the Water Management Division Director waives receipt of the determination, the Director's decision is final.

(iii) Where the request is submitted by the Industrial User or POTW to the Water Management Division Director or where the Water Management Division Director elects to modify the Director's decision, the Water Management Division Director's decision will be final.

(iv) The Water Management Division Director or Director, as appropriate, shall send a copy of the determination to the affected Industrial User and the POTW. Where the final determination is made by the Water Management Division Director, he or she shall send a copy of the determination to the Director.

(5) *Requests for hearing and/or legal decision.* Within 30 days following the date of receipt of notice of the final determination as provided for by paragraph (a)(4)(iv) of this section, the Requester may submit a petition to reconsider or contest the decision to the Regional Administrator who shall act on such petition expeditiously and state the reasons for his or her determination in writing.

(b) *Deadline for compliance with categorical standards.* Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Direct dischargers with NPDES Permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in §403.3(m). New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

(c)(1) *Concentration and mass limits.* Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority 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.

(3) A Control Authority calculating equivalent mass-per-day limitations under paragraph (c)(2) of this section shall calculate such limitations by multiplying the limits in the Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(4) A Control Authority calculating equivalent concentration limitations under paragraph (c)(2) of this

section shall calculate such limitations by dividing the mass limitations derived under paragraph (c)(3) of this section by the average daily flow rate of the Industrial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

(5) When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the Industrial User meets all the following conditions in paragraph (c)(5)(i)(A) through (c)(5)(i)(E) of this section.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (c)(5)(i)(C) of this section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (c)(5)(i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) A Control Authority which chooses to establish equivalent mass limits:

(A) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(B) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (d) of this section. The Industrial User must also be in compliance with

§403.17 (regarding the prohibition of bypass).

(iv) The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(6) The Control Authority may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph (d) of this section.

(7) Equivalent limitations calculated in accordance with paragraphs (c)(3), (c)(4), (c)(5) and (c)(6) of this section are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(9) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

(d) *Dilution prohibited as substitute for treatment.* Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(e) *Combined wastestream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

(1) *Alternative limit calculation.* For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

(i) *Alternative concentration limit.*

$$C_T = \left(\frac{\sum_{i=1}^{N} C_i F_i}{\sum_{i=1}^{N} F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

where

C_T=the alternative concentration limit for the combined wastestream.

C_i=the categorical Pretreatment Standard concentration limit for a pollutant in the regulated stream i.

F_i=the average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D=the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see appendix D of this part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T=The average daily flow (at least a 30-day average) through the combined treatment facility (includes F_i, $F_D$and unregulated streams).

N=The total number of regulated streams.

(ii) *Alternative mass limit.*

$$M_T = \left(\sum_{i=1}^{N} M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^{N} F_i} \right)$$

where

M_T=the alternative mass limit for a pollutant in the combined wastestream.

M_i=the categorical Pretreatment Standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i=the average flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

FD=the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see appendix D of this part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T=The average flow (at least a 30-day average) through the combined treatment facility (includes F_i, $F_D$and unregulated streams).

N=The total number of regulated streams.

(2) *Alternate limits below detection limit.* An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(3) *Self-monitoring.* Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of §403.12(g).

(4) *Choice of monitoring location.* Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable Pretreatment Standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable categorical Pretreatment Standard. If the User chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The Industrial User may change monitoring points only after receiving approval from the Control Authority. The Control Authority shall ensure that any change in an Industrial User's monitoring point(s) will not allow the User to substitute dilution for adequate treatment to achieve compliance with applicable

Standards.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 21037, May 17, 1984; 49 FR 31224, Aug. 3, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 70 FR 60192, Oct. 14, 2005]

§ 403.7 Removal credits.

top

(a) *Introduction* —(1) *Definitions.* For the purpose of this section:

(i) *Removal* means a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the operation of the treatment system. Removal as used in this subpart shall not mean dilution of a pollutant in the POTW.

(ii) *Sludge requirements* shall mean the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation Recovery Act (RCRA) and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(2) *General.* Any POTW receiving wastes from an Industrial User to which a categorical Pretreatment Standard(s) applies may, at its discretion and subject to the conditions of this section, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical Pretreatment Standard (s). The POTW may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected Industrial User shall calculate its revised discharge limits in accordance with paragraph (a)(4) of this section. Removal credits may only be given for indicator or surrogate pollutants regulated in a categorical Pretreatment Standard if the categorical Pretreatment Standard so specifies.

(3) *Conditions for authorization to give removal credits.* A POTW is authorized to give removal credits only if the following conditions are met:

(i) *Application.* The POTW applies for, and receives, authorization from the Approval Authority to give a removal credit in accordance with the requirements and procedures specified in paragraph (e) of this section.

(ii) *Consistent removal determination.* The POTW demonstrates and continues to achieve consistent removal of the pollutant in accordance with paragraph (b) of this section.

(iii) *POTW local pretreatment program.* The POTW has an approved pretreatment program in accordance with and to the extent required by part 403; provided, however, a POTW which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in paragraph (d) of this section.

(iv) *Sludge requirements.* The granting of removal credits will not cause the POTW to violate the local, State and Federal Sludge Requirements which apply to the sludge management method chosen by the POTW. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable Sludge Requirements, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s) as modified by the removal credit. If granting removal credits forces a POTW to incur greater sludge management costs than would be incurred in the absence of granting removal credits, the additional sludge management costs will not be eligible for EPA grant assistance. Removal credits may be made available for the following pollutants.

(A) For any pollutant listed in appendix G section I of this part for the use or disposal practice employed by the POTW, when the requirements in 40 CFR part 503 for that practice are met.

(B) For any pollutant listed in appendix G section II of this part for the use or disposal practice employed

by the POTW when the concentration for a pollutant listed in appendix G section II of this part in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in appendix G section II of this part.

(C) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 40 CFR part 258.

(v) *NPDES permit limitations.* The granting of removal credits will not cause a violation of the POTW's permit limitations or conditions. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s), as modified by the removal credit provision.

(4) *Calculation of revised discharge limits.* Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \frac{x}{1 - r}$$

where:

x=pollutant discharge limit specified in the applicable categorical Pretreatment Standard

r=removal credit for that pollutant as established under paragraph (b) of this section (percentage removal expressed as a proportion, *i.e.* , a number between 0 and 1)

y=revised discharge limit for the specified pollutant (expressed in same units as x)

(b) *Establishment of removal credits; demonstration of Consistent Removal* —(1) *Definition of Consistent Removal.* "Consistent Removal" shall mean the average of the lowest 50 percent of the removal measured according to paragraph (b)(2) of this section. All sample data obtained for the measured pollutant during the time period prescribed in paragraph (b)(2) of this section must be reported and used in computing Consistent Removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Approval Authority. If the substance is not measurable in the influent, the date may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentrations equal to or above the limit of measurement, the Approval Authority may approve alternate means for demonstrating Consistent Removal. The term "measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

(2) *Consistent Removal data.* Influent and effluent operational data demonstrating Consistent Removal or other information, as provided for in paragraph (b)(1) of this section, which demonstrates Consistent Removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

(i) *Representative data; seasonal.* The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

(ii) *Representative data; quality and quantity.* The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate Consistent Removal as provided for in paragraph (b)(1) of this section.

(iii) *Sampling procedures: Composite.* (A) The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

(B)(*1*) Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include no-workdays as well as workdays. If the Approval Authority determines that this schedule will not be most representative of the actual operation of the POTW Treatment Plant, an alternative sampling schedule will be approved.

(*2*) In addition, upon the Approval Authority's concurrence, a POTW may utilize an historical data base amassed prior to the effective data of this section provide that such data otherwise meet the requirements of this paragraph. In order for the historical data base to be approved it must present a statistically valid description of daily, weekly and seasonal sewage treatment plant loadings and performance for at least one year.

(C) Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(iv) *Sampling procedures: Grab.* Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.

(v) *Analytical methods.* The sampling referred to in paragraphs (b)(2) (i) through (iv) of this section and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(vi) *Calculation of removal.* All data acquired under the provisions of this section must be submitted to the Approval Authority. Removal for a specific pollutant shall be determined either, for each sample, by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration, or, where such data cannot be obtained, Removal may be demonstrated using other data or procedures subject to concurrence by the Approval Authority as provided for in paragraph (b)(1) of this section.

(c) *Provisional credits.* For pollutants which are not being discharged currently (*i.e.* , new or modified facilities, or production changes) the POTW may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated pursuant to the requirements of paragraph (b) of this section. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to the requirements of paragraph (b) of this section, the authority to grant provisional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(d) *Exception to POTW Pretreatment Program Requirement.* A POTW required to develop a local pretreatment program by §403.8 may conditionally give removal credits pending approval of such a program in accordance with the following terms and conditions:

(1) All Industrial Users who are currently subject to a categorical Pretreatment Standard and who wish conditionally to receive a removal credit must submit to the POTW the information required in §403.12(b) (1) through (7) (except new or modified industrial users must only submit the information required by

§403.12(b)(1) through (6)), pertaining to the categorical Pretreatment Standard as modified by the removal credit. The Industrial Users shall indicate what additional technology, if any, will be needed to comply with the categorical Pretreatment Standard(s) as modified by the removal credit;

(2) The POTW must have submitted to the Approval Authority an application for pretreatment program approval meeting the requirements of §§403.8 and 403.9 in a timely manner, not to exceed the time limitation set forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit, but in no case later than July 1, 1983, where no permit deadline exists;

(3) The POTW must:

(i) Compile and submit data demonstrating its consistent removal in accordance with paragraph (b) of this section;

(ii) Comply with the conditions specified in paragraph (a)(3) of this section; and

(iii) Submit a complete application for removal credit authority in accordance with paragraph (e) of this section;

(4) If a POTW receives authority to grant conditional removal credits and the Approval Authority subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in paragraphs (d)(2) and (3) of this section, the authority to grant conditional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(5) If a POTW grants conditional removal credits and the POTW or the Approval Authority subsequently makes a final determination, after appropriate notice, that the Industrial User(s) failed to comply with the conditions in paragraph (d)(1) of this section, the conditional credit shall be terminated by the POTW or the Approval Authority for the non-complying Industrial User(s) and the Industrial User(s) to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority. The conditional credit shall not be terminated where a violation of the provisions of this paragraph results from causes entirely outside of the control of the Industrial User(s) or the Industrial User(s) had demonstrated substantial compliance.

(6) The Approval Authority may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits will remain in effect until reviewed by the Approval Authority. This review may occur at any time in accordance with the procedures of §403.11, but in no event later than the time of any pretreatment program approval or any NPDES permit reissuance thereunder.

(e) *POTW application for authorization to give removal credits and Approval Authority review* —(1) *Who must apply.* Any POTW that wants to give a removal credit must apply for authorization from the Approval Authority.

(2) *To whom application is made.* An application for authorization to give removal credits (or modify existing ones) shall be submitted by the POTW to the Approval Authority.

(3) *When to apply.* A POTW may apply for authorization to give or modify removal credits at any time.

(4) *Contents of the application.* An application for authorization to give removal credits must be supported by the following information:

(i) *List of pollutants.* A list of pollutants for which removal credits are proposed.

(ii) *Consistent Removal data.* The data required pursuant to paragraph (b) of this section.

(iii) *Calculation of revised discharge limits.* Proposed revised discharge limits for each affected subcategory of Industrial Users calculated in accordance with paragraph (a)(4) of this section.

(iv) *Local Pretreatment Program Certification.* A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement found at paragraph (d) of this section.

(v) *Sludge management certification.* A specific description of the POTW's current methods of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in paragraph (a)(3)(iv) of this section.

(vi) *NPDES permit limit certification.* A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in paragraph (a)(3)(v) of this section.

(5) *Approval Authority review.* The Approval Authority shall review the POTW's application for authorization to give or modify removal credits in accordance with the procedures of §403.11 and shall, in no event, have more that 180 days from public notice of an application to complete review.

(6) *EPA review of State removal credit approvals.* Where the NPDES State has an approved pretreatment program, the Regional Administrator may agree in the Memorandum of Agreement under 40 CFR 123.24(d) to waive the right to review and object to submissions for authority to grant removal credits. Such an agreement shall not restrict the Regional Administrator's right to comment upon or object to permits issued to POTW's except to the extent 40 CFR 123.24(d) allows such restriction.

(7) Nothing in these regulations precludes an Industrial User or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.

(f) *Continuation and withdrawal of authorization* —(1) *Effect of authorization.* (i) Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical Pretreatment Standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in paragraph (a)(3)(iv) of this section or its NPDES permit limits and conditions as required by paragraph (a)(3)(v) of this section. If a POTW elects at a later time to extend removal credits to a certain categorical Pretreatment Standard, industrial subcategory or one or more Industrial Users that initially were not granted removal credits, it must notify the Approval Authority.

(2) *Inclusion in POTW permit.* Once authority is granted, the removal credits shall be included in the POTW's NPDES Permit as soon as possible and shall become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in paragraph (f)(4) of this section.

(3) *Compliance monitoring.* Following authorization to give removal credits, a POTW shall continue to monitor and report on (at such intervals as may be specified by the Approval Authority, but in no case less than once per year) the POTW's removal capabilities. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the POTW's compliance report.

(4) *Modification or withdrawal of removal credits* —(i) *Notice of POTW.* The Approval Authority shall notify the POTW if, on the basis of pollutant removal capability reports received pursuant to paragraph (f)(3) of this section or other relevant information available to it, the Approval Authority determines:

(A) That one or more of the discharge limit revisions made by the POTW, of the POTW itself, no longer meets the requirements of this section, or

(B) That such discharge limit revisions are causing a violation of any conditions or limits contained in the POTW's NPDES Permit.

(ii) *Corrective action.* If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or the affected Industrial Users demonstrate that a longer time period is reasonably necessary to undertake the appropriate corrective action, the Approval Authority shall either withdraw such discharge limits or require modifications in the revised discharge limits.

(iii) *Public notice of withdrawal or modification.* The Approval Authority shall not withdraw or modify revised discharge limits unless it shall first have notified the POTW and all Industrial Users to whom

revised discharge limits have been applied, and made public, in writing, the reasons for such withdrawal or modification, and an opportunity is provided for a hearing. Following such notice and withdrawal or modification, all Industrial Users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical Pretreatment Standards, as appropriate, and shall achieve compliance with such limits within a reasonable time (not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s) as may be specified by the Approval Authority.

(g) *Removal credits in State-run pretreatment programs under §403.10(e).* Where an NPDES State with an approved pretreatment program elects to implement a local pretreatment program in lieu or requiring the POTW to develop such a program (as provided in §403.10(e)), the POTW will not be required to develop a pretreatment program as a precondition to obtaining authorization to give removal credits. The POTW will, however, be required to comply with the other conditions of paragraph (a)(3) of this section.

(h) *Compensation for overflow.* "Overflow" means the intentional or unintentional diversion of flow from the POTW before the POTW Treatment Plant. POTWs which at least once annually Overflow untreated wastewater to receiving waters may claim Consistent Removal of a pollutant only by complying with either paragraphs (h)(1) or (h)(2) of this section. However, paragraph (h) of this section shall not apply where Industrial User(s) can demonstrate that Overflow does not occur between the Industrial User(s) and the POTW Treatment Plant;

(1) The Industrial User provides containment or otherwise ceases or reduces Discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an Overflow event can reasonably be expected to occur at the POTW or at a sewer to which the Industrial User is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted where the POTW submits to the Approval Authority evidence that:

(i) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an Overflow event can reasonably be expected to occur, Discharges from the regulated processes which contain pollutants for which an allowance is requested;

(ii) The POTW has identified circumstances in which an Overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that Industrial Users will learn of an impending Overflow in sufficient time to contain, cease or reduce Discharging to prevent untreated Overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in paragraph (h)(1)(iii) of this section, to insure that Industrial Users are containing, ceasing or reducing operations during POTW System Overflow; and

(iii) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability and commitment to collect and make available, upon request by the POTW, State Director or EPA Regional Administrator, daily flow reports or other data sufficient to demonstrate that all Discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced or otherwise ceased, as appropriate, during all circumstances in which an Overflow event was reasonably expected to occur; or

(2)(i) The Consistent Removal claimed is reduced pursuant to the following equation:

$$r_c = r_m \frac{8760 - Z}{8760}$$

Where:

r_m= POTW's Consistent Removal rate for that pollutant as established under paragraphs (a)(1) and (b)(2) of this section

r_c= removal corrected by the Overflow factor

Z = hours per year that Overflows occurred between the Industrial User(s) and the POTW Treatment Plant, the hours either to be shown in the POTW's current NPDES permit

application or the hours, as demonstrated by verifiable techniques, that a particular Industrial User's Discharge Overflows between the Industrial User and the POTW Treatment Plant; and

(ii) The POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree, issued pursuant to the Clean Water Act affecting combined sewer overflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the Combined Sewer Overflow Control Policy.

[49 FR 31221, Aug. 3, 1984, as amended at 51 FR 20430, June 4, 1986; 53 FR 42435, Nov. 5, 1987; 58 FR 9386, Feb. 19, 1993; 58 FR 18017, Apr. 7, 1993; 70 FR 60193, Oct. 14, 2005]

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

top

(a) *POTWs required to develop a pretreatment program.* Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in §403.10(e). The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through.

(b) *Deadline for Program Approval.* A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within three (3) years as provided for in 40 CFR part 125, subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under paragraph (a) of this section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the Approval Authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(c) *Incorporation of approved programs in permits.* A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of the Permit. The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in §403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63.

(d) *Incorporation of compliance schedules in permits.* [Reserved]

(e) *Cause for reissuance or modification of Permits.* Under the authority of section 402(b)(1)(C) of the Act, the Approval Authority may modify, or alternatively, revoke and reissue a POTW's Permit in order to:

(1) Put the POTW on a compliance schedule for the development of a POTW Pretreatment Program where the addition of pollutants into a POTW by an Industrial User or combination of Industrial Users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

(2) Coordinate the issuance of a section 201 construction grant with the incorporation into a permit of a compliance schedule for POTW Pretreatment Program;

(3) Incorporate a modification of the permit approved under section 301(h) or 301(i) of the Act;

(4) Incorporate an approved POTW Pretreatment Program in the POTW permit; or

(5) Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(6) Incorporate the removal credits (established under §403.7) in the POTW permit.

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall 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 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:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under §403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

(A)(*1*) At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

(*i*) Involve the same or substantially similar types of operations;

(*ii*) Discharge the same types of wastes;

(*iii*) Require the same effluent limitations;

(*iv*) Require the same or similar monitoring; and

(*v*) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

(*2*) To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with §403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with §403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs (f)(1)(iii)(A)(*1*) through (*5*) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§§403.6(e) and 403.15).

(B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

(*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, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

(*4*) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, 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;

(*6*) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in §403.12.

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under §403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

(vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.

(vii) Comply with the confidentiality requirements set forth in §403.14.

(2) *Procedures.* The POTW shall develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the

Regional Administrator or Director upon request;

(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12;

(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:

(A) Where the POTW has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with §403.12(e)(3), the POTW must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the POTW must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.

(B) Where the POTW has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the POTW must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in §403.3(v)(2).

(C) In the case of Industrial Users subject to reduced reporting requirements under §403.12(e)(3), the POTW must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in §403.12(e)(3), the POTW must immediately begin sampling and inspecting the Industrial User at least once a year.

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, 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. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. 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 Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(3) *Funding.* The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and (ii) a limited aspect of the Program does not need to be implemented immediately (see §403.9(b)).

(4) *Local limits.* The POTW shall develop local limits as required in §403.5(c)(1), or demonstrate that they are not necessary.

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

(i) Describe how the POTW will investigate instances of noncompliance;

(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment

requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

(6) The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in §403.3(v)(1). The list shall identify the criteria in §403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to §403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to §403.9 or as a non-substantial modification pursuant to §403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to §403.12(i)(1).

(g) A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, 20430, June 4, 1986; 51 FR 23759, July 1, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60193, Oct. 14, 2005]

§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.

top

(a) *Who approves Program.* A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in paragraphs (b)(1) through (4) of this section. This description shall be submitted to the Approval Authority which will make a determination on the request for program approval in accordance with the procedures described in §403.11.

(b) *Contents of POTW program submission.* The program description must contain the following information:

(1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in §403.8. This statement shall:

(i) Identify the provision of the legal authority under §403.8(f)(1) which provides the basis for each procedure under §403.8(f)(2);

(ii) Identify the manner in which the POTW will implement the program requirements set forth in §403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.); and,

(iii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users;

(2) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved;

(3) A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program. If more than one agency is responsible for administration of the Program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

(4) A description of the funding levels and full- and part-time manpower available to implement the Program;

(c) *Conditional POTW program approval.* The POTW may request conditional approval of the Pretreatment Program pending the acquisition of funding and personnel for certain elements of the Program. The request for conditional approval must meet the requirements set forth in paragraph (b) of

this section except that the requirements of paragraph (b) of this section, may be relaxed if the Submission demonstrates that:

(1) A limited aspect of the Program does not need to be implemented immediately;

(2) The POTW had adequate legal authority and procedures to carry out those aspects of the Program which will not be implemented immediately; and

(3) Funding and personnel for the Program aspects to be implemented at a later date will be available when needed. The POTW will describe in the Submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Approval Authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW Pretreatment Program and any removal allowances granted to the POTW, may be modified or withdrawn.

(d) *Content of removal allowance submission.* The request for authority to revise categorical Pretreatment Standards must contain the information required in §403.7(d).

(e) *Approval authority action.* Any POTW requesting POTW Pretreatment Program approval shall submit to the Approval Authority three copies of the Submission described in paragraph (b), and if appropriate, (d) of this section. Within 60 days after receiving the Submission, the Approval Authority shall make a preliminary determination of whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:

(1) Notify the POTW that the Submission has been received and is under review; and

(2) Commence the public notice and evaluation activities set forth in §403.11.

(f) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (e) of this section, the Approval Authority determines that the Submission does not comply with the requirements of paragraph (b) or (c) of this section, and, if appropriate, paragraph (d), of this section, the Approval Authority shall provide notice in writing to the applying POTW and each person who has requested individual notice. This notification shall identify any defects in the Submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of paragraphs (b), (c) of this section, and, if appropriate, paragraph (d) of this section.

(g) *Consistency with water quality management plans.* (1) In order to be approved the POTW Pretreatment Program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR parts 130, 131, as revised, where such 208 plan includes Management Agency designations and addresses pretreatment in a manner consistent with 40 CFR part 403. In order to assure such consistency the Approval Authority shall solicit the review and comment of the appropriate 208 Planning Agency during the public comment period provided for in §403.11(b)(1)(ii) prior to approval or disapproval of the Program.

(2) Where no 208 plan has been approved or where a plan has been approved but lacks Management Agency designations and/or does not address pretreatment in a manner consistent with this regulation, the Approval Authority shall nevertheless solicit the review and comment of the appropriate 208 planning agency.

[53 FR 9439, Jan. 28, 1981, as amended at 53 FR 40612, Oct. 17, 1988; 58 FR 18017, Apr. 7, 1993]

§ 403.10 Development and submission of NPDES State pretreatment programs.

top

(a) *Approval of State Programs.* No State NPDES program shall be approved under section 402 of the Act after the effective date of these regulations unless it is determined to meet the requirements of paragraph (f) of this section. Notwithstanding any other provision of this regulation, a State will be required to act upon those authorities which it currently possesses before the approval of a State Pretreatment Program.

(b) [Reserved]

(c) *Failure to request approval.* Failure of an NPDES State with a permit program approved under section 402 of the Act prior to December 27, 1977, to seek approval of a State Pretreatment Program and failure of an approved State to administer its State Pretreatment Program in accordance with the requirements of this section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act.

(d) [Reserved]

(e) *State Program in lieu of POTW Program.* Notwithstanding the provision of §403.8(a), a State with an approved Pretreatment Program may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in §403.8(f) in lieu of requiring the POTW to develop a Pretreatment Program. However, this does not preclude POTW's from independently developing Pretreatment Programs.

(f) *State Pretreatment Program requirements.* In order to be approved, a request for State Pretreatment Program Approval must demonstrate that the State Pretreatment Program has the following elements:

(1) *Legal authority.* The Attorney General's Statement submitted in accordance with paragraph (g)(1)(i) of this section shall certify that the Director has authority under State law to operate and enforce the State Pretreatment Program to the extent required by this part and by 40 CFR 123.27. At a minimum, the Director shall have the authority to:

(i) Incorporate POTW Pretreatment Program conditions into permits issued to POTW's; require compliance by POTW's with these incorporated permit conditions; and require compliance by Industrial Users with Pretreatment Standards;

(ii) Ensure continuing compliance by POTW's with pretreatment conditions incorporated into the POTW Permit through review of monitoring reports submitted to the Director by the POTW in accordance with §403.12 and ensure continuing compliance by Industrial Users with Pretreatment Standards through the review of self-monitoring reports submitted to the POTW or to the Director by the Industrial Users in accordance with §403.12;

(iii) Carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit; and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance with Pretreatment Standards;

(iv) Seek civil and criminal penalties, and injunctive relief, for noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit and for noncompliance with Pretreatment Standards by Industrial Users as set forth in §403.8(f)(1)(vi). The Director shall have authority to seek judicial relief for noncompliance by Industrial Users even when the POTW has acted to seek such relief (e.g., if the POTW has sought a penalty which the Director finds to be insufficient);

(v) Approve and deny requests for approval of POTW Pretreatment Programs submitted by a POTW to the Director;

(vi) Deny and recommend approval of (but not approve) requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in §403.13; and

(vii) Approve and deny requests for authority to modify categorical Pretreatment Standards to reflect removals achieved by the POTW in accordance with the criteria and procedures set forth in §§403.7, 403.9 and 403.11.

(2) *Procedures.* The Director shall have developed procedures to carry out the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. At a minimum, these procedures shall enable the Director to:

(i) Identify POTW's required to develop Pretreatment Programs in accordance with §403.8(a) and notify these POTW's of the need to develop a POTW Pretreatment Program. In the absence of a POTW Pretreatment Program, the State shall have procedures to carry out the activities set forth in §403.8(f)

(2);

(ii) Provide technical and legal assistance to POTW's in developing Pretreatment Programs;

(iii) Develop compliance schedules for inclusion in POTW Permits which set forth the shortest reasonable time schedule for the completion of tasks needed to implement a POTW Pretreatment Program. The final compliance date in these schedules shall be no later than July 1, 1983;

(iv) Sample and analyze:

(A) Influent and effluent of the POTW to identify, independent of information supplied by the POTW, compliance or noncompliance with pollutant removal levels set forth in the POTW permit (see §403.7); and

(B) The contents of sludge from the POTW and methods of sludge disposal and use to identify, independent of information supplied by the POTW, compliance or noncompliance with requirements applicable to the selected method of sludge management;

(v) Investigate evidence of violations of pretreatment conditions set forth in the POTW Permit by taking samples and acquiring other information as needed. This data acquisition shall be performed with sufficient care as to produce evidence admissible in an enforcement proceeding or in court;

(vi) Review and approve requests for approval of POTW Pretreatment Programs and authority to modify categorical Pretreatment Standards submitted by a POTW to the Director; and

(vii) Consider requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in §403.13.

(3) *Funding.* The Director shall assure that funding and qualified personnel are available to carry out the authorities and procedures described in paragraphs (f)(1) and (2) of this section.

(g) *Content of State Pretreatment Program submission.* The request for State Pretreatment Program approval will consist of:

(1)(i) A statement from the State Attorney General (or the Attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to implement the requirements of this part. The authorities cited by the Attorney General in this statement shall be in the form of lawfully adopted State statutes or regulations which shall be effective by the time of approval of the State Pretreatment Program; and

(ii) Copies of all State statutes and regulations cited in the above statement;

(iii) States with approved Pretreatment Programs shall establish Pretreatment regulations by November 16, 1989, unless the State would be required to enact or amend statutory provision, in which case, such regulations must be established by November 16, 1990.

(2) A description of the funding levels and full- and part-time personnel available to implement the program; and

(3) Any modifications or additions to the Memorandum of Agreement (required by 40 CFR 123.24) which may be necessary for EPA and the State to implement the requirements of this part.

(h) *EPA Action.* Any approved NPDES State requesting State Pretreatment Program approval shall submit to the Regional Administrator three copies of the Submission described in paragraph (g) of this section. Upon a preliminary determination that the Submission meets the requirements of paragraph (g) the Regional Administrator shall:

(1) Notify the Director that the Submission has been received and is under review; and

(2) Commence the program revision process set out in 40 CFR 123.62. For purposes of that section all requests for approval of State Pretreatment Programs shall be deemed substantial program modifications. A comment period of at least 30 days and the opportunity for a hearing shall be afforded

the public on all such proposed program revisions.

(i) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (h) of this section, EPA determines that the Submission does not comply with the requirements of paragraph (f) or (g) of this section EPA shall so notify the applying NPDES State in writing. This notification shall identify any defects in the Submission and advise the NPDES State of the means by which it can comply with the requirements of this part.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20429, June 4, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995]

§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.

top

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization:

(a) *Deadline for review of submission.* The Approval Authority shall have 90 days from the date of public notice of any Submission complying with the requirements of §403.9(b) and, where removal credit authorization is sought with §§403.7(e) and 403.9(d), to review the Submission. The Approval Authority shall review the Submission to determine compliance with the requirements of §403.8 (b) and (f), and, where removal credit authorization is sought, with §403.7. The Approval Authority may have up to an additional 90 days to complete the evaluation of the Submission if the public comment period provided for in paragraph (b)(1)(ii) of this section is extended beyond 30 days or if a public hearing is held as provided for in paragraph (b)(2) of this section. In no event, however, shall the time for evaluation of the Submission exceed a total of 180 days from the date of public notice of a Submission meeting the requirements of §403.9(b) and, in the case of a removal credit application, §§403.7(e) and 403.9(b).

(b) *Public notice and opportunity for hearing.* Upon receipt of a Submission the Approval Authority shall commence its review. Within 20 work days after making a determination that a Submission meets the requirements of §403.9(b) and, where removal allowance approval is sought, §§403.7(d) and 403.9(d), the Approval Authority shall:

(1) Issue a public notice of request for approval of the Submission;

(i) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the Submission. Procedures for the circulation of public notice shall include:

(A) Mailing notices of the request for approval of the Submission to designated 208 planning agencies, Federal and State fish, shellfish and wildfish resource agencies (unless such agencies have asked not to be sent the notices); and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and

(B) Publication of a notice of request for approval of the Submission in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that meaningful public notice.

(ii) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the Submission.

(iii) All written comments submitted during the 30 day comment period shall be retained by the Approval Authority and considered in the decision on whether or not to approve the Submission. The period for comment may be extended at the discretion of the Approval Authority; and

(2) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the Submission.

(i) This request for public hearing shall be filed within the 30 day (or extended) comment period described in paragraph (b)(1)(ii) of this section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.

(ii) The Approval Authority shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the Submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

(iii) Public notice of a hearing to consider a Submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the Submission under paragraph (b)(1)(i)(B) of this section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

(c) *Approval authority decision.* At the end of the 30 day (or extended) comment period and within the 90 day (or extended) period provided for in paragraph (a) of this section, the Approval Authority shall approve or deny the Submission based upon the evaluation in paragraph (a) of this section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the Approval Authority makes a determination to deny the request, the Approval Authority shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the Approval Authority may allow the requestor additional time to bring the Submission into compliance with applicable requirements.

(d) *EPA objection to Director's decision.* No POTW pretreatment program or authorization to grant removal allowances shall be approved by the Director if following the 30 day (or extended) evaluation period provided for in paragraph (b)(1)(ii) of this section and any hearing held pursuant to paragraph (b)(2) of this section the Regional Administrator sets forth in writing objections to the approval of such Submission and the reasons for such objections. A copy of the Regional Administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The Regional Administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the Regional Administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal allowances 90 days after the date the objections are issued.

(e) *Notice of decision.* The Approval Authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the Submission. In addition, the Approval Authority shall cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the Submission was published. The Approval Authority shall identify in any notice of POTW Pretreatment Program approval any authorization to modify categorical Pretreatment Standards which the POTW may make, in accordance with §403.7, for removal of pollutants subject to Pretreatment Standards.

(f) *Public access to submission.* The Approval Authority shall ensure that the Submission and any comments upon such Submission are available to the public for inspection and copying.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 62 FR 38414, July 17, 1997]

§ 403.12 Reporting requirements for POTW's and industrial users.

top

(a) [Reserved]

(b) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report.* Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under §403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(7) of this section. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b) (4) and (5) of this section:

(1) *Identifying information.* The User shall submit the name and address of the facility including the name

of the operator and owners;

(2) *Permits.* The User shall submit a list of any environmental control permits held by or for the facility;

(3) *Description of operations.* The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(4) *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of §403.6(e). (See paragraph (b)(5)(iv) of this section.)

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.* (i) The user shall identify the Pretreatment Standards applicable to each regulated process;

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

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

(iv) 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 of §403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with §403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

(vi) 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;

(vii) 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) *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (l) of this section) 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 (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§403.7), the combined wastestream formula (§403.6(e)), and/or a Fundamentally Different Factors variance (§403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (b)(6) and (7) of this section shall pertain to the modified limits.

(ii) If the categorical Pretreatment Standard is modified by a removal allowance (§403.7), the combined wastestream formula (§403.6(e)), and/or a Fundamentally Different Factors variance (§403.13) after the User submits the report required by paragraph (b) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(c) *Compliance schedule for meeting categorical Pretreatment Standards.* The following conditions shall apply to the schedule required by paragraph (b)(7) of this section:

(1) 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 major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at 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 Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(d) *Report on compliance with categorical pretreatment standard deadline.* 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 (b) (4)–(6) of this section. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial 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.

(e) *Periodic reports on continued compliance.* (1) Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in §403.3(v)(2)), 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 Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

(2) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from

intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with paragraph (l) of this section and include the certification statement in §403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of this section or other more frequent monitoring requirements imposed by the Control Authority; and notify the Control Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(3) The Control Authority may reduce the requirement in paragraph (e)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:

(i) The Industrial User's total categorical wastewater flow does not exceed any of the following:

(A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;

(B) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with §403.5(c) and paragraph (d) of this section;

(ii) The Industrial User has not been in significant noncompliance, as defined in §403.8(f)(2)(viii), for any time in the past two years;

(iii) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (g)(3) of this section;

(iv) The Industrial User must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (e)(3)(i) or (ii) of this section. Upon notification, the Industrial User must immediately begin complying with the minimum reporting in paragraph (e)(1) of this section; and

(v) The Control Authority must retain documentation to support the Control Authority's determination that a specific Industrial User qualifies for reduced reporting requirements under paragraph (e)(3) of this section for a period of 3 years after the expiration of the term of the control mechanism.

(4) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

(f) *Notice of potential problems, including slug loading.* All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §403.5(b), by the Industrial User.

(g) *Monitoring and analysis to demonstrate continued compliance.* (1) Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section 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 Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 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 Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

(i) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or

(ii) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(3) The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA

methodologies may be authorized by the Control Authority, as appropriate.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of this section, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

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

(6) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(5) of this section, the results of this monitoring shall be included in the report.

(h) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.

(i) *Annual POTW reports.* POTWs with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:

(1) An updated list of the POTW's Industrial Users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to categorical Pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local Requirements. The list must also identify Industrial Users subject to categorical Pretreatment Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which Industrial Users are Non-Significant Categorical Industrial Users.

(2) A summary of the status of Industrial User compliance over the reporting period;

(3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;

(4) A summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority; and

(5) Any other relevant information requested by the Approval Authority.

(j) *Notification of changed Discharge.* All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) 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 Industrial User has submitted initial notification under paragraph (p) of this section.

(k) *Compliance schedule for POTW's.* The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW Pretreatment Program required by §403.8.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW Pretreatment Program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

(2) No increment referred to in paragraph (k)(1) of this section shall exceed nine months;

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Approval Authority 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 taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Approval Authority.

(l) *Signatory requirements for Industrial User reports.* The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d), and (e) of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (l)(1) or (l)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (l)(1) or (l)(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization is submitted to the Control Authority.

(4) If an authorization under paragraph (l)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (l)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(m) *Signatory requirements for POTW reports.* Reports submitted to the Approval Authority by the

POTW in accordance with paragraph (i) of this section must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted.

(n) Provisions Governing Fraud and False Statements: The reports and other documents required to be submitted or maintained under this section shall be subject to:

(1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(2) The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(3) The provisions of section 309(c)(6) regarding responsible corporate officers.

(o) *Record-keeping requirements.* (1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods use; and

(v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs (b), (d), (e), and (h) of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

(p)(1) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and 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 Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen 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 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 Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) 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 Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under paragraph (p) of this section, the Industrial 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.

(q) *Annual certification by Non-Significant Categorical Industrial Users.* A facility determined to be a Non-Significant Categorical Industrial User pursuant to §403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (l) of this section. This certification must accompany any alternative report required by the Control Authority:

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

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in §403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

_____

_____

(r) The Control Authority that chooses to receive electronic documents must satisfy the requirements of 40 CFR part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31225, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60195, Oct. 14, 2005]

§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.

top

(a) *Definition.* The term *Requester* means an Industrial User or a POTW or other interested person seeking a variance from the limits specified in a categorical Pretreatment Standard.

(b) *Purpose and scope.* In establishing categorical Pretreatment Standards for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b). In some cases, information which may affect these Pretreatment Standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical Pretreatment Standards, making them either more or less stringent, as they apply to a certain Industrial User within an industrial category or subcategory. This will only be done if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing

the limit at issue. Any interested person believing that factors relating to an Industrial User are fundamentally different from the factors considered during development of a categorical Pretreatment Standard applicable to that User and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical Pretreatment Standard, may request a fundamentally different factors variance under this section or such a variance request may be initiated by the EPA.

(c) *Criteria* —(1) *General criteria.* A request for a variance based upon fundamentally different factors shall be approved only if:

(i) There is an applicable categorical Pretreatment Standard which specifically controls the pollutant for which alternative limits have been requested; and

(ii) Factors relating to the discharge controlled by the categorical Pretreatment Standard are fundamentally different from the factors considered by EPA in establishing the Standards; and

(iii) The request for a variance is made in accordance with the procedural requirements in paragraphs (g) and (h) of this section.

(2) *Criteria applicable to less stringent limits.* A variance request for the establishment of limits less stringent than required by the Standard shall be approved only if:

(i) The alternative limit requested is no less stringent than justified by the fundamental difference;

(ii) The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under §403.5;

(iii) The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Pretreatment Standards; and

(iv) Compliance with the Standards (either by using the technologies upon which the Standards are based or by using other control alternatives) would result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(3) *Criteria applicable to more stringent limits.* A variance request for the establishment of limits more stringent than required by the Standards shall be approved only if:

(i) The alternative limit request is no more stringent than justified by the fundamental difference; and

(ii) Compliance with the alternative limit would not result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(d) *Factors considered fundamentally different.* Factors which may be considered fundamentally different are:

(1) The nature or quality of pollutants contained in the raw waste load of the User's process wastewater:

(2) The volume of the User's process wastewater and effluent discharged;

(3) Non-water quality environmental impact of control and treatment of the User's raw waste load;

(4) Energy requirements of the application of control and treatment technology;

(5) Age, size, land availability, and configuration as they relate to the User's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;

(6) Cost of compliance with required control technology.

(e) *Factors which will not be considered fundamentally different.* A variance request or portion of such a request under this section may not be granted on any of the following grounds:

(1) The feasibility of installing the required waste treatment equipment within the time the Act allows;

(2) The assertion that the Standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in paragraph (d) of this section;

(3) The User's ability to pay for the required waste treatment; or

(4) The impact of a Discharge on the quality of the POTW's receiving waters.

(f) *State or local law.* Nothing in this section shall be construed to impair the right of any state or locality under section 510 of the Act to impose more stringent limitations than required by Federal law.

(g) *Application deadline.* (1) Requests for a variance and supporting information must be submitted in writing to the Director or to the Administrator (or his delegate), as appropriate.

(2) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical Pretreatment Standard is published in theFederal Register.

(3) Where the User has requested a categorical determination pursuant to §403.6(a), the User may elect to await the results of the category determination before submitting a variance request under this section. Where the User so elects, he or she must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to §403.6(a)(4).

(h) *Contents submission.* Written submissions for variance requests, whether made to the Administrator (or his delegate) or the Director, must include:

(1) The name and address of the person making the request;

(2) Identification of the interest of the Requester which is affected by the categorical Pretreatment Standard for which the variance is requested;

(3) Identification of the POTW currently receiving the waste from the Industrial User for which alternative discharge limits are requested;

(4) Identification of the categorical Pretreatment Standards which are applicable to the Industrial User;

(5) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

(6) The alternative discharge limits proposed by the Requester for each pollutant or pollutant parameter identified in paragraph (h)(5) of this section;

(7) A description of the Industrial User's existing water pollution control facilities;

(8) A schematic flow representation of the Industrial User's water system including water supply, process wastewater systems, and points of Discharge; and

(9) A Statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the Pretreatment Standard.

(i) *Deficient requests.* The Administrator (or his delegate) or the Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the Administrator (or his delegate) or the Director that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Administrator (or his delegate) or the Director, the request for a variance shall be denied.

(j) *Public notice.* Upon receipt of a complete request, the Administrator (or his delegate) or the Director will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(1) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

(i) The POTW into which the Industrial User requesting the variance discharges;

(ii) Adjoining States whose waters may be affected; and

(iii) Designated 208 planning agencies, Federal and State fish, shellfish and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

(2) The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

(3) Following the comment period, the Administrator (or his delegate) or the Director will make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the Industrial User for which the variance is requested if different), the POTW into which the Industrial User discharges and all persons who submitted comments on the request.

(k) *Review of requests by state.* (1) Where the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requester (and Industrial User where they are not the same) and the POTW of the denial.

(2) Where the Director finds that fundamentally different factors do exist, he shall forward the request, with a recommendation that the request be approved, to the Administrator (or his delegate).

(l) *Review of requests by EPA.* (1) Where the Administrator (or his delegate) finds that fundamentally different factors do not exist, he shall deny the request for a variance and send a copy of his determination to the Director, to the POTW, and to the requester (and to the Industrial User, where they are not the same).

(2) Where the Administrator (or his delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he will approve the variance. In approving the variance, the Administrator (or his delegate) will:

(i) Prepare recommended alternative discharge limits for the Industrial User either more or less stringent than those prescribed by the applicable categorical Pretreatment Standard to the extent warranted by the demonstrated fundamentally different factors;

(ii) Provide the following information in his written determination:

(A) The recommended alternative discharge limits for the Industrial User concerned;

(B) The rationale for the adjustment of the Pretreatment Standard (including the reasons for recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived;

(C) The supporting evidence submitted to the Administrator (or his delegate); and

(D) Other information considered by the Administrator (or his delegate) in developing the recommended

alternative discharge limits;

(iii) Notify the Director and the POTW of his or her determination; and

(iv) Send the information described in paragraphs (l)(2) (i) and (ii) of this section to the Requestor (and to the Industrial User where they are not the same).

(m) *Request for hearing.* (1) Within 30 days following the date of receipt of the notice of the decision of the Administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the Regional Administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other than the Industrial User the person shall simultaneously serve a copy of the request on the Industrial User.

(2) If the Regional Administrator declines to hold a hearing and the Regional Administrator affirms the findings of the Administrator's delegate the requester may submit a petition for a hearing to the Environmental Appeals Board (which is described in §1.25 of this title) within 30 days of the Regional Administrator's decision.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 50 FR 38811, Sept. 25, 1985; 51 FR 16030, Apr. 30, 1986; 54 FR 258, Jan. 4, 1989; 57 FR 5347, Feb. 13, 1992; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 70 FR 60198, Oct. 14, 2005]

§ 403.14 Confidentiality.

top

(a) *EPA authorities.* In accordance with 40 CFR part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

(b) *Effluent data.* Information and data provided to the Control Authority pursuant to this part which is effluent data shall be available to the public without restriction.

(c) *State or POTW.* All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302.

§ 403.15 Net/Gross calculation.

top

(a) *Application.* Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (*i.e.* , adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (b) of this section are met.

(b) *Criteria.* (1) Either:

(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids

(TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

[70 FR 60198, Oct. 14, 2005]

§ 403.16 Upset provision.

top

(a) *Definition.* 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 Industrial 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) *Effect of an upset.* An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

(c) *Conditions necessary for a demonstration of upset.* An Industrial 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 Industrial 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;

(3) The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(i) A description of the Indirect Discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) *Burden of proof.* In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(e) *Reviewability of agency consideration of claims of upset.* In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will 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) *User responsibility in case of upset.* The Industrial User shall control production or 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.

[46 FR 9439, Jan. 28, 1981, as amended at 53 FR 40615, Oct. 17, 1988]

§ 403.17 Bypass.

(a) *Definitions.* (1) *Bypass* means the intentional diversion of wastestreams from any portion of an Industrial 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) *Bypass not violating applicable Pretreatment Standards or Requirements.* An Industrial 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) *Notice.* (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.

(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial 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 Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) *Prohibition of bypass.* (1) Bypass is prohibited, and the Control Authority may take enforcement action against an Industrial User for a bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) 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 preventative maintenance; and

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

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

[53 FR 40615, Oct. 17, 1988, as amended at 58 FR 18017, Apr. 7, 1993]

§ 403.18 Modification of POTW pretreatment programs.

(a) *General.* Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under

§403.11.

(b) *Substantial modifications defined.* Substantial modifications include:

(1) Modifications that relax POTW legal authorities (as described in §403.8(f)(1)), except for modifications that directly reflect a revision to this part 403 or to 40 CFR chapter I, subchapter N, and are reported pursuant to paragraph (d) of this section;

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of this section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under §403.5(c);

(3) Changes to the POTW's control mechanism, as described in §403.8(f)(1)(iii);

(4) A decrease in the frequency of self-monitoring or reporting required of industrial users;

(5) A decrease in the frequency of industrial user inspections or sampling by the POTW;

(6) Changes to the POTW's confidentiality procedures; and

(7) Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.

(c) *Approval procedures for substantial modifications.* (1) The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description (see §403.9(b)), or such other documents the Approval Authority determines to be necessary under the circumstances.

(2) The Approval Authority shall approve or disapprove the modification based on the requirements of §403.8(f) and using the procedures in §403.11(b) through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority.

(3) The Approval Authority need not publish a notice of decision under §403.11(e) provided: The notice of request for approval under §403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

(4) Notices required by §403.11 may be performed by the POTW provided that the Approval Authority finds that the POTW notice otherwise satisfies the requirements of §403.11.

(d) *Approval procedures for non-substantial modifications.* (1) The POTW shall notify the Approval Authority of any non-substantial modification at least 45 days prior to implementation by the POTW, in a statement similar to that provided for in paragraph (c)(1) of this section.

(2) Within 45 days after the submission of the POTW's statement, the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

(e) *Incorporation in permit.* All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g).

[62 FR 38414, July 17, 1997]

§ 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.

top

(a) For the purposes of this section, the term "Participating Industrial Users" includes the following Industrial Users in the City of Owatonna, Minnesota: Crown Cork and Seal Company, Inc.; Cybex International Inc.; Josten's Inc.—Southtown Facility; SPx Corporation, Service Solutions Division; Truth Hardware Corporation; and Uber Tanning Company.

(b) For a Participating Industrial User discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota, when a categorical Pretreatment Standard is expressed in terms of pollutant concentration the City of Owatonna may convert the limit to a mass limit by multiplying the five-year, long-term average process flows of the Participating Industrial User (or a shorter period if production has significantly increased or decreased during the five year period) by the concentration-based categorical Pretreatment Standard. Participating Industrial Users must notify the City in the event production rates are expected to vary by more than 20 percent from a baseline production rate determined by Owatonna when it establishes a Participating Industrial User's initial mass limit. To remain eligible to receive equivalent mass limits the Participating Industrial User must maintain at least the same level of treatment as at the time the equivalent mass limit is established. Upon notification of a revised production rate from a Participating Industrial User, the City will reassess the appropriateness of the mass limit. Owatonna shall reestablish the concentration-based limit if a Participating Industrial User does not maintain at least the same level of treatment as when the equivalent mass limit was established.

(c) If a categorical Participating Industrial User of the Owatonna Waste Water Treatment Facility has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that pollutants regulated through categorical Pretreatment Standards, other than 40 CFR part 414, are not expected to be present in quantities greater than the background influent concentration to the industrial process, the City of Owatonna may reduce the sampling frequency specified in §403.8(f)(2)(v) to once during the term of the categorical Participating Industrial User's permit.

(d) If a Participating Industrial User is discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota and is subject to a categorical Pretreatment Standard other than one codified at 40 CFR part 414, the City of Owatonna may authorize the Participating Industrial User to forego sampling of a pollutant if the Participating Industrial User has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that the pollutant is not expected to be present in quantities greater than the background influent concentration to the industrial process, and the Participating Industrial User certifies on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the Participating Industrial User. The following statement is to be included as a comment to the periodic reports required by §403.12(e):

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR __, I certify that, to the best of my knowledge and belief, the raw materials, industrial processes, and potential by-products have not contributed this pollutant to the wastewaters since filing of the last periodic report under 40 CFR 403.12 (e)."

(e) If the average daily loading from the Participating Industrial Users to the Owatonna Waste Water Treatment Facility is equal to or less than 0.68 pounds per day of chromium, 0.25 pounds per day of copper, 1.17 pounds per day of nickel, and 1.01 pounds per day of zinc, Owatonna may authorize a categorical Participating Industrial User to satisfy the reporting requirements of §403.12(e) with an annual report provided on a date specified by Owatonna, provided that the Participating Industrial User has no reasonable potential to violate a Pretreatment Standard for any pollutant for which reduced monitoring is being allowed, and has not been in Significant Noncompliance within the previous three years.

(f) The Owatonna Waste Water Treatment Facility in Owatonna, Minnesota shall post public notice of all Significant Noncompliance subject to the publication requirement in §403.8(f)(2)(vii) at the Minnesota Pollution Control Agency website for a period of one year, as soon as practicable upon identifying the violations. In addition, the Owatonna Waste Water Treatment Facility shall post an explanation of how Significant Noncompliance is determined, and a contact name and phone number for information regarding other, non-Significant Noncompliance violations. If a violation is not corrected within thirty (30)

calendar days or results in pass through or interference at the Owatonna Waste Water Treatment Facility, publication must also be made in the format specified in §403.8(f)(2)(vii).

(g) The provisions of this section shall expire on October 6, 2005.

[65 FR 59747, Oct. 6, 2000]

§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

top

The Approval Authority may allow any publicly owned treatment works (POTW) that has a final "Project XL" agreement to implement a Pretreatment Program that includes legal authorities and requirements that are different than the administrative requirements otherwise applicable under this part. The POTW must submit any such alternative requirements as a substantial program modification in accordance with the procedures outlined in §403.18. The approved modified program must be incorporated as an enforceable part of the POTW's NPDES permit. The Approval Authority must include a reopener clause in the POTW's NPDES permit that directs the POTW to discontinue implementing the approved alternative requirements and resume implementation of its previously approved pretreatment program if the Approval Authority determines that the primary objectives of the Local Pilot Pretreatment Program are not being met or the "Project XL" agreement expires or is otherwise terminated.

[66 FR 50339, Oct. 3, 2001]

Appendixes A–C to Part 403 [Reserved]

top

Appendix D to Part 403—Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula

top

The following industrial subcategories are considered to have dilute wastestreams for purposes of the combined wastestream formula. They either were or could have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the Natural Resources Defense Council, Inc., et al. v. Costle Consent Decree for one or more of the following four reasons: (1) The pollutants of concern are not detectable in the effluent from the industrial user (paragraph 8(a)(iii)); (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8 (a)(iii)); (3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph 8(a)(iii)); or (4) the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i)). In some instances, different rationales were given for exclusion under paragraph 8. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed above.

This list is complete as of October 9, 1986. It will be updated periodically for the convenience of the reader.

Auto and Other Laundries (40 CFR part 444)

Carpet and Upholstery Cleaning

Coin-Operated Laundries and Dry Cleaning

Diaper Services

Dry Cleaning Plants except Rug Cleaning

Industrial Laundries

Laundry and Garment Services, Not Elsewhere Classified

Linen Supply

Power Laundries, Family and Commercial

Electrical and Electronic Components[1] (40 CFR part 469)

[1] The Paragraph 8 exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations (40 CFR parts 413/433).

Capacitors (Fluid Fill)

Carbon and Graphite Products

Dry Transformers

Ferrite Electronic Devices

Fixed Capacitors

Fluorescent Lamps

Fuel Cells

Incandescent Lamps

Magnetic Coatings

Mica Paper Dielectric

Motors, Generators, Alternators

Receiving and Transmitting Tubes

Resistance Heaters

Resistors

Swithchgear

Transformer (Fluid Fill)

Metal Molding and Casting (40 CFR part 464)

Nickel Casting

Tin Casting

Titanium Casting

Gum and Wood Chemicals (40 CFR part 454)

Char and Charcoal Briquets

Inorganic Chemicals Manufacturing (40 CFR part 415)

Ammonium Chloride

Ammonium Hydroxide

Barium Carbonate

Calcium Carbonate

Carbon Dioxide

Carbon Monoxide and Byproduct Hydrogen

Hydrochloric Acid

Hydrogen Peroxide (Organic Process)

Nitric Acid

Oxygen and Nitrogen

Potassium Iodide

Sodium Chloride (Brine Mining Process)

Sodium Hydrosulfide

Sodium Hydrosulfite

Sodium Metal

Sodium Silicate

Sodium Thiosulfate

Sulfur Dioxide

Sulfuric Acid

Leather (40 CFR part 425)

Gloves

Luggage

Paving and Roofing (40 CFR part 443)

Asphalt Concrete

Asphalt Emulsion

Linoleum

Printed Asphalt Felt

Roofing

Pulp, Paper, and Paperboard, and Builders' Paper and Board Mills (40 CFR parts 430 and 431)

Groundwood-Chemi-Mechanical

Rubber Manufacturing (40 CFR part 428)

Tire and Inner Tube Plants

Emulsion Crumb Rubber

Solution Crumb Rubber

Latex Rubber

Small-sized General Molded, Extruded and Fabricated Rubber Plants,[2]

[2] Footnote: Except for production attributed to lead-sheathed hose manufacturing operations.

Medium-sided General Molded, Extruded and Fabricated Rubber Plants[2]

Large-sized General Molded, Extruded and Fabricated Rubber Plants[2]

Wet Digestion Reclaimed Rubber

Pan, Dry Digestion, and Mechanical Reclaimed Rubber

Latex Dipped, Latex-Extruded, and Latex-Molded Rubber[3]

[3] Footnote: Except for production attributed to chromic acid form-cleaning operations.

Latex Foam[4]

[4] Footnote: Except for production that generates zinc as a pollutant in discharge.

Soap and Detergent Manufacturing (40 CFR part 417)

Soap Manufacture by Batch Kettle

Fatty Acid Manufacture by Fat Splitting

Soap Manufacture by Fatty Acid

Neutralization

Glycerine Concentration

Glycerine Distillation

Manufacture of Soap Flakes and Powders

Manufacture of Bar Soaps

Manufacture of Liquid Soaps

Manufacture of Spray Dried Detergents

Manufacture of Liquid Detergents

Manufacture of Dry Blended Detergents

Manufacture of Drum Dried Detergents

Manufacture of Detergent Bars and Cakes

Textile Mills (40 CFR part 410)

Apparel manufacturing

Cordage and Twine

Padding and Upholstery Filling

Timber Products Processing (40 CFR part 429)

Barking Process

Finishing Processes

Hardboard—Dry Process

[51 FR 36372, Oct. 9, 1986]

Appendix E to Part 403—Sampling Procedures

top

I. Composite Method

A. It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least 12 aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

B. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

II. Grab Method

If composite sampling is not an appropriate technique, grab samples should be taken to obtain influent and effluent operational data. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes. The collection of influent grab samples should precede the collection of effluent samples by approximately one detention period except that where the detention period is greater than 24 hours such staggering of the sample collection may not be necessary or appropriate. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based upon the average of the daily flows during the same month of the previous year. Grab sampling should be employed where the pollutants being evaluated are those, such as cyanide and phenol, which may not be held for an extended period because of biological, chemical or physical interaction which take place after sample collection and affect the results.

[49 FR 31225, Aug. 3, 1984]

Appendix F to Part 403 [Reserved]

top

Appendix G to Part 403—Pollutants Eligible for a Removal Credit

top

I. Regulated Pollutants in Part 503 Eligible for a Removal Credit

Pollutants	Use or disposal practice		
	LA	SD	I
Arsenic	X	X	X
Beryllium			X
Cadmium	X		X
Chromium		X	X
Copper	X		
Lead	X		X
Mercury	X		X
Molybdenum	X		
Nickel	X	X	X
Selenium	X		
Zinc	X		
Total hydrocarbons			X[1]

Key:

LA—land application.

SD—surface disposal site without a liner and leachate collection system.

I—firing of sewage sludge in a sewage sludge incinerator.

[1]The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in subpart E in 40 CFR part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Idrin/Dieldrin(total), Benzene, Benzidine, Benzo(a) pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Din-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Beta-hexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit

[Milligrams per kilogram—dry weight basis]

Pollutant	Use or disposal practice			
	LA	Surface disposal		I
		Unlined[1]	Lined[2]	
Arsenic			[3]100	
Aldrin/Dieldrin (Total)	2.7			
Benzene	[3]16	140	3400	
Benzo(a)pyrene	15	[3]100	[3]100	
Bis(2-ethylhexyl)phthalate		[3]100	[3]100	
Cadmium		[3]100	[3]100	
Chlordane	86	[3]100	[3]100	
Chromium (total)	[3]100		[3]100	
Copper		[3]46	100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	
2,4 Dichlorophenoxy-acetic acid		7	7	
Fluoride	730			
Heptachlor	7.4			
Hexachlorobenzene	29			
Hexachlorobutadiene	600			
Iron	[3]78			
Lead		[3]100	[3]100	
Lindane	84	[3]28	[3]28	
Malathion		0.63	0.63	
Mercury		[3]100	[3]100	
Molybdenum		40	40	
Nickel			[3]100	
N-Nitrosodimethylamine	2.1	0.088	0.088	
Pentachlorophenol	30			
Phenol		82	82	
Polychlorinated biphenyls	4.6	<50	<50	
Selenium		4.8	4.8	4.8
Toxaphene	10	[3]26	[3]26	
Trichloroethylene	[3]10	9500	[3]10	
Zinc		4500	4500	4500

[1]Active sewage sludge unit without a liner and leachate collection system.

[2]Active sewage sludge unit with a liner and leachate collection system.

[3]Value expressed in grams per kilogram—dry weight basis.

Key: LA—land application.

I—incineration.

[60 FR 54768, Oct. 25, 1995, as amended at 65 FR 42567, Aug. 4, 1999; 70 FR 60198, Oct. 14, 2005]

Browse Previous | Browse Next

APPENDIX K

Table K-1

Annual Operating Budget
Searcy Industrial Pretreatment Program

1. Salaries, total	$ 65,000
2. Equipment maintenance	$ 5,000
3. Contract Laboratory	$ 5,000
4. Attorney Fees	$ 1,000
5. Miscellaneous	$ 1,000
Total	$ 77,000

SEARCY WATER AND SEWER SYSTEM
STATEMENTS OF NET ASSETS
As of June 30, 2010 and 2009

	2010	2009
ASSETS		
UTILITY PLANT IN SERVICE		
Water plant -property and equipment	$ 37,637,417	$ 36,292,808
Sewer plant -property and equipment	30,535,288	30,824,660
Construction in progress	1,214,659	1,579,268
	69,387,364	68,696,736
Less: Accumulated depreciation	(17,353,826)	(16,493,965)
Total Utility Plant in Service	52,033,538	52,202,771
SPECIAL PURPOSE FUND CASH AND CERTIFICATES OF DEPOSIT		
Depreciation	170,330	207,237
Bond and interest	769,157	977,490
Customers' meter deposit	793,240	750,430
Construction	758	51,226
Total Special Purpose Fund Cash and Certificates of Deposit	1,733,485	1,986,383
CURRENT ASSETS		
Cash in banks	2,814,871	2,430,915
Accounts receivable	1,210,364	1,148,941
Supplies	226,215	262,172
Prepaid insurance	77,566	82,338
Total Current Assets	4,329,016	3,924,366
TOTAL ASSETS	$ 58,096,039	$ 58,113,520

	2010	2009
LIABILITIES AND NET ASSETS		
LONG-TERM DEBT		
Bonds payable	$ 7,568,304	$ 8,744,551
Less: Unamortized bond issue costs	(146,921)	(174,443)
Bonds payable, net	7,421,383	8,570,108
Less: Current maturities	(683,166)	(1,176,247)
Total Long-Term Debt	6,738,217	7,393,861
SPECIAL PURPOSE FUND LIABILITIES		
Customers' meter deposits	773,849	734,408
CURRENT LIABILITIES		
Accounts payable	270,247	249,635
Accrued construction costs	-	179,915
Accrued interest payable	106,466	113,101
Garbage collections	201,592	175,954
Current maturities -long-term debt	683,166	1,176,247
Total Current Liabilities	1,261,471	1,894,852
NET ASSETS		
Invested in capital assets, net of related debt	44,612,155	43,452,748
Restricted	958,878	1,200,749
Unrestricted	3,751,469	3,436,902
Total Net Assets	49,322,502	48,090,399
TOTAL LIABILITIES AND NET ASSETS	$ 58,096,039	$ 58,113,520

See accompanying notes to financial statements.

SEARCY WATER AND SEWER SYSTEM
STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS
For the Years Ended June 30, 2010 and 2009

	2010	2009
OPERATING REVENUE		
Water revenue	$ 4,777,052	$ 4,320,081
Sewer revenue	2,008,332	1,810,227
Pretreatment surcharge	39,965	39,160
Penalties	118,398	99,889
Connection fees	150,174	168,907
Other operating income	147,690	205,533
Total Operating Revenue	7,241,611	6,643,797
OPERATING EXPENSES		
Operations	4,306,671	4,474,871
Depreciation	1,365,853	1,292,838
Total Operating Expenses	5,672,524	5,767,709
OPERATING INCOME	1,569,087	876,088
NON-OPERATING REVENUES(EXPENSES)		
Interest revenue	44,492	86,174
Interest expense	(302,930)	(341,582)
Amortization of bond discount	(27,522)	(40,148)
In lieu of taxes to:		
-School district payments	(1,500)	(1,500)
-City of Searcy payments	(273,431)	(247,210)
-City of Searcy provided services	(83,217)	(59,376)
Total Non-Operating Revenues/(Expenses)	(644,108)	(603,642)
Income before contributions	924,979	272,446
Contributed capital	307,124	3,232,543
Change in net assets	1,232,103	3,504,989
Net assets - beginning of year	48,090,399	44,585,410
Net assets - end of year	49,322,502	48,090,399

See accompanying notes to financial statements.

APPENDIX L

SEARCY WATER AND SEWER SYSTEM

300 NORTH ELM STREET

P. O. BOX 1319

SEARCY, ARKANSAS

72145-1319

DANIEL K. DAWSON, MANAGER

March 3, 2010

CERTIFIED MAIL, Return Receipt Requested: 7009 0820 0002 0667 0867

Mr. Allen Gilliam
Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317

Re: NPDES Permit No. AR0021601, AFIN No. 73-00055
Pretreatment Program Annual Status Report

Dear Allen:

In accordance with Part III (7)(d) of the above referenced NPDES permit, I am sending you the enclosed information.

The Searcy Pretreatment Program did not have any Significant Industrial Users that met the definition for Significant Noncompliance (SNC), as defined by 40 CFR 403.8(f)(2)(viii).

Referring to the subparagraphs of Part III (7)(d) in the permit, we submit the following information:

(1) The updated list of significant industrial users is enclosed with this letter (see attachment). With the exception of the categorical IU's Semi-Annual Report, this information only reflects monitoring activity by the Utility and does not include all the self-monitoring activity as performed by each IU. There were 2 new IUs added to the list this year: BJ Services, and Schulze & Birch.

(2) There was only one service termination this year: Kohler Company ceased operations on 11/25/09. Unfortunately, the utility had not yet taken its 2 annual samples of this IU before it closed its doors.

(3) The Searcy POTW has not observed any interference, pass through, upset, or POTW permit violations known to be caused by contributions from our significant industrial users.

(4) The results of the latest 40 CFR 122 Appendix D Table II and Table III analysis on the POTW influent and effluent is enclosed with this letter.

(5) Since there were no SIUs in Significant Noncompliance in this period, there is no newspaper publication of the SNC report.

(6) See attachment of significant industrial users enclosed.

(7) The attached laboratory analysis summary includes this information.

Also enclosed with this letter is our completed Pretreatment Performance Summary (PPS) form.

I trust that this information will meet with your approval. If there is any more information that you require in this regard, please do not hesitate to call me.

Sincerely,

SEARCY WATER AND SEWER SYSTEM

Daniel K. Dawson
General Manager

Enclosures

Word/Pretreatment/Annual Report

MONITORING RESULTS FOR THE ANNUAL PRETREATMENT REPORT

REPORTING YEAR: February 16, 2009 TO February 15, 2010

TREATMENT PLANT: City of Searcy, Arkansas Board of Public Utilities NPDES PERMIT #AR0021601

AVERAGE POTW FLOW: 4.97 MGD % IU FLOW: 3.9 %

METALS, CYANIDE and PHENOLS	MAHC (Total) (µg/l) (2)	INFLUENT DATES SAMPLED (µg/l) Once/quarter				WQ level/ limit (µg/l) (2)	EFFLUENT DATES SAMPLED (µg/l) Once/quarter				LABORATORY ANALYSIS		
		Date	Date	Date	Date		Date	Date	Date	Date	EPA MQL (µg/l) (1)	EPA Method Used (1)	Detection Level Achieved (µg/l)
		1/15/09	4/30/09	8/6/09	10/15/09		1/15/09	4/30/09	8/6/09	10/15/09			
Antimony	N/A	0	0	0	0	N/A	0	0	0	0	60	200.8	60
Cadmium	17	0	0.63	0	0	0.0095	0	0	0	0	0.5	200.8	0.5
Copper	112.5	16	42	15	18	29.6	7.6	4.7	3.5	4.7	0.5	200.8	0.5
Lead	35.9	1.6	3.5	3.1	2.2	14	0.62	0	0	0	0.5	200.8	0.5
Mercury	0.18	0.016	0.016	0.022	0.064	0.07	0	0	0	0	0.005	245.7	0.005
Nickel	95.8	5.3	7.8	6.3	5.0	500	4.4	4.3	3.9	5.0	0.5	200.8	0.5
Selenium	19.2	0	0	0	0	28.8	0	0	0	0	5	200.8	5
Silver	12.4	1.8	1.9	0.99	2.1	2.8	0.92	0	0	0	0.5	200.8	0.5
Zinc	300	63	190	130	66	261	40	100	55	34	20	200.8	20
Chromium	350.5	0	0	0	0	1520	0	0	0	0	10	200.8	10
Cyanide	96.7	0	0	0	0	30	0	0	0	0	10	SM 4500-CN C,E	10
Arsenic	160	0	0	0	0.65	N/A	0	0	0	0.66	0.5	200.8	0.5
Molybdenum	14.4	0	0	0	0	N/A	0	0	0	0	--	200.8	8
Phenols	N/A	15	7.9	46	44	N/A	0	0	0	0	5	420.1	5
Beryllium	N/A	0	0	0	0	N/A	0	0	0	0	0.5	200.8	0.5
Thallium	N/A	0.54	0	0	0	N/A	0.78	0	0.52	0	0.5	200.8	0.5
Flow, MGD	N/A					N/A	3.14	7.28	4.78	7.24			
(3)													

ATTACHMENT A
PRETREATMENT PROGRAM STATUS REPORT
UPDATED SIGNIFICANT INDUSTRIAL USERS LIST

Industrial User Name	NAICS Code	40 CFR XXX or N/A	Control Document		New User	Times Inspected	Times Sampled	Compliance Status (N/A, C, NC, or SNC)**				Permit Limits
								Reports				
			Y/N	Last Action				BMR	90-day Compliance	Semi Annual	Self Monitoring	
Bryce Company	326111	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
WCMC-South	622110	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Land O'Frost	311612	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Road Systems	336212	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Kohler*	332116	N/A	Y*	11/25/09*	N	1	0*	N/A	N/A	N/A	C	C
Cintas	812331	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Eaton	332919	433	Y	3/16/08	N	1	2	N/A	N/A	C	C	C
WCMC-North	622110	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Yarnell Ice Cr.	311520	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
Walmart Dist.	493110	N/A	Y	3/16/08	N	1	2	N/A	N/A	N/A	C	C
BJ Services	213112	N/A	Y	5/16/09	Y	1	2	N/A	N/A	N/A	C	C
Schulze & B.	311813	N/A	Y	4/16/09	Y	1	2	N/A	N/A	N/A	C	C

*Kohler ceased operations and closed their facility on 11/25/09, before the time for the utility to take its annual samples of the IU.
** This is the first time in 26 years that 100% of the IUs were all compliant in all parameters for the entire year.

ATTACHMENT B
SIGNIFICANT VIOLATIONS - ENFORCEMENT ACTIONS TAKEN

*** This report not applicable since there were no IUs in SNC.

Industrial User Name	Nature of Violation		Number of Action Taken					Penalties Collected	Compliance Schedule		Current Status	Comments
	Reports	Limits	N.O.V.	A.O.	Civil	Criminal	Other		Date Issued	Date Due		
N/A												

ATTACHMENT C
PRETREATMENT PERFORMANCE SUMMARY (PPS)

NOTE: ALL QUESTIONS REFER TO THE INDUSTRIAL PRETREATMENT PROGRAM AS APPROVED BY ADEQ. THE PERMITTEE SHOULD NOT ANSWER THE QUESTIONS BASED ON CHANGES MADE TO THE APPROVED PROGRAM WITHOUT DEPARTMENT AUTHORIZATION.

I. General Information

ontrol Authority Name Searcy Board of Public Utilities

ddress P. O. Box 1319

ity Searcy State/Zip AR, 72145-1319

ontact Person Daniel Dawson Position General Manager

ontact Telephone 501-268-2481 NPDES Permit Nos. AR0021601

orting Period February 16, 2009 February 15, 2010

(Beginning Month and Year) (Ending Month and Year)

otal Number of Categorical IUs 1

otal Number of Significant Noncategorical IUs 11

otal Number of Non-Significant (yet permitted) IUs 0

II. Significant Industrial User Compliance

	SIGNIFICANT INDUSTRIAL USERS	
	Categorical	NonCategorical
.) No. of SIUs Submitting BMRs/Total No. Required.	0/0	N/A*
?) No. of SIUs Submitting 90-Day Compliance Reports/No. Required.	0/0	N/A*
3) No. of SIUs Submitting Semiannual Reports/ Total No. Required.	1/1	0/0
1) No. of SIUs Meeting Compliance Schedule/ Total No. Required to Meet Schedule	0/0	0/0
5) No. of SIUs in Significant Noncompliance/ Total No. of SIUs	0/0	0/0
5) Rate of Significant Noncompliance for all		

SIUs (categorical and noncategorical) . . 0/0

III. Compliance Monitoring Program

		SIGNIFICANT INDUSTRIAL USERS Categorical	NonCategorical
1)	No. of Control Documents Issued/Total No. Required.	1/1	11/11
2)	No. of Nonsampling Inspections Conducted. .	1/1	11/11
3)	No. of Sampling Visits Conducted.	2/2	20/22*
4)	No. of Facilities Inspected (nonsampling) .	1/1	11/11
5)	No. of Facilities Sampled	1/1	10/11*

IV. Enforcement Actions

		SIGNIFICANT INDUSTRIAL USERS Categorical	NonCategorical
1)	No. of Compliance Schedules Issued/No. of Schedules Required	0/0	0/0
2)	No. of Notices of Violations Issued to SIUs	0	0
3)	No. of Administrative Orders Issued to SIUs	0	0
4)	No. of Civil Suits Filed.	0	0
5)	No. of Criminal Suits Filed	0	0
6)	No. of Significant Violators (attach newspaper publication).	0	0
7)	Amount of Penalties (not surcharges) Collected (total dollars/IUs assessed) . . .	0/0	0/0
8)	Other Actions (sewer bans, etc.).	0	0

The following certification must be signed in order for this form to be considered complete:

I certify that the information contained herein is complete and accurate to the best of my knowledge.

_____ Date _____

Authorized Representative

*See comment in letter regarding Kohler

APPENDIX M

City of Searcy, Arkansas
Board of Public Utilities

Industrial Inspection Report

1	Inspection Date:		File Review Date:	
2	Time In:			
3	Inspector No. 1 Name:			
4	Title:			
5	Inspector No. 2 Name:			
6	Title:			

Question & Answer

7	Industry Name:			
8	Site Address:			
9				
10	Mailing Address:			
11				
12	Industry Representative (1):			
13	Title:			
14	Industry Representative (2):			
15	Title:			
16	Wastewater Discharge Permit No: AR0021601-			
17	Easy access to permit			
18	If no explain:			
19				
20	No. of Employees:			
21	No. of Shifts/Day:			
22	No. of Days/Week			

Industrial Inspection Report Industry:

23 Raw materials used (in general):

24 Products & by-products: *Ice cream products*

25 Number of Process Flows:

26 Number of Dilution Flows:

27 Number of Sanitary Flows:

28 Number of Other Flows:

Sketch basic flow diagram of all connections or obtain copy of facility drawings and make notations of the above connections.

29 Indicate on the sketch, the connections listed in items 25-28 above:

30 Indicate on the sketch, where sample is taken for permit purposes:

31 Indicate on the sketch, where categorical sample is taken if applicable:

32 Indicate where flow monitoring is conducted:

33 How is flow monitored at the Industry:

34 Is the sample for categorical monitoring taken at the and of the process?
If not, is combined wastream formula being employed?

35 Is the POTW & the Industry (or the Industry's lab) taking the samples at the same place? Y/N
If not, describe reason:

Industrial Inspection Report Industry:

36 Does the industry keep records of self-monitoring analyses?

37 Does the industry's records appear to be in order?

If not, explain:

38 Describe the Process(es) in which wastewater is generated:

39 Is the wastewater pretreated prior to discharge to the collection system?

40 Who is directly responsible for operation & maintenance of the pretreatment system?

Name:

Title:

41 Has the industry experienced any problem or difficulty with its pretreatment equipment or process?

If yes, explain:

Industrial Inspection Report Industry:

42 What chemicals are used in processing? List Below or obtain MSD sheets:

43 What chemicals are used in maintenance? List Below or obtain MSD sheets:

44 Does the IU have an approved Solvent Management Plan (SMP) or Total Organic Management Plan (TOMP)?

45 Have any new chemicals been added since the SMP's or TOMP's submittal?

If yes, list:

Hazardous Waste:

46 Does the IU have a RCRA permit?

47 What is the permit number?

48 Where are the hazardous wastes stored?

49 Name of processing company that removes hazardous wastes from the site?

50 How often are hazardous wastes removed from the site?

Industrial Inspection Report Industry:

Walk-Through, Inspectors Notes:

51 Did the inspector visit the manufacturing area of the facility?

If no, explain:

52 Briefly describe the manufacturing process:

53 Have there been any significant changes in the manufacturing process or the apparent volume of production?

If yes, explain:

54 Did the inspector visit the regulated process (if categorical)?

If no, explain:

55 Briefly describe the regulated process:

56 Have there been any significant changes in the regulated process or the apparent volume?

If yes, explain:

Industrial Inspection Report Industry:

Chemical Storage Area

57 Did the inspector visit the chemical storage area(s)?
If no, explain:

58 Is there adequate storage space for bulk chemicals?
If no, explain:

59 Have chemical storage areas been dyked off from floor drains in order to prevent accidental spills from entering the collection system? *Secondary cont.*

60 Is there a list of procedures to follow in case of an accidental spill posted in a prominent place?

61 Is there visible evidence of leaks in the past?
If yes, describe:

Hazardous Waste Storage Area (If applicable)

62 Did the inspector visit the hazardous waste storage area?
If no, explain:

63 Did the hazardous waste storage area appear to be properly built, maintained, and protected from accidental spills?
If no, explain:

Industrial Inspection Report Industry:

Pretreatment Area:

64 Did the inspector visit the pretreatment area?

If no, explain:

65 Briefly describe the pretreatment process:

66 Does the industry appear to be performing adequate maintenance on the pretreatment equipment?

If no explain:

67 Is there visible evidence of leaks, bypasses, or overflows in the area?

If yes, describe:

Flow Monitoring & Sampling Area

68 Did the inspector visit the flow monitoring & sampling area?

If no, explain:

69 Did the flow monitoring & sampling equipment appear to be installed and operated properly?

If no, explain:

Industrial Inspection Report Industry:

70 Did the IU appear to be performing adequate maintenance on flow monitoring & sampling equipment?
If no, explain:

71 Does the flow monitoring equipment appear to be adequate to handle the expected range of flow?

Analytical Techniques:

72 Is flow measuring device calibrated a minimum of once per year?

73 Describe Calibration Process:

74 If IU is doing their own flow measurement, are they keeping proper records including date, time, results, and sampler initials?
If no, explain:

75 Is self-monitoring equipment being calibrated and maintained properly?
Briefly describe calibration process:

76 Is the correct type of sample being collected?

77 Is the correct sampling point being utilized?

78 Is IU doing any of their own analysis for the monthly reports (pH,flow etc.)?
If yes, is the IU using the proper methods?

79 If the IU is conducting their own pH analysis are they doing the following?:
Using approved method:
Noting the method number:
Calibrating the pH meter properly:
Keeping proper calibration records:

Industrial Inspection Report Industry:

79 (continued)

Noting the date, time, & sampler initials:	
Noting the date, time, & analyst initials:	
Analyzing the sample within 15 minutes:	
Control limits for dup. analyses	
Control charts for dup. analyses	
Eliminating out/control data?	

Slug Control & TOMP Compliance:

80 Based on findings during the inspection did the IU appear to be implementing the Slug Control Plan as described in the plan document (if applicable)?

If no, explain:

81 Based on findings during the inspection did the IU appear to be implementing the TOMP as described in the plan document (if applicable)?

If no, explain:

82 Does the IU implement any Pollution Prevention Methodologies?

If yes, describe:

Industrial Inspection Report

Industry: _____

This Sheet Reserved for sketch (if needed):

Industrial Inspection Report

Industry:

Additional Notes & Summary:

83 Time Out:

84 Signature of Inspector No 1: _____

85 Signature of Inspector No 2: _____

APPENDIX N

SEARCY INDUSTRIAL PRETREATMENT PROGRAM

Enforcement Response Plan

INTRODUCTION AND OBJECTIVES

The objectives of the Searcy Industrial Pretreatment Program will be met only through the cooperation of utility and industry officials. In order for the objectives to be realized, appropriate enforcement of approved pretreatment standards will have to be exercised from time to time. The purpose of this Plan is to establish the objectives of the program, and to lay out the procedures the utility will take to bring about compliance with this program.

The objectives of the Searcy Industrial Pretreatment Program are:

(a) 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;

(b) To prevent the introduction of pollutants into the municipality wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To encourage pollution prevention in waste reduction prior to recycling, treatment, or disposal;

(e) To provide for equitable distribution of the cost of the municipal wastewater system.

(f) To prevent any violation of the City's NPDES (National Pollutant Discharge Elimination System) permit.

This program provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic 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 program established herein.

GENERAL DISCHARGE PROHIBITIONS

It shall be unlawful to and no User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or which may be otherwise harmful to it. 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. A user may not contribute the following substances to the POTW:

(a) Any liquids; solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM standard method D-93-79 or D-93-80 or a Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78 and pollutants which cause an exceedence of 10% of the Lower Explosive Limit (LEL) at any point within the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, 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 deemed to be a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 standard units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or

animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute workers health and safety problems.

(f) 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 noncompliance 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 Water Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) 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 contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or

isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any trucked and/or hauled wastes except as described in Section 4.1 of the Pretreatment Ordinance.

When the Manager determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, or to cause the City to be in violation of any applicable statute or regulation, the Manger shall: 1) Advise the User(s) of the impact of the contribution on the POTW; 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW or violation; and 3) Take any enforcement measures necessary and appropriate under the circumstances, as described in Sections 5 and 6 of the Pretreatment Ordinance.

PRETREATMENT

Users shall provide necessary wastewater treatment as required to comply with this Program and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. 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 Program. 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.

PRETREATMENT MONITORING AND INVESTIGATION

Reporting requirements for POTW's and SIU's are described in 40 CFR 403.12 with paragraph (b) of that section discussing reporting requirements for SIU's upon the effective date of an applicable Categorical Pretreatment Standard; paragraph (e) describing periodic reports of continued compliance for Categorical SIU's; paragraph (g) discussing monitoring and analysis requirements to demonstrate compliance; paragraph (h) describing minimum reporting requirements for significant non-categorical industrial users (refer to Appendix J, 40 CFR 403, and Section 4.3 of the Searcy Pretreatment Ordinance); and paragraph (p) outlining hazardous waste notification requirements under 40 CFR 261, and RCRA.

When sampling for BMR and initial permit applications, the Utility intends for these guidelines to be used in establishing initial flow measurement, sampling, and analysis requirements in order to identify the volume and the concentration (average and maximum) of various pollutants in the discharges from new industries.

After submittal and review of all information from the new industries on their wastewater discharges; specific pollutant limits, pretreatment requirements, and any required compliance schedule will be proposed. The frequency of self-monitoring shall be as specified by the Utility, or in the case of categorical industries, monitoring must be monthly at a minimum. All other SIU's will be once/quarterly at a minimum, with most being once or twice per month, determined at the discretion of the Utility. Necessary requirements will be specified and recorded on the discharge permit to be issued to the industrial user.

Conditions in the industrial users discharge permit may include:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
(b) Limits on the average and maximum wastewater constituents and characteristics;
(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
(d) Requirements for installation and maintenance of inspection and sampling facilities;
(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
(f) Compliance Schedules;
(g) Requirements for submission of technical reports or discharge reports, and signatory and certification requirements (per Ordinance Section 4.3);
(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
(i) 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.
(j) Requirements of notification of slug discharges.
(k) A specified duration in which the permit is effective (per Ordinance Section 4.2.5).
(l) Requirements in regard to transferability (per Ordinance Section 4.2.6).
(m) Statements of applicable civil and criminal penalties for violations of pretreatment standards and requirements (per Ordinance Sections 5 and 6).
(n) Requirements for the submission of a Pollution Prevention Plan in accordance with the Pollution Prevention Act of 1990.

(o) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

The Utility shall be responsible for receiving and reviewing self-monitoring reports from the various industries. Annually, the Utility shall submit a report to the Arkansas Department of Pollution Control and Ecology summarizing monitoring activity from the industrial dischargers required to monitor. The contents of this report are outlined in Section III of the Utility's NPDES permit. A copy of the latest Annual Report is located in Appendix L. Depending on the industrial discharger, any or all of the following compliance sampling and analysis types will be followed:

A. Scheduled monitoring (sampling and analysis on a fixed schedule)
B. Random monitoring (sampling and analysis--scheduled unscheduled--that is unannounced or performed with short notice)
C. Demand monitoring (sampling and analysis triggered by an event such as a public complaint or an observed POTW operating problem)

The Utility shall retain the right of entry into the I.U.'s premises for the purpose of sampling, inspection, or wastewater records examination. All industries shall be inspected annually. A typical industrial site inspection report form is located at the end of this plan. Inspections are conducted in random order, and are not scheduled in any published report or printout.

1. Procedures for Follow Up of Instances of Noncompliance

Procedures for follow up of instances of noncompliance if detected from self-monitoring reports, random sampling, or POTW monitoring shall be as follows:

A. Noncompliance Detected from Reviewing Self-Monitoring Reports:

Should a noncompliance instance be detected from reviewing self-monitoring reports the Utility shall notify the industry by letter noting the date, time, and parameter(s) resulting in noncompliance. The industry will be required to submit a written response within 30 days noting reason for noncompliance and stating a plan of action to get into compliance and to prevent future violations of noncompliance.

B. Noncompliance Detected from Random Sampling:

Should a noncompliance instance be detected from a random sampling and should the Utility suspect or have reason to suspect that noncompliance is occurring frequently the Utility shall perform a composite

sample collection and analysis of the wastewater discharge from the industry in question. Should the analysis verify that the industry is in noncompliance, the Utility shall notify the industry in writing of such noncompliance requesting a written response from the industry within 30 days noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violations of noncompliance.

C. Noncompliance Detected from Analysis of POTW Influent:

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Utility shall perform a follow up investigation to determine cause and probable source of pollutant. The investigation shall include contacting suspected industry or industries, either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industry shall be notified in writing of the results of the investigation requesting written response within a specified time noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violation of noncompliance.

D. Emergency, Quick Response Sampling:

Due to the nature of industrial wastes being discharged and the type of waste treatment employed at the City's POTW, a quick response for sampling and investigation for possible acute treatment plant upsets is not likely to be required. Should it appear an emergency situation exists, however, the Wastewater Treatment Plant staff will be able to perform sample collection and analysis of discharges from suspected industry or industries. Should an industry be identified as the cause for treatment plant upset, they shall be notified in writing of any violations requesting written response within a specified time noting reason for violations and requesting plan of action to get into compliance and to prevent future violations of noncompliance.

Examples of inspection forms, chain of custody forms, and sample analysis forms are included at the end of this plan.

ENFORCEMENT

1. Emergency Suspension of Service Due to Harmful Contributions

The City may suspend the wastewater treatment service and/or Wastewater Contribution Permit of any person when such suspension

is necessary, in the opinion of the City, 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, cause interference or damage to the POTW or cause the City to violate any condition of its NPDES permit or any other applicable statute or regulation. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit 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, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the noncompliant 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.

2. Revocation of Permit

Any User who violates any of the conditions or requirements of this Program, or applicable state and federal laws or regulations or any provisions of the permit is subject to having his permit revoked in accordance with the procedures of Section 5 of the Pretreatment Ordinance.

3. Notice of Violation

Whenever the City finds that any User has violated or is violating the Pretreatment Ordinance, wastewater contribution permit, or any prohibition, limitation or requirements contained herein or applicable state or Federal laws or regulations, the City may serve upon such person a written notice stating the nature of the violation and set forth the required actions to correct the violations and a schedule to accomplish the corrective actions. Within 30 days of the date of the order, a plan for the satisfactory correction thereof shall be submitted to the City by the User, as well as evidence that appropriate resampling has taken place in accordance with 40 CFR 403.12(g)(2). This 30 day response period does not absolve the User of its responsibilities to comply with any pretreatment standards, and failure to do so may subject the User to the provisions of Sections 5 and 6 of the Pretreatment Ordinance.

4. Telephone Call

Infractions of the ordinance or wastewater contribution permit that are deemed by the Manager to be of a relatively minor nature will be addressed by the use of a telephone call to the industry contact official. Such minor infractions might include, but are not limited to: late reports, not signing a report, an

unpermitted discharge from a new user without knowledge of the requirements, or using an improper method of laboratory analysis.

This telephone conversation will be documented on the Utility's Enforcement Response Tracking Form, as is all enforcement correspondence.

5. Show Cause Hearing

5.1 Issuance of Show Cause Order

The City may order any User who causes or allows an unauthorized discharge to enter the POTW or who violates any of the conditions of the Pretreatment Ordinance, the permit, or applicable state or Federal laws or regulations to show cause before the City why the proposed compliance order corrective action should not be undertaken. A show cause order shall be served on the User specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, and the proposed corrective action, and shall direct the User to show cause before the City why the proposed corrective action should not be taken. The show cause order for the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation, or other legal organization.

5.2 Hearings

The City shall conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

(A) Issue in the name of the City notices of hearings and/or subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(B) Take the evidence; and

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.

5.3 Hearing Transcript

At any hearing held pursuant to this Program, 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.

5.4 Corrective Orders/Compliance Schedules

After the City has reviewed the evidence, it may issue a corrective 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 and existing treatment facilities, devices or other related appurtenances are properly operated. The schedule of activities for the completion of the installation of such facilities may follow the guidelines as noted in Section 4.2.2 (i) of this ordinance. Other orders and directives as are necessary and appropriate may be issued, such as the development of Pollution Prevention Plans, and the imposition of an administrative fine or civil or criminal penalty authorized under the provisions of the Ordinance or state and Federal law.

6. Injunctive Relief

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Program, any other applicable Ordinance, Federal or State Pretreatment Requirements, or any Ordinance, permit, or applicable laws and regulations, the City may commence an action for appropriate legal and/or equitable relief in the Circuit or Chancery Court of White County, Arkansas. The City shall not be required to proceed under paragraph 3 or 4 above prior to undertaking a proceeding under this paragraph.

7. Publication of SIU's Significantly Noncompliant

The City shall publish annually in the local newspaper of largest local circulation a list of significant industrial users whose activities have met the definition for significant noncompliance during the previous 12 month pretreatment reporting period.

PENALTIES

1. Administrative Fines

Any User who fails or refuses to comply with any Compliance Order, Show Cause Order or Corrective Order may be assessed an administrative fine of up to $500.00 per violation per day. The City shall be entitled to recover any costs incurred by the City because of the violation and the User's noncompliance. In the event any User deliberately fails to comply with the provisions of the Pretreatment Ordinance because the fines or penalties of noncompliance are less than the costs of achieving compliance, the City may calculate the appropriate administrative fine using the U. S. EPA Guidance Manual for Calculation of Economic Benefit of Noncompliance with Pretreatment Standards (1989), as amended in the future.

2. Civil and Criminal Penalties

Any Industrial User who is found to have violated an Order of the City or who willfully or negligently failed to comply with any provision of this Program or any other applicable Ordinance, and the orders, rules, regulations and permits issued hereunder, or applicable Federal or state laws or regulations, may be assessed a civil or criminal penalty of One Thousand Dollars ($1,000.00) for each offense. The initiation of such criminal or civil action may be commenced only after a majority vote of the Searcy Board of Public Utilities resolves to pursue such action. Jurisdiction to determine such penalties shall be in the Searcy Municipal Court, or other court of competent jurisdiction. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

In addition to the penalties provided herein, the City may recover in a court of appropriate jurisdiction any damages suffered, reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law or equity against the User or person found to have violated the Pretreatment Ordinance or the orders, rules, regulations, and permits issued hereunder or to have otherwise harmed or interfered with the operation of the POTW.

3. Falsifying Information

Any person who knowingly makes any false statement, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Program, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, be guilty of a misdemeanor and shall upon conviction, be punished by a fine of One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both.

4. Enforcement Cumulative

All the enforcement provisions, penalties and civil and criminal remedies set forth in the Pretreatment Ordinance shall be considered cumulative and none shall limit the others. The City shall also be entitled to all other remedies to which it may be entitled at law or in equity.

ENFORCEMENT PROCEDURES - ALTERNATIVES

In situations involving emergencies or where the involved industry has failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in Searcy City Ordinance 679 of November 13, 1984, and the Pretreatment Ordinance shall be utilized. The options include immediate cutoff of discharge, revocation of permit, administrative procedures, imposition of fines and surcharges and suits by the utility for injunctive relief and/or damages caused to the system. All such remedies are authorized by the ordinances and

can be utilized singly or in combination. These remedies, as appropriate, shall be promptly sought in cases of improper discharge.

ENFORCEMENT HIERARCHY AND STEPS

Specific steps to be used in enforcement are listed below. These procedures can be used singly or in conjunction with each other in an effort to bring about I.U. compliance. Generally speaking, the steps are listed in the order of increasing severity. It should also be noted that the first item listed may or may not necessarily be the first step due to the severity of the violation. For example, a late self-monitoring report might bring about a (step 1) Notice of Violation. A chemical spill, on the other hand, may force an immediate (step 10) Termination of Service.

1. Telephone Call
2. Notice of Violation
3. 2nd Notice of Violation
4. Notice sent from Board Attorney
5. Increase monitoring frequency and/or parameters
6. Corrective Order/Compliance Schedule
7. Administrative Fines
8. Show-Cause Hearing
9. Revocation of Permit
10. Termination of Water and/or Sewer Services
11. Civil Fines
12. Court Injunctions
13. Criminal Prosecution

It has been the experience of the Searcy Board of Public Utilities that by far the majority of the violations are rectified upon the issuance of a single Notice of Violation. Only one time each has it been necessary for enforcement actions to progress as far as steps 4, 5, and 6.

More specifically, the enforcement actions of the utility will proceed as described in the following Enforcement Response Guide.

SEARCY INDUSTRIAL PRETREATMENT PROGRAM

Enforcement Response Guide

The purpose of this guide is to establish criteria for responses to instances of noncompliance. By so doing, the Utility is attempting to remove subjectivity in the decision making process when an industrial user is found to be noncompliant with established pretreatment standards.

Listed in this guide are the areas of noncompliance, the nature of the violation, the response to be made by the Utility, and the Utility personnel to be involved in the activity.

PART I: UNAUTHORIZED DISCHARGES

Noncompliance	Nature of Violation	Response	Personnel
Unpermitted Discharge	IU unaware of requirement; no harm to POTW, or environment	Phone call; NOV	PC
	IU unaware of requirement; harm to POTW	NOV; AO	PC
	Failure to apply for permit after notice by the POTW	AO; Fine; Terminate	PC, GM, A Board
Nonpermitted Discharge (No Renewal)	IU has not submitted application within 10 days of due date	NOV; AO	PC

PART II: DISCHARGE LIMIT VIOLATIONS

Noncompliance	Nature of Violation	Response	Personnel
Exceedance of Local or Federal Standard (Permit Limit)	Isolated, not signif.	NOV	PC
	Isolated, significant, no harm	NOV; AO	PC
	Isolated, harm to POTW or environment	AO; Fine; Terminate; Civil Suit	PC, GM, A Board
	Recurring, no harm to POTW or environment	AO; Fine; Hearing; CS	PC, GM, A Board

PART II: DISCHARGE LIMIT VIOLATIONS, continued

Noncompliance	Nature of Violation	Response	Personnel
	Recurring, significant (harm)	Fine; Civil or Criminal Action; CS Terminate	PC, GM, A Board

PART III: MONITORING AND REPORTING VIOLATIONS

Noncompliance	Nature of Violation	Response	Personnel
Reporting	Report improperly signed or certified	Phone Call	PC
	Report still improperly signed after notice by POTW	NOV	PC
	Isolated, not signif. (< 5 days late)	Phone Call; NOV	PC
	> 5 days, < 30 days late	NOV	PC
	Significant, > 30 days late	NOV; AO	PC
	Reports always late, or not at all	AO; Fine	PC, GM, A
	Failure to report spill or changed discharge (no harm)	NOV; AO	PC
	Failure to report spill or changed discharge (harm to POTW, environment)	AO; Fine; Terminate	PC, GM, A
	Repeated failure of reporting requirements	Fine; Hearing; Terminate	PC, GM, A Board
	Repeated failure to report spills	Fine; Civil Action; Terminate	PC, GM, A Board
	Falsification	Hearing; Fine; Criminal Action	PC, GM, A Board

PART III: MONITORING AND REPORTING VIOLATIONS, continued

Noncompliance	Nature of Violation	Response	Personnel
Failure to Monitor Correctly	Failure to monitor all pollutants per permit	NOV; AO	PC
	Recurring failure to monitor	AO; Fine	PC, GM, A
Improper Sampling	Unintentional	Phone Call	PC
	Evidence of Intent	NOV; AO	PC
Has Not Installed Monitoring Equip.	Delay, < 30 days	Phone Call; NOV	PC
	Delay, > 30 days	NOV; AO	PC
	Recurring, viol. of AO	AO; Fine; Hearing	PC, GM, A Board
Compliance Schedules	Missed milestone, < 30 days, final milestone not affected	NOV	PC
	Missed milestone, > 30 days, or will affect final milestone (good cause)	AO	PC
	Missed milestone, > 30 days, or will affect final milestone (no good cause)	AO; Fine	PC, A
	Recurring violation, missed schedule	Fine; Hearing	PC, GM, A Board

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PART IV: OTHER PERMIT VIOLATIONS

Noncompliance	Nature of Violation	Response	Personnel
Wastestreams are Diluted in lieu of Treatment	Initial violation	NOV	PC
	Recurring	AO; Fine	PC, GM, A
Failure to Mitigate Violation or Halt Process	No harm to POTW	NOV	PC
	Harm to POTW, environment	AO; Fine; Terminate	PC, GM, A

PART IV: OTHER PERMIT VIOLATIONS, continued

Noncompliance	Nature of Violation	Response	Personnel
Failure to Properly O & M Pretreatment Process	No harm to POTW	NOV	PC
	Harm to POTW, environment	AO; Fine; Terminate	PC, GM, A

PART V: VIOLATIONS DETECTED DURING SITE VISITS

Noncompliance	Nature of Violation	Response	Personnel
Entry Denied	Entry denied, consent withdrawn, records denied	Warrant; NOV Fine	PC, GM, A MJ
Illegal Discharge	No harm to POTW	NOV	PC
	Harm to POTW, environment, evidence of intent/negligence	AO; Fine; Hearing; Civil and/or Criminal Act.	PC, GM, A Board
Improper Sampling	Unintentional, at wrong location	NOV	PC
	Unintentional, wrong sample type	NOV	PC
	Unintentional, wrong sample techniques	NOV	PC
	Recurring, any above 3	AO; Fine	PC, A
Inadequate Recordkeeping	Incomplete files, no intent	NOV	PC
	Intentional, recurring	AO; Fine	PC, A
Unresolved Items From Previous Inspection	Recordkeeping	NOV	PC
	Notification, chemical storage facility, SMP	NOV; AO	PC
	Monitoring, treatment	NOV; AO	PC

ABBREVIATIONS

NOV - Notice of Violation
AO - Administrative Order
CS - Compliance Schedule
GM - General Manager
A - Board's Attorney
PC - Pretreatment Coordinator
MJ - Municipal Judge
SMP - Solvent Management Plan

PART VI: RESPONSE TIMEFRAMES

1. All violations will be identified and documented within five days of receiving compliance information

2. Industries will be required to respond to Utility compliance correspondence within 30 days of the date of the notice.

3. Follow up actions will occur on unresolved initial compliance activities, with escalated response as the case may dictate.

4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate response such as halting discharge, or terminating service.

APPENDIX O

CERTIFICATE OF RESOLUTION

I hereby certify under oath that the following is a true and correct copy of a resolution duly passed by the Searcy Board of Public Utilities at its meeting of February 15, 2011, as follows, to-wit:

BE IT RESOLVED that the Searcy Board of Public Utilities which is responsible for supervising and managing the city's publicly owned treatment works pretreatment program hereby declares its endorsement and approval of the adoption by the City Council of the City of Searcy of an updating ordinance for the pretreatment program as set forth in the proposed ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE III – SEWAGE PRETREATMENT OF THE SEARCY CODE OF ORDINANCES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

A copy of the updating ordinance will be submitted to the Arkansas Department of Environmental Quality with this resolution of support. The Searcy Board of Public Utilities urges passage of the updating ordinance.

Furthermore, the Searcy Board of Public Utilities endorses and approves the changes made to update the Pretreatment Program in 2011 to bring it into compliance with all state and federal pretreatment regulations.

Secretary of the Searcy Board
of Public Utilities

STATE OF ARKANSAS

COUNTY OF WHITE

Subscribed and sworn to before me, a Notary Public, this 15th day of February, 2011.

Notary Public

My Commission Expires:

2-9-2016

APPENDIX P

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
8001 NATIONAL DRIVE, P.O. BOX 8913
LITTLE ROCK, ARKANSAS 72219-8913
PHONE: (501) 682-0744
FAX: (501) 682-0707

January 3, 1996

Daniel Dawson
Assistant General Manager
Searcy Water and Sewer System
P.O. Box 1319
Searcy, Arkansas 72145-8913

Re: Updated Maximum Allowable Headworks Loading Values for Searcy's POTW (NPDES Permit #AR0021601)

Dear Mr. Dawson:

As requested earlier in the year please find this office's calculations of your POTW's maximum allowable headworks loadings (MAHL) using the most recent POTW information:

These MAHLs theoretically will be protective of water quality criteria:

Metal	effluent limit mg/l	Removal eff. %	MAHL lb/d
As	3.11	45	156
Cd	.02	84	3.36
Cr (III)	3.01	81	436
Cu	.057	89	14.3
CN	.06	69	5.33
Pb	.027	77	3.22
Hg	.0005	35	.02
Ni	.955	51	53.6
Ag	.002	93	.675
Zn	.497	81	72.0

Given:
Receiving stream 7Q10 flow Q_{7Q10} = 31 MGD
POTW design flow Q_{DES} = 5 MGD
POTW average flow Q_{AVG} = 3.3 MGD
Ecoregion default TSS = 2.3 mg/l
Ecoregion default hardness = 25 mg/l
Removal efficiencies taken from your correspondence dated 6/26/95

As can be seen these numbers do not differ substantially from those transmitted to you on page 6 of this office's correspondence dated 11/24/93.

The "effluent limits" are based on water quality requirements located in CFR 131 (National Toxics Rule as modified) using the latest conversion factors and partitioning coefficient translation from dissolved to total for the appropriate metals.

The difference between "today's" numbers and those calculated in '93 are because of the (newly) required conversion factors in CFR 131.

As before, the inhibition criteria will drive the MAHLs for As, Cr and Zn. Do you now have a sludge disposal option such as land application with CFR 503 criteria to be protected?

A review of the discussion regarding individual pollutants (starting on page of this office's correspondence dated 11/24/93) in comparison to your most recent influent pollutant scans may give you the basis for making the

statement that for many of these metals, "local limits are not necessary at this time."

Thank you for your patience in waiting for these latest numbers but the water quality issue has left this office without firm guidance from any source!

If you are close to the point of resubmitting your total Program modification package (say within the next month or so) contact this office either verbally or in writing with that information.

If there are further questions or comments please feel free to contact this office.

Sincerely,

Allen R. Gilliam

Allen R. Gilliam
NPDES Pretreatment Coordinator

ADEQ
ARKANSAS
Department of Environmental Quality

November 3, 2003

Dan Dawson
Assistant Manager
Searcy Water and Sewer System
P.O. Box 1319
Searcy, Arkansas 72145-1319

Re: City of Searcy (NPDES #AR0021601) Evaluation of Maximum Allowable Headworks Loadings (MAHL)

Dear Mr. Dawson:

After reviewing the latest information received please accept the following for your consideration:

Documents, data and software used in this office's review included: 1) the POTW's latest influent / effluent data; 2) the City's latest (6/03) domestic background results and averages taken from Table F-4 in the 7/97 program mod. submittal; 3) ADEQ Water Division's Quattro-Pro program for calculating MAHLs and WQ based "levels not to exceed"; 4) EPA's "*Guidance Manual on the Development of Local Discharge Limitations Under the Pretreatment Program*" (12/87) and; 5) EPA's guidance material from the "Pretreatment Implementation Workshop" (6/93 regarding land application of biosolids).

Find enclosed sheets with information used to calculate your POTW MAHLs.

Spreadsheet (SS) 1 calculates estimated removal efficiencies using City-submitted data from 1/01 thru 12/02. As footnoted, EPA default values were used for all parameters except Cd, Cu, Pb, Ag and Zn. The remaining parameters indicated mostly non-detectable inf/eff levels.

SS 2 estimates domestic loadings based on a current avg. POTW flow of 3.1 MGD (latest pretreatment annual report indicating domestic background = 76% of POTW avg. flow of 4.08 MGD). Parameters from the 6/03 background analysis ("ND"s were entered at 1/2 MDL) were averaged with data submitted in the 7/97 Program mod. EPA default values were not used.

SSs 3 & 4 list data used, and calculation results showing what Searcy's effluent "levels not to exceed" (avg. monthly permit limits - AML [if necessary]) would be using **current** Reg. #2 WQ criteria and NPDES permit writers' Continuing

Planning Process (CPP) procedures. These values will remain static unless regulations or permitting procedures change.

not correct

Currently, Searcy has a Zn limit but, none for the remaining parameters in this study have been deemed necessary. Comparison of future effluent results to these "levels not to exceed" will give a quick evaluation whether you're getting close to exceeding any of these values.

SS 5 is the summary and "substance" of the documentation for Searcy's estimated Maximum Allowable Headworks Loadings for protection against interference / pass through and to preserve the City's option to land apply biosolids. The MAHLs have been converted to maximum concentrations (MAHC) using an avg. POTW flow of 4.08 MGD. Future influent data can be used to self-evaluate whether these MAHCs are in danger of being exceeded.

Also shown on SS 5 are the Maximum Allowable Industrial Loadings (MAIL). These are the results of subtracting a 20% safety (growth) factor and the domestic loadings for each parameter. Comparing known/permitted SIUs' future aggregate loadings to these MAILs will also indicate whether local limits are necessary.

Summary Comments and Conclusion:

Local limits for the minimum required parameters may not be necessary at this time. Most parameters appear to have adequate safety or buffer factors before exceeding calculated WQ and MAHL numbers. However, shaded cells on SSs 1 & 5 indicate Hg, Ag and As need further scrutiny and explanation.

A. Mercury exceedances of the MAHCs and WQ levels may be explained by contamination. Only two (2) out of the sixteen (16) samples were above ND levels. Clean sampling techniques should be followed and clean analytical techniques should be stressed to your contract lab in the future. A narrative discussion regarding this possible sampling/lab issue should be included in your re-evaluation text.

B. Silver's exceedance of WQ levels may not be as easily explained as several influent values are also close to the MAHC. It's strongly advised to require implementation of BMPs at known (non-SIU/non-permitted) silver dischargers. Language in your submittal addressing this course of action with a reasonable completion timeline is suggested.

If future effluent results exceed WQ levels and/or influent concentrations exceed the MAHC, issuance of permits with local limits based on some allocation system will be required per ADEQ's "silver/quicksilver" workshop warnings last year.

C. The arsenic exceedance of the calculated MAHC (limiting criteria is land application limits from CFR 503) on 1/4/01 could be explained as an outlier as the remaining fifteen (15) inf/eff data points are ND. Sludge analysis submitted this year indicate arsenic levels at < 5 mg/kg which is considerably lower than the

ceiling concentrations in Table 1 of CFR 503.13. This office would recommend this fact be pointed out as the reason a local limit is not necessary for arsenic.

Some cities in Arkansas have demonstrated technically based local limits (TBLL) aren't necessary and found it adequate to include only a narrative in their ordinances. MAHLs/MAHCs are dynamic (even from day to day but shouldn't be substantially different from those enclosed) and may be revised from time to time depending on domestic and industry make-up. A narrative in your revised Ordinance regarding "local limits" circumvents the revision and adoption process each time MAHLs are re-evaluated/revised. Four (4) examples are enclosed. In Searcy's present case, it's suggested to create similar language.

Please revise appropriate section(s) in your Program, adopt a revised Ordinance and submit final modifications within 90 days. Public notice procedures will begin to complete the approval process.

Enclosed is an updated inf/eff summary sheet with your MAHLs and WQ levels/limits for your future use.

If there are further questions or concerns, feel free to contact this office at 501.682.0625 or via e-mail at Gilliam@adeq.state.ar.us.

Sincerely,

Allen R. Gilliam

Allen R. Gilliam
ADEQ State Pretreatment Coordinator

Encl: Quattro Pro Spreadsheets; hand calcs for Arsenic WQ; example ordinance narratives regarding local limits; inf/eff summary sheet

cc: Lee Bohme/EPA 6WQ-PO

10/29/03 Searcy WQ Calc's for Arsenic — Allen Williams

Not Hardness dependent; TSS = 3ppm

CMC = 340 ppb (correction factor = 1)

CCC = 150 ppb

Convert to Total

$K_P = .48(10^6) \times 3^{-.73}$ (cpp Attachment V Table I)

$= .48(10^6) \times .448437$

$= .215(10^6)$

$C/C_T = \frac{1}{1 + (.215)(3)}$

$= .6076$

Total:

$CMC = \frac{340}{.6076}$

$= \boxed{559 \text{ ppb}}$

$CCC = \frac{150}{.6076}$

$= \boxed{247 \text{ ppb}}$

$WLA_a = \frac{559 \times [5 + (.33)(31.2)^{MGD}]}{5}$ (cpp page D-52)

$= 1.71 \text{ ppm}$

$WLA_c = \frac{247 \times [5 + (.67)(31.2)]}{5}$

$= 1.30 \text{ ppm}$

$LTA_a = (.57)(1.71)$

$= .975 \text{ ppm}$

$LTA_c = (.72)(1.3)$

$= .936 \text{ ppm}$ ✓ more restrictive

$AML = (.936)(1.55)$

$= \boxed{1.45 \text{ ppm}}$

Searcy current removal efficiencies

(see footnote at bottom)

Influent																
Date	Cadmium		Copper		Lead		Mercury		Nickel		Selenium		Silver		Zinc	Chromium	Cyanide	Arsenic
03/07/02	0.00036		0.01800		0.00860		0.00020		0.01000		0.00200		0.00620		0.07700	0.00700	0.01000	0.01000
06/19/02	0.00034		0.02500		0.00750		0.00020		0.01300		0.00200		0.00220		0.11000	0.00700	0.01000	0.01000
09/18/02	0.00053		0.04000		0.00640		0.00020		0.01200		0.00200		0.00940		0.14000	0.00700	0.01000	0.01000
12/12/02	0.00075		0.03400		0.00780		0.00020		0.01700		0.00200		0.01100		0.14000	0.00700	0.01000	0.01000
01/04/01	0.00010		0.03100		0.00100		0.00020		0.01000		0.00200		0.00810		0.25000	0.00700	0.01000	0.01800
04/11/01	0.00010		0.02800		0.00100		0.00020		0.01000		0.00200		0.00420		0.09200	0.01100	0.01000	0.01000
09/06/01	0.00010		0.08600		0.01000		0.00086		0.01000		0.00200		0.01000		0.22000	0.02400	0.01000	0.01000
12/27/01	0.00010		0.02300		0.00100		0.00020		0.01000		0.00200		0.00260		0.06400	0.00700	0.01000	0.01000
Detection Level	0.0010		0.0100		0.0050		0.0002		0.0400		0.0050		0.0020		0.0200	0.0100	0.0200	0.0100
Average	0.0003		0.0356		0.0054		0.0003		0.0115		0.0020		0.0067		0.1366	0.0096	0.0100	0.0110
Maximum	0.0008		0.0860		0.0100		0.0009		0.0170		0.0020		0.0110		0.2500	0.0240	0.0100	0.0180
Detection Level	No		Yes		Yes		Yes		No		No		Yes		Yes	Yes	No	Yes
Effluent																		
Date	Cadmium		Copper		Lead		Mercury		Nickel		Selenium		Silver		Zinc	Chromium	Cyanide	Arsenic
03/07/02	0.00043		0.01700		0.00330		0.00020		0.01000		0.00240		0.00440		0.14000	0.00700	0.01000	0.00100
06/19/02	0.00013		0.01200		0.00220		0.00041		0.01000		0.00200		0.00140		0.04000	0.00700	0.01000	0.00100
09/18/02	0.00016		0.01400		0.00100		0.00020		0.01000		0.00200		0.00045		0.06300	0.00700	0.01000	0.00100
12/12/02	0.00022		0.00800		0.00150		0.00020		0.01000		0.01400		0.00180		0.07400	0.00700	0.01000	0.00100
01/04/01	0.00010		0.00600		0.00100		0.00020		0.01000		0.00200		0.00290		0.08200	0.00700	0.01000	0.01800
04/11/01	0.00010		0.00600		0.00100		0.00020		0.01000		0.00200		0.00020		0.03300	0.00700	0.01000	0.00100
09/06/01	0.00010		0.00600		0.00100		0.00020		0.01000		0.00200		0.00020		0.02000	0.00700	0.01000	0.00100
12/27/01	0.00010		0.00600		0.00100		0.00020		0.01000		0.00200		0.00120		0.03900	0.00700	0.01000	0.00100
Detection Level	0.001		0.01		0.005		0.0002		0.040		0.005		0.002		0.02	0.01	0.02	0.01
Average	0.0002		0.0094		0.0015		0.0002		0.0100		0.0036		0.0016		0.0160	0.0070	0.0100	0.0031
Maximum	0.0004		0.0170		0.0033		0.0004		0.0100		0.0140		0.0044		0.1400	0.0070	0.0100	0.0180
Detection Level	No		Yes		No		Yes		No		Yes		Yes		Yes	No	No	Yes
% Rem																		
	Cadmium		Copper		Lead		Mercury		Nickel		Selenium		Silver		Zinc	Chromium	Cyanide	Arsenic
Average	44		74		72		20		13		-78		77		88	27	0	72
EPA % REM	67		86		61		60		42		50		75		79	82	69	45
Use EPA default							*		*		*					*	*	*

		Searcy									
Pollutants	EPA, P3-59	Avg Reported	Loading		Domestic loading calc'd at 3.1 mgd						
	mg/l	mg/l	Lbs/day		NDs were entered at 1/2 MDL						
Cadmium Total	0.0030	0.0053	0.14								
Copper Total	0.0601	0.0233	0.60								
Lead Total	0.0490	0.0184	0.47								
Mercury Total	0.0003	0.0001	0.00								
Nickel Total	0.0210	0.0098	0.25								
Selenium Total	-	0.0068	0.17								
Silver Total	0.0050	0.0035	0.09								
Zinc Total	0.1750	0.1790	4.63								
Chromium Total	0.0500	0.0120	0.31								
Cyanide Total	0.0410	0.0075	0.19								
Arsenic	0.0030	0.0353	0.91								
Molybdenum	-	?	0.00								
Date	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic
pre '96 avg's	0.00350	0.03950	0.02700	0.00010	0.00950	0.01250	0.00350	0.25800	0.02050	0.01000	0.07000
03/26/03	0.00700	0.00700	0.00970	0.00010	0.01000	0.00100	0.00340	0.10000	0.00350	0.00500	0.00050
Detection Level	0.0010	0.0100	0.0050	0.0002	0.0400	0.0050	0.0020	0.0200	0.0100	0.0200	0.0100
Average	0.0053	0.0233	0.0184	0.0001	0.0098	0.0068	0.0035	0.1790	0.0120	0.0075	0.0353
Maximum	0.0070	0.0395	0.0270	0.0001	0.0100	0.0125	0.0035	0.2580	0.0205	0.0100	0.0700
Yes/No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes

Permittee	City of Searcy		Water Quality "levels not to exceed" (AML)					
Receiving Stream	Little Red River							
Permit number	AR0021601							
Design Flow (Qd)	5.00	MGD	Average Flow (Qa)		4.08	mgd from last annual report		
Design Flow (Qd)	7.73	CFS						
7Q10 =	48.00	CFS						
Long Term Average =	1402.00	CFS						
Using Diffusers	no	Yes/No						
pH =	6.79	S.U.						
Total Hardness	25.00	mg/l						
TSS	3.00	mg/l						
Chronic Aquatic Toxic	0.67		Qb	32.16				
Acute Aquatic Toxicity	0.33		Qb	15.84				
Cb	0.00	ug/l						
AML factor	1.55							
	WQSa	WLAa	LTAa	WQSc	WLAc	LTAc	LTAa/LTAc	AML, mg/l
Cadmium Total	3.68	11.21	6.39	1.6500	8.52	6.13	6.13	0.0095
Copper Total	10.99	33.52	19.10	8.2765	42.73	30.77	19.10	0.0296
Lead Total	62.30	190.06	108.33	2.4279	12.54	9.03	9.03	0.0140
Mercury Total	7.11	21.70	12.37	0.0120	0.06	0.04	0.04	0.0001
Nickel Total	782.33	2386.49	1360.30	86.8843	448.59	322.99	322.99	0.5006
Selenium Total	20.00	61.01	34.78	5.0000	25.82	18.59	18.59	0.0288
Silver Total	1.06	3.22	1.84	1E+08	**********	**********	1.84	0.0028
Zinc Total	96.81	295.31	168.33	88.4005	456.42	328.62	168.33	0.2609
Chromium Total	816.07	2489.41	1418.96	264.7242	1366.80	984.10	984.10	1.5253
Cyanide Total	22.36	68.21	38.88	5.2000	26.85	19.33	19.33	0.0300

			WQ info for estimating MAHLs										
Permittee		City of Searcy											
Receiving Stream		Little Red River											
Permit number		AR0021601											
Design Flow (Qd)		5.00	MGD	Average Flow (Qa)		4.08	MGD						
Design Flow (Qd)		7.73	CFS	Industries Flow (Qi)		0.979	MGD (from Torrence)						
7Q10 =		48.00	CFS	Domestic Flow(Qdo)		3.10	MGD						
Long Term Average =		1402.00	CFS	TSS for:									
Using Diffusers		no	Yes/No	Gulf Coastal	5.5 mg/l	Ouach Mount = 2 mg/l							
pH =		6.79	S.U.	Ark River Valley = 3 mg/l		Ozark Highands = 2.5 mg/l							
Total Hardness		25.00	mg/l	Boston Mount = 1.3 mg/l		Delta = 8 mg/l							
TSS		3	mg/l										
Chronic Aquatic Toxicity:		0.67		Total Hardness for:									
Acute Aquatic Toxicity:		0.33		Arkansas River = 125 mg/l			Red River = 211 mg/l						
				Ouachita River = 28 mg/l			St. Francis River = 103 mg/l						
For the following receiving enter 0.06 in cell "C17				White River = 116 mg/l									
Mississippi, Arkansas, Red River.				Gulf Coastal = 31 mg/l			Ouachita Mount = 31 mg/l						
White (Below confluence with Black River)				Ozark Highlands = 148 mg/l			Ark River Valley = 25 mg/l						
Ouachita (below Confluence with Little Miss. Rive				Boston Mount = 25 mg/l			Delta = 81 mg/l						
Upstream Flow (Qb) =		32.16	(Chronic)	15.84	(Acute)								
Pollutant Concentration Upstream (Cb) = 0 ug/l													
Water Effect Ratio(WER)		1.00											
Cancer Risk Level:		1.00E-05	(STATE); 1.00e-6 (EPA)										
IWC = Instream concentration of pollutant after mixing with the receiving stream													
IWC = (Cd*Qd + Cb*Qb)/(Qb +Qd)													
Cd = Pollutant concentration in the effluent (ug/l) =				Reported value as Total									

				City of Searcy's Estimated MAHLs, etc										
Pollutant	% Rem	Water Quality	Water Quality*	Sludge	Sludge+	Inhibition**	Inhibition++	MAHL	MAHC^	Domestic	Allocation for %SF	MAIL	Max Influent	Max Effluent
		mg/l	lbs/day	mg/kg	lbs/day	mg/l	lbs/day	lbs/day	mg/l	lbs/day	lbs/day^	lbs/day	vs MAHC	vs WQS(mg/l)
Cadmium Total	44	0.0095	0.5777	85	0.630	1.00	34.03	0.578	0.01698	0.14	~~0.46~~ .52	~~0.326~~ .381	No	No
Copper Total	74	0.0296	3.8288	4300	19.024	1.00	34.03	3.829	0.11252	0.60	~~3.06~~ 3.44	~~2.462~~ 2.84	No	No
Lead Total	61	0.0140	1.2206	840	4.489	1.00	34.03	1.221	0.03587	0.47	~~0.98~~ 1.10	~~0.502~~ 0.63	No	No
[redacted]	60	[redacted]	0.0059	57	0.310	0.10	3.40	0.006	[redacted]	0.00	~~0.00~~ .007	~~0.002~~ .002	[redacted]	[redacted]
Nickel Total	42	0.5006	29.3707	420	3.260	1.00	34.03	3.260	0.09581	0.25	~~2.61~~ 2.93	~~2.356~~ 2.68	No	No
Selenium Total	50	0.0288	1.9607	100	0.652	0.20	6.81	0.652	0.01916	0.17	~~0.52~~ .59	~~0.347~~ 0.42	No	No
[redacted]	77	[redacted]	0.4211		~~423376.619~~	0.25	8.51	0.421	0.01238	0.09	~~0.34~~ .38	~~0.248~~ 0.29	No	[redacted]
Zinc Total	88	0.2509	73.9830	7500	27.784	0.30	10.21	10.208	0.30000	4.63	~~8.17~~ 9.19	~~3.537~~ 4.56	No	No
Chromium Total	82	1.5253	288.3518	3000	11.927	1.00	34.03	11.927	0.35051	0.31	~~9.54~~ 10.73	~~9.231~~ 10.42	No	No
Cyanide Total	69	0.0300	3.2888		~~47246.372~~	0.10	3.40	3.289	0.09665	0.19	~~2.63~~ 2.96	~~2.437~~ 2.77	No	No
[redacted]	45	1.4500	89.7081	75	0.543	0.10	3.40	0.543	[redacted]	0.91	0.43 0.49	~~0.477~~ .542	[redacted]	No
Molybdenum	50			75	0.489	0.20	6.81	0.489	0.01437	0.00	~~0.39~~ 0.44	~~0.391~~ 0.44	No	No
Dry tons/day of sludge		1.63	Safety Factor	~~0.20~~ 0.10										
* lbs/day = mg/l * 8.34 * average flow / (1-%Rem)					Average flow = = 4.08 MGD									
** Page 3-44 of EPA														
+ lbs/day = (dry tons/day * 0.002 * criteria(mg/kg))/ % Rem				From EPA guidance '93, ceiling concentrations										
++ lbs/day = mg/l * average Flow * 8.34														
^ lbs/day = (1 - SF) * MAHL														
MAIL = Maximum allowable industrial loading = Allocation for % SF - Domestic														
MAHL = Maximum allowable headworks level (most stringent of WQ, Sludge, and inhibition in unit of lbs/day)														
^ MAHC = MAHL converted to mg/l using avg. flow														
********** = Not Available														

Hg

Ag

As

FedEx Express US Airbill

8560 7834 4867

0200 Form ID No.

FedEx Retrieval Copy

1 From

Date 5-13-11 Sender's FedEx Account Number 1571-8412-1

Sender's Name DAN DAWSON Phone 501 268-2481

Company SEARCY WATER + SEWER SYSTEM

Address 300 N. ELM ST. Dept./Floor/Suite/Room

City SEARCY State AR ZIP 72143

2 Your Internal Billing Reference

3 To

Recipient's Name RUFUS TORRENCE Phone 501 682-0626

Company ADEQ

Recipient's Address 5301 NORTHSHORE DR

We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Address

To request a package be held at a specific FedEx location, print FedEx address here.

City NORTH LITTLE ROCK State AR ZIP 72118

8560 7834 4867

4a Express Package Service To add SATURDAY Delivery, see Section 6. *Packages up to 150 lbs.* * To most locations

1 ☐ FedEx Priority Overnight* Next business morning.*

5 ☑ FedEx Standard Overnight* Next business afternoon.*

6 ☐ FedEx First Overnight* Earliest next business morning delivery to select locations.*

3 ☐ FedEx 2Day Second business day.*

20 ☐ FedEx Express Saver Third business day.*

FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b Express Freight Service To add SATURDAY Delivery, see Section 6. *Packages over 150 lbs.* ** To most locations

7 ☐ FedEx 1Day Freight* Next business day.**

8 ☐ FedEx 2Day Freight Second business day.**

83 ☐ FedEx 3Day Freight Third business day.**

* Call for Confirmation: _____

5 Packaging * Declared value limit $500.

6 ☐ FedEx Envelope*

2 ☑ FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.

3 ☐ FedEx Box

4 ☐ FedEx Tube

1 ☐ Other

6 Special Handling Include FedEx address in Section 3.

3 ☐ **SATURDAY Delivery** Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes.

1 ☐ **HOLD Weekday at FedEx Location** Not available for FedEx First Overnight.

31 ☐ **HOLD Saturday at FedEx Location** Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods? One box must be checked.

☑ No

4 ☐ Yes As per attached Shipper's Declaration.

☐ Yes Shipper's Declaration not required.

6 ☐ Dry Ice Dry ice, 9, UN 1845 _____ x _____ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only

7 Payment *Bill to:* Enter FedEx Acct. No. or Credit Card No. below. Obtain Recip. Acct. No. ☐

1 ☑ Sender Acct. No. in Section 1 will be billed.

2 ☐ Recipient

3 ☐ Third Party

4 ☐ Credit Card

5 ☐ Cash/Check

FedEx Acct. No. / Credit Card No. Exp. Date

Total Packages **Total Weight** **Total Charges**

Credit Card Auth.

†Our liability is limited to $100 unless you declare a higher value. See the current FedEx Service Guide for details.

8 *NEW* Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

☐ No Signature Required Package may be left without obtaining a signature for delivery.

10 ☐ Direct Signature Anyone at recipient's address may sign for delivery. *Fee applies.*

34 ☐ Indirect Signature If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. *Fee applies.*

520

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