ADEQ

ARKANSAS
Department of Environmental Quality

September 2, 2010

Dan Dawson, General Manager
Searcy Water and Sewer System
P O Box 1319
Searcy, Arkansas 72145-1319

Re: City of Searcy (AFIN 73-00055 NPDES #AR0021601) Pretreatment Program Audit & Municipal Pollution Prevention (P2) Assessment

Dear Mr. Dawson:

Please find enclosed the finished report for the audit/assessment conducted August 17 through August 19, 2010. The report should be made available for review to appropriate industrial officials. The City of Searcy staff should discuss and evaluate the findings in this report. Please respond to required actions and recommendations in writing within thirty (30) working days from the date on this correspondence.

The Department appreciates the staff's assistance. The staff appeared very interested in both the Pretreatment and Pollution Prevention Programs. Most of the recommendations in the attached audit/assessment are intended to aide the City of Searcy pretreatment program with achieving the objectives of the Clean Water Act.

If the City has questions or concerns, please do not hesitate to contact the Department at (501) 682-0626 or torrence@adeq.state.ar.us .

Sincerely,

Rufus J. Torrence, Water Division Engineer

Encl: Audit/Assessment Checklist

Cc: Rudy Molinda / EPA 6WQ-PM (via e-mail w/o attmt)
Eric Flemings / ADEQ Technical Assistant Mgr-Field Services (w/o attmt)
Cindy Garner / ADEQ Technical Assistant Mgr-Enforcement (w/o attmt)

PRETREATMENT AUDIT

REPORT FOR THE CITY OF

SEARCY, ARKANSAS

NPDES PERMIT #AROO21601

September 2, 2010

PREPARED BY:
RUFUS TORRENCE

WATER DIVISION ENGINEER

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE

NORTH LITTLE ROCK, ARKANSAS 72218

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A) INTRODUCTION

Under ADEQ's responsibility to fulfill its obligations for the administration and enforcement of the NPDES Program, audits of pretreatment programs within the state will be part of its coordination and compliance monitoring strategy.

With Pollution Prevention (P2) being integrated into Pretreatment Programs assessments of Cities' P2 projects and programs will be made.

ADEQ (Rufus Torrence, Auditor) performed a pretreatment audit on the Pretreatment Program implemented by the City of Searcy, Arkansas from August 17th to 19th, 2010. Participants included:

Rufus Torrence	ADEQ/Pretreatment Engineer
Dan Dawson	City of Searcy/General Manager
Tim Cleveland	City of Searcy/Assistant General Manager
Jimmy Smith	City of Searcy/Pretreatment Inspector

The goals of the audit/assessment were:

* To determine the implementation and compliance status of the City of Searcy's Pretreatment Program with the requirements of the General Pretreatment Regulations located in 40 Code of Federal Regulations (CFR) Part 403

* To determine the effectiveness of the City's Pretreatment and P2 Programs in controlling industrial discharges

* To provide assistance and recommendations to the City that might allow for more effective implementation of program requirements

* To assess the level of additional Pollution Prevention activities implemented within the City's day-to-day Pretreatment procedures and offer recommendations thereof

EPA originally approved the Searcy's Pretreatment Program on March 3, 1985. The City submitted subsequent Program modifications. The Department approved and incorporated the modifications into the City's NPDES permit on July 2, 1996. The final modification package included program narrative revisions, evaluation of MAHLs, development of Technically Based Local Limits, incorporation of an ERP and necessary Pretreatment Ordinance revisions. The Department incorporated this modification on November 22, 2004. The City is currently in the process of modifying the pretreatment program to comply with recent revisions to 40 CFR 403. These revisions were promulgated on October 14, 2005 and are commonly referred to as the "Streamlining Revisions". The Department appreciates the contribution of Dan Dawson's input on these revisions. Mr. Dawson served on the EPA workgroup which developed the revisions.

Searcy's POTW processes include primary clarification, activated sludge, secondary clarification, chlorination and dechlorination. The POTW's average flow of 4.97 MGD consists approximately of 3.9% industrial (0.19 MGD) flow. Currently the City has a total of twelve (12) SIUs. The one categorical industrial user, Eaton Corporation [40 CFR 433] has specific limits determined by EPA and these limits are based on technological treatment standards. The other significant industrial users are subject to general pretreatment standards and local limits only. The SIUs appear to be having no significant impact on the POTW or the receiving stream. The POTW discharges its effluent to the Little Red River, the receiving stream. The POTW's effluent has shown no pattern of toxicity (lethality) to the receiving stream. The City reported only one sub-lethal failure in June 2008.

The City has not recently land applied biosolids and plans are to upgrade the solids handling system to include a belt press.

The audit/assessment consisted of informal discussions with Searcy's Pretreatment personnel, examination of industrial user files, pretreatment records and site visits to five (5) of the permitted SIUs. The auditor utilized a checklist to ensure that all facets of the program were evaluated. A copy of the completed checklist is attached. Additional information obtained during the audit is included in Attachments.

The report is divided into three sections. Section B provides a summary of the significant findings of the audit which will require action by the City of Searcy. Section C includes recommendations to help improve the implementation and enforcement of their Pretreatment and Pollution Prevention Programs. Finally, required program modifications to the City's approved program, including its adopted legal authorities, are outlined in Section D.

B) SUMMARY OF FINDINGS WITH REQUIRED ACTIONS

This section of the report is a summary of deficiencies found in the City of Searcy Pretreatment Program. The auditor has paraphrased with CFR citations the actions required by the City to comply with the current General Pretreatment Regulations (40 CFR 403) and with the approved program. A narrative explanation of the finding will follow each citation.

.

Under ***40 CFR 403.4*** The City cannot have any local regulations (ordinance/code) that are "*less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act...*".

On October 14, 2005 EPA promulgated revisions to 40 CFR 403. These revisions are commonly referred to as the "Streamlining" revisions. Each POTW with an approved pretreatment program must review the local legal authority to ensure that local ordinances/codes are not less stringent than the Streamlining revisions.

The City's last revision to the legal authority was incorporated into the NPDES permit on November 22, 2004. Later, in a letter dated June 12, 2006 the City cited evidence to show compliance with the Streamlining revisions. For national consistency, the Department decided to wait for EPA to develop guidance before reviewing ordinances and approving modifications to Arkansas approved pretreatment programs. In January 2007 EPA published a "Model Pretreatment Ordinance" with the recent Streamlining Revisions. In reference to Part III in the City's NPDES permit effective February 1, 2008, find in section 7.a, "The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations [Streamlining Revisions]." In a letter dated March 24, 2009 the City submitted proposed changes to the local legal authority for the Department to review. In attachments to the Department's letter dated May 8, 2009 the Department indicated required and recommended changes to the City's legal authority. In a letter dated August 11, 2010 the City submitted a proposed new pretreatment ordinance. The Department has reviewed the proposed new pretreatment ordinance and has the comments shown in Section D below. The City must review these comments and pending no contest by the City to these required/recommended changes, the City must adopt the ordinance in Attachment I as soon as possible.

C) RECOMMENDED POTW ACTIONS FOR IMPROVED IMPLEMENTATION OF THE PRETREATMENT AND POLLUTION PREVENTION PROGRAMS

1) During the file review, the auditor noticed that Eaton self monitoring reports were not signed. Please ask Eaton's 40 CFR 403.12(l) representative to sign the report.

2) The City may formally recognize the SPCC (Spill Prevention, Control and Countermeasure) plan submitted with Eaton's TOMP (Toxic Organic Management Plan) on March 31, 2008. See Attachment D-4/9. However, since the process area has no floor drains, the SPCC plan is for surface spills only and no spill/slug plan is required for 40 CFR 403 purposes.

3) As part of the annual inspection the City should make a "free-hand" sketch of Eaton flows to show the relationship between the sampling point and the regulated and non-regulated streams. Presently, the City and Eaton are sampling all and only regulated wastewater; therefore, the combined Wastestream formula shown in 40 CFR 403.6(e) is currently not applicable.

4) The City should document Land O'Frost Spill/Slug prevention plans. Land O'Frost currently has a procedure to prevent barrels of chemical from accidental spilling and slug loading the POTW.

5) Send a copy of the reporting requirements located in 40 CFR 403.12(p) & (j) to all hazardous waste generators shown on the ADEQ website at:

http://www.adeq.state.ar.us/hazwaste/rcra2/facil_sum.asp#Display

(Instructions: Enter "Searcy" in the box next to the title "Location City" and click "Search" to see the list.)

6) Include a "Statement of Basis" in all permits that have local limits. The basis should show how the city allocated the MAHL (Maximum Allowable Headworks Loading) and derived the equivalent concentration local limits.

7) The City should become familiar with the TBLL Excel spreadsheet provided by the Department. The City may use the spreadsheet to track changes in the MAHLs from quarter to quarter. When a MAHL for a particular pollutant changes by more than 20%, the City should consider updating the MAHL for that pollutant.

8) The City may supply Eaton and other applicable SIUs with the PPS-CAS list shown in attachment H-1/1. This list has the Toxic Organics (TTO/PPS) found in 40 CFR 403.11(e) with the corresponding Chemical Abstracts Service (CAS) numbers in numerical order. This list aids with the review of Material Safety Data Sheets (MSDS).

9) The City may include the RCRA notification in the IU Survey/Application to insure that any future SIU is not overlooked and as a reminder to existing SIUs. The Department recommends that the City add the RCRA notification to the application form (see Attachment F) submitted by Shulze. The City plans to use this application form in the future.

10) The City may reference 40 CFR 403.5(a) & (b) in paragraph Q of the SUPPLEMENTAL PERMIT CONDITIONS and/or add the language shown in attachment G-1/1. For example, "*All users must comply with the general and specific prohibitions found in 40 CFR 403.5(a) & (b).*"

11) Referring to Section 3 SUPPLEMENTAL PERMIT CONDITIONS, the City should correct the cite in Paragraph 3.M in each permit. The correct cite for recordkeeping is "40 CFR 403.12(o)".

D) REQUIRED PROGRAM MODIFICATIONS TO THE APPROVED PRETREATMENT PROGRAM NECESSARY TO BRING THE PROGRAM INTO COMPLIANCE WITH THE LETTER OR INTENT OF THE CURRENT REGULATORY REQUIREMENTS

1) Comply with most the most recent changes to 40 CFR 403 (commonly referred to as the "Streamlining Rule Changes" promulgated on October 14, 2005). The City must adopt a new pretreatment ordinance. The City submitted a proposed pretreatment ordinance in a letter dated August 11, 2010. In reference to Attachment G, the Department has these comments:

a. For "Daily Maximum" shown in section 1.4.K please use the definition in the NPDES permit (Part IV paragraph 8): " '*Daily Maximum' discharge limitation means the highest allowable "daily discharge" during the calendar month.*

b. In section 1.4.W strike "waters of the United States" and replace with "waters of the State".

c. Section 2.5 (City's Right of Revision) is redundant and may be omitted or marked "Reserved". This section is only applicable when numerical limits are listed the Section 2.4. The City has already reserved the "Right of Revision" in Section 2.4.

d. The certification in Section 6.14.B is for an optional streamlining revision and the City may strike this paragraph if the City does not want to make Eaton (or a future CIU) a "Non-Significant Categorical Industrial User".

e. The certification in Section 6.14.C is for an optional streamlining revision and the City may strike this paragraph if the City does not wish to allow Eaton (or a future CIU) the option to certify for regulated pollutants which do not routinely show on Eaton's self monitoring reports.

f. All optional streamlining revisions are highlighted in green in Attachment I and the City may omit these revisions. Optional revisions may be considered as "Major Modifications" to the pretreatment program. The City should omit all "optional streamlining revisions" if the City does not want the pretreatment program update to fall under 40 CFR 403.18(b).

g. The City must adopt all changes shown in red in Attachment I. In particular, the City elected to omit affirmative defenses for UPSETs and BYPASSes. Federal and State laws [40 CFR 03.16(c)(3) & 403.17(c)(2)] require "24-hour notifications and 5-day reports". The City must also have legal authority to require these notifications and reports.

h. The City should review all of the Department's suggested changes and should feel free to contact the Department about any concerns.

After the City adopts a new "Streamlining" ordinance, the City must update the pretreatment program narrative to incorporate the revisions to the legal authority.

* * * * * * * *

The city should consider the required actions and recommendations contained in this audit/assessment before finalizing any pretreatment program modifications. Any intended substantial program/ordinance changes made, whether in response to the recommendations or otherwise, should be submitted to the Department for review and approval.

PRETREATMENT AUDIT CHECKLIST
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

SECTION I: GENERAL INFORMATION

A. GENERAL INFORMATION

Control Authority Name: *City of Searcy* NPDES #: *AR0021601*

Mailing address: *300 N. Elm Street P O Box 1319 Searcy, AR 72145-1319*

Permit Signatory: *Dan Dawson* Title: *General Manager*

Telephone: *(501) 268-2481* FAX NUMBER: *(501) 268-9463*

Pretreatment Contact: *(Same)* Title: *(Same)*

Address: *(Same)*

Telephone: *(Same)* E-Mail address: *d.dawson@earthlink.net*

Pretreatment program approval date: *August 5, 1985*

Dates of approval of any substantial modifications: *July 2, 1996*

Month Annual Pretreatment Report Due: *March*

Pretreatment Year Dates: *Feb to Feb* Date(s) of Audit: *August 17 to 19, 2010* (ASSESSMENT)

Inspector(s):

NAME	TITLE/AFFILIATION	PHONE NUMBER
Rufus Torrence	*Water Div Engineer / ADEQ*	*(501) 682-0626*

Control Authority representative(s):

	NAME	TITLE	PHONE NUMBER
*	*Dan Dawson*	*General Manager*	*(501) 268-2481*
	Tim Cleveland	*Ass't General Manager*	*Same*
	Jimmy Smith	*Pretreatment Inspector*	*Same*

* Program Primary Contact

Dates of Previous PCIs/Audits:

TYPE	DATE	DEFICIENCIES NOTED
PCI	*05/2009*	*None Apparent*

YES NO

___ ✓ Is the Control Authority currently operating under any pretreatment related consent decree, Administrative Order, compliance or enforcement action?

If yes, describe the required corrective action:

___ ✓ Is the Control Authority currently in SNC or RNC?

.....

The remainder of this page has been left blank, but provides a place to enter a narrative description of any information that may not fit appropriately into the questions that are asked. Mark questions or input areas with a asterisk or footnote that tells that there is more explanatory information and where it can be found.

SECTION I: GENERAL INFORMATION

B. TREATMENT PLANT INFORMATION

1. THIS PRETREATMENT PROGRAM COVERS THE FOLLOWING NPDES PERMITS/TREATMENT PLANTS:

NPDES Permit No.	Name of Treatment Plant	Effective Date	Expiration Date
*AR0021601	Searcy Treatment Facility	02/01/08	01/31/13

* Indicates the permit number/treatment plant under which the Pretreatment Program is tracked.

2. Individual Treatment Plant Information

a. Name of Treatment Plant: Searcy Wastewater Treatment Facility

Location Address: 260 North Bypass Road

Expiration Date of NPDES Permit: 01/31/2013

Treatment Plant Wastewater Flow: Design- 5 MGD; Actual (Average)- 4.97 MGD

Sewer System: 100 % Separate; 0 % Combined, # of CSOs 0

Industrial Contribution to this Treatment Plant

# of SIUs : 11 # of CIUs : 1
Industrial Flow (mgd): 0.19 Industrial Flow (%) : 3.9 %

Level of Treatment		Type of Process(es):
Primary	✓	Bar Screen, grit removal, primary clarification
Secondary	✓	Activated Sludge
Tertiary		

Method of Disinfection: Chlorination

Dechlorination ✓ YES ____ NO

Effluent Discharge

Receiving Stream Name: Little Red River/seg 4E of the White River Basin

Receiving Stream Classification: Fishable/Swimmable

Receiving Stream Use: Primary/Secondary Contact & Fishery

If effluent is disposed of to any location other than the receiving stream, please note: Not Applicable (N/A)

Method of Sludge Disposal:		Quantity of Sludge:
✓[1]	Land Application	____ dry tons/yr.
____	Incineration	____ dry tons/yr.
____	Monofill	____ dry tons/yr.
____	Mun. Solid Waste Landfill	____ dry tons/yr.
____	Public Distribution	____ dry tons/yr.
____	Lagoon Storage	____ dry tons/yr.
____	Other (specify)	____ dry tons/yr.

[1] No estimate on sludge since the last land application was in the summer 2005.

List of toxic pollutant limits in NPDES permit: None

SECTION I: GENERAL INFORMATION

a. (continuation of individual treatment plant information for City of Searcy Treatment Plant.)

YES NO

✓ ___ Does the Control Authority hold a sludge permit or has the NPDES permit been modified to include sludge use and disposal requirements? If yes, specify the following:

Issuing Authority: ***ADEQ***
Issuance Date: ***12-31-2007***
Expiration Date: ***01-31-2013***

List pollutants that are specified in current sludge permit: ***Sludge must meet the applicable provisions of 40 CFR Part 503***

YES NO N/A

✓ ___ ___ Has the Control Authority submitted results of whole effluent biological toxicity testing.

___ ✓ ___ Has there been a pattern of toxicity demonstrated by effluent toxicity testing? If yes, explain what has been or is being done about it. (eg. Is there an ongoing TRE?) One Lethal and one sub-lethal failure in June 2008

How many times were the following monitored during the past pretreatment year?

	Influent	Effluent	Sludge	Ambient
Metals *	***4***	***4***	***4***	
Priority **	***1***	***1***	***1***	
Biomonitoring		***4***		
TCLP				
Other:				

* As identified at 40 CFR 122, Appendix D, Table III, ** As identified at 40 CFR 122, Appendix D, Table II

Summarize any trends over the last five years regarding pollutant (influent, effluent and sludge) loadings. Have they increased, decreased, or stayed the same. Evaluate for each parameter measured.
The influent concentrations of metals have stayed the same over the last five years since the influent concentrations of metals are close to "typical" domestic levels.

YES NO N/A

___ ✓ ___ Has the POTW begun tracking the trends in the above samples?

___ ✓ ___ Has the POTW violated it's NPDES Permit either for effluent limits or sludge over the last 12 months?

If yes, List the NPDES effluent and sludge limits violated and the suspected cause(s)

Parameters Violated	Cause(s)

YES NO

___ ✓ Has the treatment plant sludge violated the TCLP Test?

SECTION II: PROGRAM ANALYSIS AND PROFILE

C. Control Authority Pretreatment Program Modification [403.18]

YES	NO	
___	✓	Has public comment been solicited during revisions to the Sewer use ordinance and/or local limits since the last program modification? [403.5(c)(3)]
___	✓	Have any substantial modifications been made or requested to any pretreatment program components since the last audit? If yes, identify below.

1. Modifications:

Date Approved by ADEQ	Ordinance Citation/ Nature of Modification	Date Incorporated in NPDES Permit

2. Modifications in Progress:

Date Requested	Nature of Modification
N/A	*Ongoing review of Streamlining Changes*

YES	NO	
___	✓	Have any changes been made to any pretreatment program components (excluding any listed above)? If yes:
✓	___	Has the Control Authority notified the Approval Authority of all program changes? (e.g., Modified forms, procedures, legal authorities). If no, please copy and attach the modified form, etc.

D. Legal Authority [403.8(f)(1)]

Date of original Pretreatment Program approval: *03/05/85* [WENDB-PTIM]
Date of most recent Ordinance approved by the Control authority: *05/30/96*
Date of most recent Pretreatment Program modification approval: *07/02/96*

Does the Control Authority's legal authority enable it to: [403.8(f)(1)(i-vii)]

YES	NO	
✓	___	Deny or condition pollutant discharges
✓	___	Require compliance with standards
✓	___	Control discharges through permit or similar means
✓	___	Require compliance schedules and IU reports
✓	___	Carry out inspection and monitoring activities
✓	___	Obtain remedies for noncompliance
✓	___	Comply with confidentiality requirements
✓	___	Establish Pollution Prevention
✓	___	Has the city developed and adopted a Pollution Prevention policy?

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

___ ✓ Has the Control Authority experienced difficulty in implementing the sewer use ordinance? If yes, identify reason:

_____ No oversight authority
_____ No inspection authority
_____ No remedies for noncompliance
_____ No "equivalent" standard
_____ No clear delineation of responsibility for program implementation
_____ Interjurisdictional agreements not entered into
_____ Other, Specify: _____

✓ ___ Are all industrial users located within the jurisdictional boundaries of the Control Authority? If no:

N/A Has the Control Authority negotiated all legal agreements necessary to ensure that pretreatment standards will be enforced in contributing jurisdictions?

N/A Have provisions been made for the incorporation of Pollution Prevention (P^2) policies by contributing jurisdictions?
List the name of contributing jurisdictions, if any, the number of CIUs, SIUs and type of multijurisdictional agreements in those jurisdictions:

	Name of Jurisdiction	Number of CIUs	Number of Other SIUs	Type of Agreement
1.	***N/A***			
2.				

If relying on activities of contributing jurisdictions, indicate which activities are performed by jurisdictions and describe any problems in their implementation.

		Problems
___	Updating industrial waste survey	***N/A***
___	Notification of IUs	***N/A***
___	Permit issuance	***N/A***
___	Receipt and review of IU reports	***N/A***
___	Inspection and sampling of IUs	***N/A***
___	Assessment of IUs for P^2 activity	***N/A***
___	Analysis of samples	***N/A***
___	Enforcement	***N/A***
___	Other: _____	***N/A***

Briefly describe other problems: ***N/A***

Identify any IUs that have caused problems of interference, upset, pass through, sludge contamination, problems in the collection system, or worker health and safety in the past 12 months:

IU Name	Problem	NPDES Permit Violation Yes	No
(None)			

SECTION II: PROGRAM ANALYSIS AND PROFILE

E. Industrial User Characterization [403.8(f)(2)(i)]

YES NO

✓ ___ Has the Control Authority (CA) updated its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

___ ✓ If yes, while conducting the IWS, was each potential IU evaluated by the CA for the possibility of incorporating P^2 activity?

✓ ___ Does the Control Authority have written procedures to update its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

___ ✓ If yes, do the written procedures include provisions for the assessment of potential new IUs to incorporate P^2 activity and the distribution of P^2 reference materials to the IUs which qualify?

What methods are used to update the IWS:

✓ Review of newspaper/phone book
✓ Review of plumbing/building permits
✓ Review of water billing records
✓ Permit reapplication requirements
✓ Onsite inspections
✓ Citizen involvement
✓ Other (specify) ***POTW serves a small community and all IUs are well-known***

How often is the survey to be updated? ***Ongoing***

Are there any problems that the Control Authority has in identifying and categorizing SIUs: ***None***

YES NO

___ ✓ Have any new SIUs been identified within the last 12 months? If yes:

Name of IU	Type of Industry	Is the IU Permitted?
BJ Services	***Oil & Gas Field Services***	***Yes***
Schulze & Birch	***Food Processor***	***Yes***

How many IUs are currently identified by the Control Authority in each of the following groups:

a. ***11*** SIUs (As defined by the Control Authority) [WENDB-SIUS]
b. ***1*** Categorical Industrial Users (CIUs) [WENDB-CIUS]
c. ***10*** Noncategorical SIUs
d. ***4*** Other regulated nonsignificant IUs (Describe) ***liquid waste haulers***
15 TOTAL of a. + d.

YES NO

✓ ___ Has the POTW identified any IUs with Pollution Prevention opportunities?

✓[1] ___ Is the Control Authority's definition of "significant industrial user" the same as EPA's? [*403.3(v)(1)(i-ii)*]

If not, the Control Authority has defined "significant industrial user" to mean:
[1]CA definition was the same but presently does not include 40 CFR 403.3(v) streamlining changes.

SECTION II: PROGRAM ANALYSIS AND PROFILE

F. Control Mechanism Evaluation [403.8(f)(1)(iii)]

YES NO

___ ✓ Has the Control Authority asked for Best Management Practices (BMPs) or Pollution Prevention assessments as part of the permit application?

Describe the Control Authority's approved control mechanism (e.g., permit, etc.): ***Permit***

What is the maximum term of the control mechanism? ***Three Years***

0 How many SIUs are not covered by an existing, unexpired permit or other control mechanism? [WENDBs-NOCM] If there are any SIUs without current (unexpired) permits, please complete the information below:

IU NAME	PERMIT EXPIRATION DATE
N/A	

YES NO

✓ ___ Does the Control Authority accept trucked septage wastes?

✓ ___ Does the Control Authority accept other trucked wastes?

✓ ___ Does the Control Authority have a control mechanism for regulating trucked wastes? If yes, answer the following:

YES	NO	
✓	___	Does Control Mechanism designate a discharge point? [403.5(b)(8)]
✓[1]	___	Are all applicable categorical standards and local limits applied to trucked wastes ?

[1]***Same local limits and standards are applicable to trucked wastes.***

List all pollutants and applicable limits, other than local limits and categorical standards applied to waste haulers:

Pollutant	Limit
N/A	

Describe the discharge point(s) (including security procedures):
Haulers must discharge at the treatment plant (SW Corner of North Lagoon)

___ ✓ Does the Control Authority accept Underground Storage Tank (UST) cleanup wastes?

___ ✓ Does the Control Authority have a control mechanism for regulating wastes from UST sites?

List all pollutants and applicable limits, other than local limits and categorical standards applied to UST cleanup sites:

Pollutant	Limit
N/A	

SECTION II: PROGRAM ANALYSIS AND PROFILE

G. Application of Pretreatment Standards and Requirements

YES NO

✓ ___ Has the POTW notified the IUs of their potential requirement to report hazardous wastes to EPA, the State, and the POTW?

Feb 2009 Date Notified ***Letter*** Method of Notification

How does the Control Authority keep abreast of current regulations to ensure proper implementation of standards?

___	Federal Register	✓	Journals, Newsletters
✓	Meetings, Training	✓	Internet
✓	Government Agencies	___	Other _____

YES NO

___ ✓ Is the Control Authority in the process of making any changes to its local limits or have limits changed since the last PCI, Audit, or Annual Report?

If yes, complete the information below:

Pollutant Changed	Old Limit	New Limit	Reason for Change

YES NO

✓ ___ Has the Control Authority technically evaluated the need for local limits for all required pollutants listed below? [WENDB-EVLL] [403.5(c)(1); 403.8(f)(4)]

		Headworks Analysis Completed?		Local Limits Needed?		Local Limits Adopted?		MAHL (lb/d) Numerical Limit Adopted[1]
		Yes	No	Yes	No	Yes	No	
Arsenic (As)		✓	___	___	✓	___	✓	0.543
Cadmium (Cd)		✓	___	___	✓	___	✓	0.578
Chromium-Total		✓	___	___	✓	___	✓	11.927
Copper (Cu)		✓	___	___	✓	___	✓	3.829
Cyanide (CN)		✓	___	___	✓	___	✓	3.289
Lead (Pb)		✓	___	___	✓	___	✓	1.221
Mercury (Hg)		✓	___	___	✓	___	✓	0.006
Molybdenum (Mo)	*	✓	___	___	✓	___	✓	0.489
Nickel (Ni)		✓	___	___	✓	___	✓	3.260
Selenium (Se)	*	✓	___	___	✓	___	✓	0.652
Silver (Ag)		✓	___	___	✓	___	✓	0.421
Zinc (Zn)		✓	___	___	✓	___	✓	10.208

* - *If necessary for the sludge disposal option chosen.*

[1]***Refer to ADEQ Worksheet dated 11-06-2003***

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

___ ✓ Has the Control Authority identified pollutants of concern other than the required pollutants and technically evaluated the need for local limits for these? If yes, provide the following information:

POLLUTANT	Headworks Analysis Completed? Yes	No	Local Limits Needed? Yes	No	Local Limits Adopted? Yes	No	Numerical Limit Adopted (mg/l)
N/A							

YES NO

___ ✓[1] Where it has been determined that certain pollutants need to have limits, has the POTW identified the sources of the pollutants?

[1]***No toxic pollutant is significantly impacting the POTW at this time.***

What method of allocation was used for local limits for each pollutant that has a local limit in-place?

	TYPE OF ALLOCATION		
	Uniform Concentration	Mass	Hybrid
Arsenic (As)			
Cadmium (Cd)		✓	
Chromium-Total		✓	
Copper (Cu)		✓	
Cyanide (CN)			
Lead (Pb)		✓	
Mercury (Hg)			
Molybdenum (Mo)			
Nickel (Ni)		✓	
Selenium (Se)			
Silver (Ag)			
Zinc (Zn)			

If there is more than one treatment plant, were the local limits established specifically for each plant or were local limits applied uniformly to all plants?

N/A

SECTION II: PROGRAM ANALYSIS AND PROFILE

H. COMPLIANCE MONITORING

Compliance Monitoring and Inspection Requirements:

Program Aspect	Approved Program	Federal Requirement	Explain Difference
Inspections:			
CIUs	*1*	1/year	*Section 10.2; page 22*
Other SIUs	*1*	1/year	*"* *"*
Sampling:			
CIUs	*2*	1/year	*Section 10.1; page 21*
Other SIUs	*2*	1/year	*"* *"*
Reporting:			
CIUs	*2*	2/year	*Section 10; page 20*
Other SIUs	*2*	2/year	*"* *"*
Self-Monitoring:			
CIUs	*12*	2/year	*Section 10; page 20*
Other SIUs	*4*	2/year	*"* *"*

#	%	
		How many and what percentage of SIUs were: (refer to p.1 for Pretreatment year)
0	*0*	Not sampled at least once in the past reporting year?
0	*0*	Not inspected at least once in the past Pretreatment reporting year?
0	*0*	Not inspected or not sampled at least once in the past reporting year* ? [WENDB-NOIN]-[403.8(f)(2)(v)]

* NOIN- this is a count of SIUs that are either not inspected OR not sampled in the past 12 months. This is NOT a count of SIUs that were both not sampled and not inspected. Do not count repetitive SIU names more than once.

Attach the names of SIUs that were not sampled and/or not inspected within the last Pretreatment reporting year. Include an explanation next to each name as to why it was not sampled and/or not inspected.

Does the Control Authority routinely split samples with industrial personnel:

YES	NO	
✓		If requested?
	✓	To verify IU self-monitoring results?

Provide the following information regarding pollutant analyses done by the POTW:

	Analytical Method *	Name of Laboratory
Metals	*AA Flame*	*POTW*
Cyanide	*Spectro*	*Ark Testing*
Organics	*GC/MS*	*American Interplex*
Other	*Biomonitoring*	*"* *"*

Were all wastewater samples analyzed by 40 CFR 136 methods? *YES*

* Enter the type of Analytical Method used for each group of pollutants. (eg. AA-flame, AA-furnace, GC, GC/MS, ICP, etc.

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

✓ ___ Does the POTW use QA/QC for sampling and analysis? If yes, describe:
ADEQ certifies both the contract lab (Arkansas Testing) and the POTW lab.

How much time normally elapses between sample collection and obtaining analytical results for:

1-5 d	Conventionals
< 1 wk	Metals
2 wk	Organics
2 wk	Biomonitoring

___ ✓[1] Is there an established protocol clearly detailing sampling location and procedures?

[1]***CA has only 11 SIUs and the prêt coor has sampled them since the program was approved in 1985; the auditor suggested a protocol may be helpful for new or temporary personnel had to do the sampling.***

___ ✓ Has the Control Authority had any problems performing compliance monitoring?

If yes, explain: _____

Does the Control Authority use the following methods for compliance monitoring?

YES	NO	
✓	___	Scheduled compliance monitoring
✓	___	Unscheduled compliance monitoring
✓	___	Demand monitoring for IU compliance
✓	___	IU self-monitoring
___	___	Other:

YES NO

___ ✓ Has the Control Authority identified any violation of the prohibited discharge standards in the last reporting year ? If yes, describe below.

SECTION II: PROGRAM ANALYSIS AND PROFILE

I. ENFORCEMENT

YES NO

✓[1] ___ Is the Control Authority definition of SNC consistent with EPA's? *[403.8(f)(2)(viii)]*

[1]Control Authority references "403.8(f)(2)(viii)" in Section 28-26-2.42.

✓ ___ Does the Control Authority have a written enforcement response plan (ERP)? [403.8(f)(5)]. If yes, does the plan:

YES NO

✓ ___ Describe how the Control Authority will investigate instances of noncompliance

✓ ___ Describe the Control Authority's types of escalating enforcement responses and the periods for each response

✓ ___ Identify by Title the Official(s) responsible for implementing each type of enforcement response

✓ ___ Reflect the Control Authority's responsibility to enforce all applicable pretreatment requirements and standards

Check those compliance/enforcement options that are available to the POTW in the event of IU noncompliance: [403.8(f)(1)(vi)]

✓ Notice or letter of violation
✓ Setting of compliance schedule
✓ Injunctive relief
✓ Administrative Order
✓ Revocation of permit
✓ Fines (maximum amount):

civil	$ 1000 /day/violation
criminal	$ 1000 /day/violation
administrative	$ 500 /day/violation

✓ Imprisonment
✓ Termination of Service
___ Other: _____

Describe any problems the Control Authority has experienced in implementing or enforcing its pretreatment program: ***The industries consistently comply with the requirements in their permits and the City has not had any major problems in implementing or enforcing the program.***

YES NO

✓ ___ When violations occur, does the Control Authority routinely notify SIUs and escalate enforcement responses if violations continue? [403.8(f)(5)]

✓ ___ Are SIUs required to notify the Control Authority within 24 hours of becoming aware of a violation and to conduct additional monitoring within 30 days after the violation is identified? [403.12(g)(2)].
Comment: _____

N/A If no, does the Control Authority conduct all of the monitoring?

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES	NO	N/A	
✓			Does the pattern of enforcement conform to the ERP?

Complete the following table for SIUs identified as SNC.

SIU Name	Date First Identified in SNC	Enforcement Action Type	Enforcement Action Date	Return to Compliance? Yes (Date)	No
N/A					

Indicate the number and percent of SIUs that were identified as being in significant noncompliance during the past Pretreatment reporting period:

#	%	
0	0	Pretreatment Standards [WENDB-PSNC] (Local Limits/Categorical Standards)
0	0	Self-monitoring requirements [WENDB-MSNC]
0	0	Reporting requirements [WENDB-PSNC]
0	0	Pretreatment compliance schedule [WENDB-SSNC]
0		How many SIUs that are currently in SNC with self-monitoring and were not inspected or sampled? [WENDB-SNIN]

YES	NO	
	✓	Does the ERP provide for any Pollution Prevention activities as corrective actions? If so, give some examples. _____

Has the Control Authority experienced any of the following:

YES	NO		EXPLAIN and ID Industrial User
	✓	Interference [WENDB]	
	✓	Pass through [WENDB]	
	✓	Fire or explosions? (incl. flash point viol.)	
	✓	Corrosive structural damage? (incl. pH <5.0).	
	✓	Flow obstructions?	
	✓	Excessive flow or pollutant concentrations?	
	✓	Heat problems?	
	✓	Interference due to oil or grease?	
	✓	Toxic fumes?	
	✓	Illicit dumping of hauled wastes?	

SECTION III: INDUSTRIAL USER FILE REVIEW

YES	NO	
✓		Does the Control Authority compare all monitoring data to applicable Pretreatment Standards and requirements contained in the control mechanism? [403.8(f)(2)(iv)]
0		How many SIUs are currently on compliance schedules?
	✓	Have any CIUs been allowed more than 3 years from the effective date of a categorical standard to achieve compliance with those standards? [403.6(b)]

Indicate the number of SIUs from which penalties have been collected by the Control Authority during the past Pretreatment reporting period:

	Number	Amount
Civil	0	$_____
Administrative	0	$_____
Total	0	$_____
		[WENDB-IUPN]

J. DATA MANAGEMENT/PUBLIC PARTICIPATION

YES	NO	
✓		Are inspection & sampling records well documented, organized and readily retrievable? Are files/records:

YES	NO	
	✓	computerized
✓		hard copy
		OTHER: _____

Are the following files computerized:

YES	NO	
	✓[1]	Control Mechanism Issuance
	✓[1]	Inspection and Sampling schedule
	✓[1]	Monitoring Data
	✓[1]	IU Compliance Status Tracking
		Other: _____

Can IU monitoring data can be retrieved by:

	✓[1]	Industry name
	✓[1]	Pollutant type
	✓[1]	Industrial category or type
	✓[1]	SIC Code
	✓[1]	IU discharge volume
	✓[1]	Geographic location
N/A		Receiving treatment plant (i.e.if > one plant in the system)
		Other (specify) _____

[1]CA currently has only 11 SIUs and a computerized system may be of little benefit here; nonetheless, the CA should attempt to go to a "paperless" filing system.

SECTION III: INDUSTRIAL USER FILE REVIEW

YES NO

✓ ___ Does the POTW have provisions to address claims of confidentiality? [403.8(f)(1)(vii)]

___ ✓ Have IUs requested that data be held confidential?
How is confidential information handled by the Control Authority?

___ ✓ Are there significant public or community issues impacting the POTW's pretreatment program?

If yes, please explain: _____

✓ ___ Are all records maintained for at least 3 years?

K. RESOURCES

What is the current level of resources dedicated to the Pretreatment Program in FTEs and funding amounts? [403.8(f)(3)] * - FTE = Full Time Equivalent Employee

<2 FTE

YES NO

___ ✓ Have any problems in program implementation been observed which appear to be related to inadequate funding?
If yes, describe and show below the source(s) of funding for the program:

	Percent of Total Funding
✓ POTW general operating fund	>94%
✓ IU permit fees	< 1%
___ monitoring charges	
✓ industry surcharges	5%
___ other (describe) _____	
Total	100%

✓ ___ Is funding expected to continue near the current level? If no, will it:
Increase ___ or Decrease ___
If no, describe the nature of the changes:

SECTION III: INDUSTRIAL USER FILE REVIEW

Are an adequate number of personnel available for the following program areas:

YES	NO		If no, explain
✓		Legal assistance	
✓		Permitting	
✓		IU inspections	
✓		Sample collection	
✓		Sample analyses	
✓		Data analysis, review and response	
✓		Enforcement	
✓		Administration (inc. record keeping /data management)	

Does the Control Authority have access to adequate:

YES	NO		If yes then list and if no, explain
✓		Sampling equipment	ISCO Samplers
✓		Safety equipment	Gas monitors, blowers
✓		Vehicles	Truck
✓		Analytical equipment	AA Flame

L. POLLUTION PREVENTION

1. Describe any efforts that have been taken to incorporate pollution prevention into the Pretreatment Program (e.g. waste minimization at IUs, household hazardous waste programs, etc.):
CA continues to implement the "CAN THE GREASE" program designed to reduce the amount of FOG which enter the sewer.

2. Has the source of any toxic pollutants been identified?
If yes, what was found?
N/A

3. Has the POTW implemented any kind of public education program? If yes, describe:
POTW continues to send letters and distribute brochures to the public on "Fat-Free Sewers".

4. Does the POTW have any pollution prevention success stories for industrial users documented? No. If yes, please attach.

SECTION III: INDUSTRIAL USER FILE REVIEW

5. Are SIUs required to get a pollution prevention audit or assessment as a part of their permit application or as a requirement of their permit?

No

6. Has the POTW used any of the various "Guides to Pollution Prevention" as examples to their industrial and commercial users as ways to eliminate or reduce pollutants? ***NO***

If yes, which of the "Guides to Pollution Prevention" were used?

SECTION III: INDUSTRIAL USER FILE REVIEW

FILE #: 1 Industry Name Land O'Frost, Inc File/ID No. 3201301
Industry Address 911 Hastings Ave 72143
Industry Description Food Processor (Sandwich Meat)
Industrial Category N/A 40 CFR N/A SIC Code: 2013
Ave. Total Flow (gpd) 260,000 Ave. Process Flow (gpd) 260,000

Industry visited during audit: YES

Comments: Conscientious management force

FILE #: 2 Industry Name Schulze & Burch File/ID No. 3205201
Industry Address 200 Queensway Street 72143
Industry Description Food Processor (Pastry)
Industrial Category N/A 40 CFR N/A SIC Code: 2051

Ave. Total Flow (gpd) 6900 Ave. Process Flow (gpd) ~6000

Industry visited during audit: YES

Comments:

FILE #: 3 Industry Name Eaton Hydraulics File/ID No. 1349401
Industry Address 400 E. Lincoln St 72143
Industry Description Manufacturer of Hydraulic Valves, Pump Parts & Filters
Industrial Category Metal Finishing 40 CFR 433 SIC Code: 3494
Ave. Total Flow (gpd) 3950 Ave. Process Flow (gpd) <1000

Industry visited during audit: YES

Comments:

FILE #: 4 Industry Name Yarnell Ice Cream File/ID No. 3202401
Industry Address 205 S. Spring St. 72143
Industry Description Food Producer
Industrial Category N/A 40 CFR N/A SIC Code: 2024
Ave. Total Flow (gpd) 13,000 Ave. Process Flow (gpd) ~11,000

Industry visited during audit: YES

Comments: Family owned business

FILE #: 5 Industry Name Cintas, Inc File/ID No. 3721801
Industry Address 101 Beebe Capps Expy 72143
Industry Description Laundry of Uniforms and Shop Towels
Industrial Category N/A 40 CFR N/A SIC Code: 7218
Ave. Total Flow (gpd) 9500 Ave. Process Flow (gpd) ~7500

Industry visited during audit: YES

Comments: Cintas claims not to accept towels saturated with oils and cleaning fluids

SECTION III: INDUSTRIAL USER FILE REVIEW

A. Industrial User Characterization

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
1. Is the IU considered "significant" by the Control Authority?	✓	✓	✓	✓	✓
2. Is the user subject to categorical pretreatment standards?	X	X	✓	X	X
a. New source or existing source (NS or ES)?	N/A	N/A	1	N/A	N/A
b. Is this IU one identified as having P^2 potential?	2	2	2	2	2

B. Control Mechanism

1. Does the file contain an application for a control mechanism?	3	4	3	3	3
If yes, what is the application date?	02-01-08	01-31-08	02-21-08	02-19-08	01-31-08
Does it ask for Pollution Prevention information?	X	X	X	X	X
2. Does the file contain a permit?	✓	✓	✓	✓	✓
Permit Expiration Date?[5]	03-15-11	03-15-11	03-15-11	03-15-11	03-15-11
Is a fact sheet included?	X	X	6	X	X
3. Has the SIU been issued a control mechanism containing: [403.8(f)(1)(iii)(A)-(E)]					
a. Legal Authority Cite?	Cover Pg	Cover Pg	Cover Pg	Cover Pg	Cover Pg
b. Expiration date?	Cover Pg	Cover Pg	Cover Pg	Cover Pg	Cover Pg
c. Statement of nontransferability?	§3.L	§3.L	§3.L	§3.L	§3.L
d. Appropriate discharge limitations?	§1	§1	§1	§1	§1
e. Appropriate self-monitoring requirements?	§1	§1	§1	§1	§1
f. Sampling frequency?	§1	§1	§1	§1	§1

Comments: 1. CA is applying existing source regs to Eaton; CA claims Eaton installed the regulated process in 1977. 2. The Auditor questioned each SIU during the site visits and each SIU claimed to have some type of P2 activity. 3. CA uses short IWS form; see attachment A-1/2. 4. The City used the application in Attachment F-1/8 for Shulze's permit. 5. All permits expire on March 15, 2011. 6. Eaton permit shows both local limits and cat limits on ELG sheets which would normally appear on a fact sheet or Statement of Basis.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes X => No N/A => Not Applicable

		LoF	Schulze	Eaton	Yarnell	Cintas
g.	Sampling locations?	§1	§1	§1	§1	§1
h.	Requirement for flow monitoring?	§1	§1	§1	§1	§1
i.	Types of samples (grab or composite) for self-monitoring?[7]	§1	§1	§1	§1	§1
j.	Applicable IU reporting requirements?	§2	§2	§2	§2	§2
k.	Standard conditions for:					
	Right of Entry?	§3.H	§3.H	§3.H	§3.H	§3.H
	Records retention?[8]	§3.M	§3.M	§3.M	§3.M	§3.M
	Civil and Criminal Penalty provisions?	§3.N	§3.N	§3.N	§3.N	§3.N
	Revocation of permit?	§3.N	§3.N	§3.N	§3.N	§3.N
l.	Compliance schedules/ progress reports	N/A	N/A	N/A	N/A	N/A
m.	General/Specific Prohibitions?[9]	X	X	X	X	X
n.	Where technologically and economically achievable, are P^2 aspect included?	X	X	X	X	X

C. Application of Standards

1.	Has the IU been properly categorized?	✓	✓	✓	✓	✓
2.	Were both Categorical Standards and Local Limits properly applied?	10	10	11	10	10
3.	Was the IU notified of recent revisions to applicable pretreatment standards? [403.8(f)(2)(iii)]	12	12	12	12	12
4.	For IUs subject to production-based standards, have the standards been properly applied? [403.8(f)(1)(iii)]	N/A	N/A	N/A	N/A	N/A

Comments: 7. Section 4 in each permit allows "Composites" to be either "Timed" or "Flow". 8. Permit shows wrong cite [40 CFR 403.12(n)]. The correct cite is "40 CFR 403.12(o)". 9. The City add the "General/Specific" cite and language to Section 3 in each permit shown in Attachment G-1/1. 10. Permit has BOD, TSS and O&G limits only. 11. Eaton's permit has both local limits and categorical limits. 12. The City is trying to implement an "Awards Day" seminar to keep users informed and recognized.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
5. For IUs with combined wastestreams is the Combined Wastestream Formula or the Flow Weighted Average formula correctly applied? [403.6(d) and (e)]	N/A	N/A	N/A	N/A	N/A
6. For IUs receiving a "net/ gross" variance, are the alternate standards properly applied?	N/A	N/A	N/A	N/A	N/A
7. Is the Control Authority applying a bypass provision to this IU?	§3.I	§3.I	§3.I	§3.I	§3.I

D. Compliance Monitoring

Sampling

1. Does the file contain Control Authority sampling results for the industry?	✓	✓	✓	✓	✓
2. Did the Control Authority sample as frequently as required by its approved program or permit? [403.8(c)]	✓	✓	✓	✓	✓
3. Does the sampling report(s) include: [403.8(f)(2)(vi)]					
a. Name of sampling personnel?					
b. Sample date and time?	✓	✓	✓	✓	✓
c. Sample type?	✓	✓	✓	✓	✓
d. Wastewater flow at the time of sampling?	✓	✓	✓	✓	✓
e. Sample preservation procedures?	✓	✓	✓	✓	✓
f. Chain-of-custody records?	✓	✓	✓	✓	✓
g. Results for all parameters? SIUs & CIUs [403.12(g)(1) - CIUs]	✓	✓	✓	✓	✓

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
4. Has the Control Authority appropriately implemented all applicable TTO monitoring/ management requirements?	N/A	N/A	✓	N/A	N/A
5. Did the Control Authority adequately assess the need for flow-proportion vs. time-proportion vs. grab samples?	13	13	13	13	13
6. Were 40 CFR 136 analytical methods used? [403.8(f)(2)(vi)	✓	✓	✓	✓	✓
Inspections					
7. Does the IU file contain inspection reports?	✓	✓	✓	✓	✓
8. a. Has the Control Authority inspected the IU at least as frequently as required by the approved program or permit? [403.8(c)]	✓	✓	✓	✓	✓
b. Date of last Inspection	07-28-10	10-28-09	09-21-09	01-19-10	06-16-10
9. Does the inspection report(s) include: [403.8(f)(2)(vi)]					
a. Inspector Name(s)	Pg 1	Pg 1	Pg 1	Pg 1	Pg 1
b. Inspection date and time?	Pg 1	Pg 1	Pg 1	Pg 1	Pg 1
c. Name and title of IU official contacted?	Pg 1	Pg 1	Pg 1	Pg 1	Pg 1
d. Verification of production rates?	N/A	N/A	N/A	N/A	N/A
e. Identification of sources, flow, and types of discharge (regulated, dilution flow, etc.)?	Pg 2	Pg 2	14	Pg 2	Pg 2
f. Evaluation of pretreatment facilities?	15	16	Pg 7	N/A	17

Comments: 13. All composites are "Time-Proportional". 14. Inspection form has a space for a sketch but it was left blank. The Auditor added an example sketch; see Attachment C-10/11 4. Land O'Frost has four bay settling chambers to trap grease. 16. Shulze has a settling tank. 17. Cintas has screening & pH adjustment only.

SECTION III: INDUSTRIAL USER FILE REVIEW

✓ => Yes X => No N/A => Not Applicable

		LoF	Schulze	Eaton	Yarnell	Cintas
g.	Evaluation of self-monitoring equipment and techniques?	Pg 8	Pg 8	Pg 8	Pg 8	Pg 8
h.	(Re)-Evaluation of slug discharge control plan & need to develop? [403.8(f)(2)(v)]	17	Pg 9	17	Pg 9	Pg 9
i.	Manufacturing facilities?	Pg 5	Pg 5	Pg 5	Pg 5	Pg 5
j.	Chemical handling and storage procedures?	Pg 6	Pg 6	Pg 6	Pg 6	Pg 6
k.	Chemical spill prevention areas?	Pg 6	Pg 6	Pg 6	Pg 6	Pg 6
l.	Hazardous waste storage areas and handling procedures?	Pg 4	N/A	Pg 4	N/A	Pg 4
m.	Sampling procedures?	Pg 7	Pg 7	Pg 7	Pg 7	Pg 7
n.	Laboratory procedures?	Pg 8	Pg 8	Pg 8	Pg 8	Pg 8
o.	Monitoring records?	Pg 8	Pg 8	Pg 8	Pg 8	Pg 8
p.	Evaluation of Pollution Prevention opportunities?	Pg 9	Pg 9	Pg 9	Pg 9	Pg 9
q.	Control Authority inspector signature?	Pg 11	Pg 11	18	Pg 11	Pg 11

Comments: 17. Land O'Frost and Eaton has spill/slug plans and the City may wish to document them. 18. Page 11 in Eaton's inspection has a space for signature but was not signed; see attachment C-11/11. 19. The City is accepting some self-monitoring reports by fax and the 40 CFR 403.12(l) official does not always sign the report first. 20. Land O'Frost has a spill/slug plan and Eaton has a SPCC plan for surface spills. The City may elect to document them.

SECTION III: INDUSTRIAL USER FILE REVIEW

IU Self-Monitoring and Reporting

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
10. Does the file contain self-monitoring reports?	✓	✓	✓	✓	✓
11. Does the file include:					
a. BMR?	N/A	N/A	✓	N/A	N/A
b. 90-Day Report?	N/A	N/A	✓	N/A	N/A
c. All periodic reports?	N/A	N/A	✓	N/A	N/A
d. Compliance schedule reports?	N/A	N/A	N/A	N/A	N/A
12. Did the IU report on all required parameters?	✓	✓	✓	✓	✓
13. Did the IU comply with the required sampling frequency(s)?	✓	✓	✓	✓	✓
14. Did the IU report flow?	✓	✓	✓	✓	✓
15. Did the IU comply with the required reporting frequency(s)?	✓	✓	✓	✓	✓
16. For all SIUs, are self-monitoring reports signed and certified?	19	19	19	19	19
17. Did the IU report all changes in its discharge? [403.12(j)]	✓	✓	✓	✓	✓
18. Has the IU developed a Slug Control and Prevention Plan?	20	X	20	X	X
19. Has the industry been responsible for spills or slug loads discharged to the POTW?	X	X	X	X	X
If yes, does the file contain documentation regarding:					
a. Did the spill cause Pass Through or Interference?	N/A	N/A	N/A	N/A	N/A
b. Did POTW respond to the spill?	N/A	N/A	N/A	N/A	N/A

SECTION III: INDUSTRIAL USER FILE REVIEW

E. Enforcement

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
1. Were all IU discharge violations identified in: [403.8(f)(2)(vi)]					
a. Control Authority monitoring results?	N/A	N/A	N/A	N/A	N/A
b. IU self-monitoring results?	N/A	N/A	N/A	N/A	N/A
c. If NS CIU was it compliant within 90 days from commencement of discharge?	N/A	N/A	N/A	N/A	N/A
2. How many reports submitted during the past reporting year indicated discharge violations?	Zero	Zero	Zero	Zero	Zero
3. Did the IU notify the Control Authority within 24 hours of becoming aware of the violation(s)?	N/A	N/A	N/A	N/A	N/A
4. Was additional monitoring conducted within 30 days after each discharge violation occurred?	N/A	N/A	N/A	N/A	N/A
5. Were all nondischarge violations identified in the file?	N/A	N/A	N/A	N/A	N/A
6. Was the IU notified of all violations?	N/A	N/A	N/A	N/A	N/A
7. Was follow-up enforcement action taken by the Control Authority?	N/A	N/A	N/A	N/A	N/A
8. Did the Control Authority follow its approved ERP?	N/A	N/A	N/A	N/A	N/A
9. Did the Control Authority's enforcement action result in the IU achieving compliance?	N/A	N/A	N/A	N/A	N/A
10. Is there a compliance schedule? If yes:	N/A	N/A	N/A	N/A	N/A
11. Were there any compliance schedule violations?	N/A	N/A	N/A	N/A	N/A

SECTION III: INDUSTRIAL USER FILE REVIEW

E. Enforcement (continued)

✓ => Yes X => No N/A => Not Applicable

	LoF	Schulze	Eaton	Yarnell	Cintas
12. Was SNC calculated for the violations on a quarterly basis? [403.8(f)(2)(vii)]	N/A	N/A	N/A	N/A	N/A
During evaluation for SNC, did the CA consider each of the following criteria?					
a. Chronic violations	N/A	N/A	N/A	N/A	N/A
b. TRC	N/A	N/A	N/A	N/A	N/A
c. Pass through/Interference	N/A	N/A	N/A	N/A	N/A
d. Spill/slug loads	N/A	N/A	N/A	N/A	N/A
e. Reporting	N/A	N/A	N/A	N/A	N/A
f. Compliance schedule	N/A	N/A	N/A	N/A	N/A
g. others (specify)	N/A	N/A	N/A	N/A	N/A
13. Was the SIU published for SNC?	N/A	N/A	N/A	N/A	N/A
Date of publication.	N/A	N/A	N/A	N/A	N/A

REPORTABLE NONCOMPLIANCE (RNC)
for the Pretreatment Audit Checklist

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT CHECKLIST)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Date of Audit: August 17 - 19, 2010 Date entered into QNCR: 8/26/2016

(ASSESSMENT)

		Level
NO	Failure to enforce against pass through and/or interference	I
NO	Failure to submit required reports within 30 days	I
NO	Failure to meet compliance schedule milestone date within 90 days	I
NO	Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months	II
NO	Failure to inspect or sample 80% of SIUs within the last reporting year	II
NO	Failure to enforce pretreatment standards and reporting requirements	II
NO	Other violations of concern	II

SIGNIFICANT NONCOMPLIANCE (SNC)

NO Is the Control Authority in SNC for violation of any Level I criterion.

NO Is the Control Authority in SNC for violation of 2 or more Level II criterion.

ICIS NPDES: Add Inspection - Windows Internet Explorer

https://icis.epa.gov/icis/inspection/AddInspection.do?actionMethod=initiate&epaOrState=S&CMType=INS&fromICIS/ 6/26/2009

File Edit View Favorites Tools Help

Links Customize Links Free Hotmail Windows Windows Marketplace Windows Media

Google Go Bookmarks Popups okay Check AutoLink AutoFill Send to Settings

ICIS NPDES: Add Inspection

Page Tools

Compliance Monitoring Information

Compliance Activity Type: Inspection/Evaluation

* State: AR

Compliance Monitoring Activity Name: City of Searcy AR0002161

If Biomonitoring is selected as the Compliance Monitoring Type, please enter Biomonitoring Compliance Monitoring Method:

* Compliance Monitoring Type: AFO Defined; AFO Designation; Aerial Photography; **Audit**; Audit (IU)

* Linked Facility

FACILITIES

Program System Acronym	Identifier	Facility Site Name	Address	FRS ID
NPDES	AR0002161	VALIDATE		

Compliance Monitoring Dates

Planned Start Date: 04/17/2010

Planned End Date: 04/19/2010

Actual Start Date: 04/17/2010

Actual End Date: 04/19/2010

Statutes and Sections Information

Federal Statutes : CWA - Clean Water Act

* Programs: NPDES - Post Administrative Penalty Case (Settlement); **NPDES - Pretreatment**; NPDES - Sanitary Sewer Overflow (SSO); NPDES - Section 308 Information Requests; NPDES - Sludge/Biosolids

State Statute:

* Compliance Monitoring Action Reason: Agency Priority; Citizen Complaint/Tip; **Core Program**; For Cause; Random Inspection

* Compliance Monitoring Agency Type: State Contractor; State - Using Federal Credential; **State**; Regional; Other Federal

Compliance Monitoring Agency Name:

If State, Local or Tribal lead, did EPA Assist?: No

Was this a State, Federal or Joint (State/Federal) Compliance Monitoring Activity? State

If Joint, what was the purpose of the participation of the other party?

Which party had the lead?

Government Contacts

CONTACTS

Affiliation Type	First Name	Last Name	Phone	Office	Organization

Codes

SIC Codes: 4952 Sewerage Systems

ADD / REMOVE

NAICS Codes:

ADD / REMOVE

Priorities

OECA National Priority: 2009 - (CA Only) - Air Toxics - Flares; 2009 - (CA Only) - Air Toxics - LDAR; 2009 - (CA Only) - Air Toxics - Surface Coating; 2009 - (CA Only) - Financial Assurance; 2009 - (CA Only) - MP - Mining

Regional Priority: 2009 - Region 06 - Air Toxics Major Sources (O & G); 2009 - Region 06 - Brine Spills from Oil & Gas Operations; 2009 - Region 06 - CD Implementation; 2009 - Region 06 - Minor Wastewater Collection & Treatment System; 2009 - Region 06 - Petroleum Refining

Media Monitored

Media Monitored:

Compliance Monitoring Media Indicator

Multimedia Indicator: ☐

Compliance Monitoring Information

Number of Days Physically Conducting Activity: 3

Number of Hours Physically Conducting Activity:

Compliance Monitoring Action Outcome: No violations

Compliance Monitoring Rating Code: Satisfactory

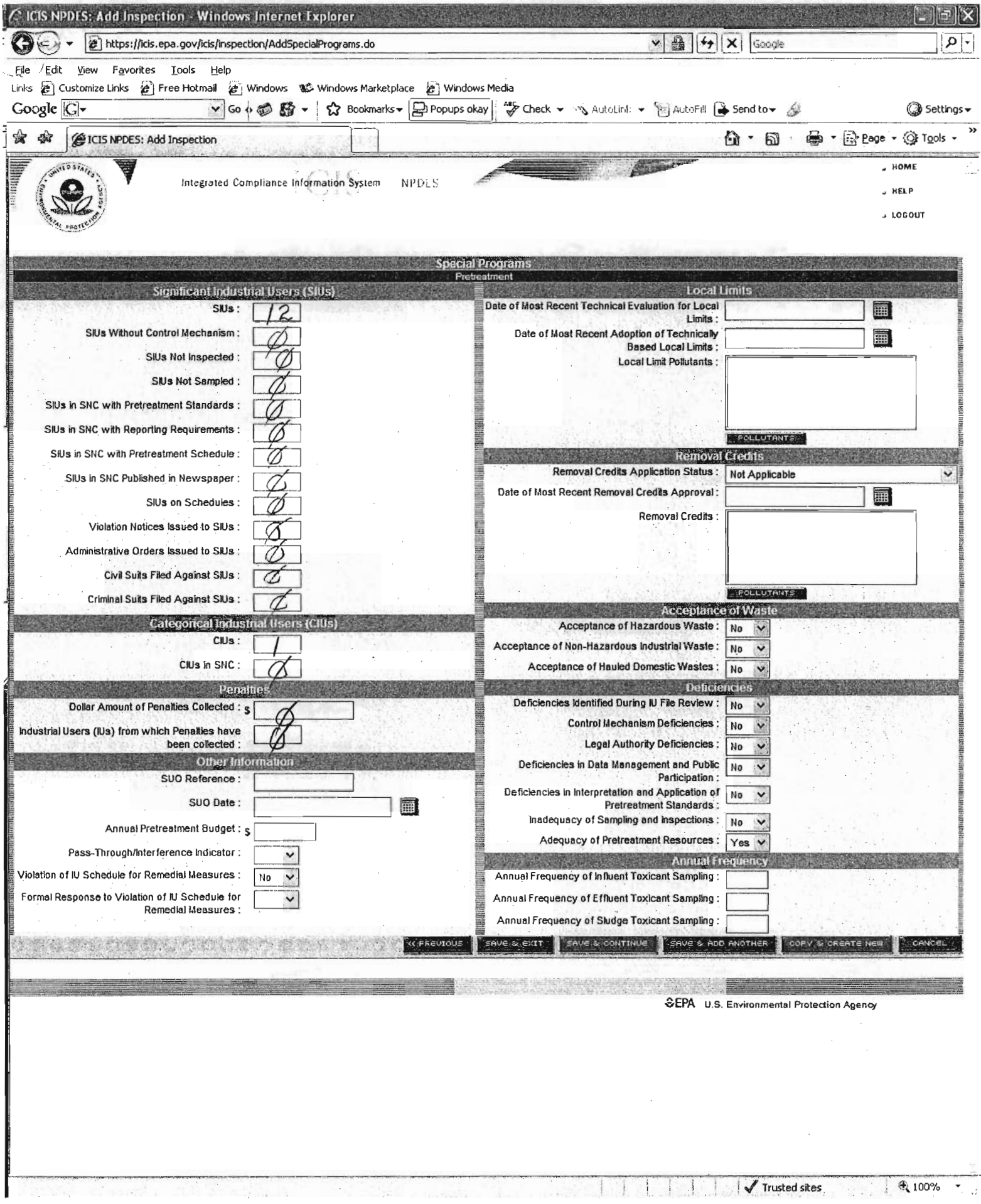
Compliance Monitoring Comments

Compliance Monitoring Comments: 0005: Significant Industries Site Visits Conducted

User Defined Fields

1: ☐

Trusted sites 100%


ICIS NPDES: Add Inspection - Windows Internet Explorer
https://icis.epa.gov/icis/inspection/AddSpecialPrograms.do
ICIS NPDES: Add Inspection
Integrated Compliance Information System NPDES
HOME
HELP
LOGOUT
Special Programs
Pretreatment
Significant Industrial Users (SIUs)
SIUs : 12
SIUs Without Control Mechanism : 0
SIUs Not Inspected : 0
SIUs Not Sampled : 0
SIUs in SNC with Pretreatment Standards : 0
SIUs in SNC with Reporting Requirements : 0
SIUs in SNC with Pretreatment Schedule : 0
SIUs in SNC Published in Newspaper : 0
SIUs on Schedules : 0
Violation Notices Issued to SIUs : 0
Administrative Orders Issued to SIUs : 0
Civil Suits Filed Against SIUs : 0
Criminal Suits Filed Against SIUs : 0
Categorical Industrial Users (CIUs)
CIUs : 1
CIUs in SNC : 0
Penalties
Dollar Amount of Penalties Collected : $ 0
Industrial Users (IUs) from which Penalties have been collected : 0
Other Information
SUO Reference :
SUO Date :
Annual Pretreatment Budget : $
Pass-Through/Interference Indicator :
Violation of IU Schedule for Remedial Measures : No
Formal Response to Violation of IU Schedule for Remedial Measures :
Local Limits
Date of Most Recent Technical Evaluation for Local Limits :
Date of Most Recent Adoption of Technically Based Local Limits :
Local Limit Pollutants :
POLLUTANTS
Removal Credits
Removal Credits Application Status : Not Applicable
Date of Most Recent Removal Credits Approval :
Removal Credits :
POLLUTANTS
Acceptance of Waste
Acceptance of Hazardous Waste : No
Acceptance of Non-Hazardous Industrial Waste : No
Acceptance of Hauled Domestic Wastes : No
Deficiencies
Deficiencies Identified During IU File Review : No
Control Mechanism Deficiencies : No
Legal Authority Deficiencies : No
Deficiencies in Data Management and Public Participation : No
Deficiencies in Interpretation and Application of Pretreatment Standards : No
Inadequacy of Sampling and Inspections : No
Adequacy of Pretreatment Resources : Yes
Annual Frequency
Annual Frequency of Influent Toxicant Sampling :
Annual Frequency of Effluent Toxicant Sampling :
Annual Frequency of Sludge Toxicant Sampling :
<< PREVIOUS
SAVE & EXIT
SAVE & CONTINUE
SAVE & ADD ANOTHER
COPY & CREATE NEW
CANCEL
EPA U.S. Environmental Protection Agency
Trusted sites
100%

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Searcy* NPDES #: *AR0021601*

Name, address and phone number of industry:
Eaton Hydraulics 400 East Lincoln Ave 72143
(501)268-5854

Type of industry: *Manufacturer of Valves & Fittings 40CFR433*
(Include regulatory citation if CIU)

Date/Time of visit: 8-18-2010 @ 11:00 am

Industry contacts: *Kevin Caldwell, EHS Manager*
Daniel Morton, Lead Env Tech Richard Roark, Env Tech

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?	1		
4. Pretreatment equipment maintained and operational?	1		
5. Hazardous waste generated or stored?	2		
6. Proper solid waste disposal?	✓		
7. Solvent management/TTO control?	✓		
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?	✓		
10. Adequate spill prevention and control?	3		
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity	4		

Additional comments: ***1. The pretreatment equipment consists of pH adjustment, settling and "Memtek" filters and is exceptionally well maintained. 2. Stored in exterior bldg. 3. Facility has no open floor drains in process area. 4. Onsite oil and coolant reclamation; Eaton has a "Green Team" for P2.***

Visit conducted by: *Torrence/Smith* Date: *8-18-2010*

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Industry name: ***Eaton Hydraulics***

Additional comments:

This facility makes hydraulic valves and pump parts from grey ("green") iron castings and steel bar stock.

The metal finishing core processes include electroplating, coloring (blackening) and coating (phosphating).

Facility has an ISO 9000 and 14001 certifications.

Visit conducted by: ***Torrence/Smith*** Date: ***8-18-2010***

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Searcy* NPDES #: *AR0021601*

Name, address and phone number of industry:
CINTAS 101 Beebe Capps Expy 72143 (501)268-8614

Type of industry: *Industrial Laundry*

Date/Time of visit: *8-18-2010 @ 2:00 pm*

Industry contacts: *Heath Fancher, Plant Manager*
Brian Busbea, Maintenance Engineer

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?	*1*		
4. Pretreatment equipment maintained and operational?	✓		
5. Hazardous waste generated or stored?		✓	
6. Proper solid waste disposal?			✓
7. Solvent management/TTO control?			✓
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?	*2*		
10. Adequate spill prevention and control?	✓		
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity	✓		

Additional comments:

1. ***Shake screens and pH adjustment only***
2. ***Uses contract lab (Ark Testing Co.) to take samples and analyze them.***

Visit conducted by: *Torrence/Smith* Date: *8-18-2010*

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Industry name: ***CINTAS***

Additional comments: ***Facility has industrial washer and dryers to laundry uniforms, red towels and floor mats.***

Visit conducted by: ***Torrence/Smith*** Date: ***8-18-2010***

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Searcy* NPDES #: *AR0021601*

Name, address and phone number of industry:
Land O'Frost Inc. 911 Hasting Ave 72143 (501) 268-2473

Type of industry: *Meat Preparation & Packaging*
(Include regulatory citation if CIU)
Date/Time of visit: *8-18-2010 @ 10:00 am*

Industry contacts: *Travis Ellis, EHS Corporate Director*
Michael Wammack, Facilities Maintenance Mgr.

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?	1		
4. Pretreatment equipment maintained and operational?	✓		
5. Hazardous waste generated or stored?	2		
6. Proper solid waste disposal?	✓		
7. Solvent management/TTO control?			✓
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?	✓		
10. Adequate spill prevention and control?	3		
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity	✓		

Additional comments:

1. Grease Traps; pH adjustment; floatation and settling

2. In Lab Area Only

3. Has a formal spill/slug plan in place.

Visit conducted by: *Torrence/Smith* Date: *8-18-2010*

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Industry name: ***Land O'Frost Inc.***

Additional comments:

Facility receives turkey, chicken, pork and beef; the raw meat is ground to a liquid pulp. The pulp is pumped into edible skins to create both circular and square logs which are several feet log. The logs are cooked, sliced and packaged as sandwich meat.

Visit conducted by: ***Torrence/Smith*** Date: 8-18-2010

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Searcy* NPDES #: *AR0021601*

Name, address and phone number of industry:
Schuzle and Burch Biscuit Co 200 Queensway Street
(501)368-0700

Type of industry: *Food Processor (Toaster Pastries)*

Date/Time of visit: *8-18-2010 @ 9:00 am*

Industry contacts: *Ethel Thrift, Quality Assurance Manager*

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?	*1*		
4. Pretreatment equipment maintained and operational?	*1*		
5. Hazardous waste generated or stored?		✓	
6. Proper solid waste disposal?	*2*		
7. Solvent management/TTO control?			✓
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?	✓		
10. Adequate spill prevention and control?			
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity	3		

Additional comments: 1. Settling tanks only

2. Solid waste goes to Grisson Farms for animal feed.

3. Following corporate P2 program

Visit conducted by: *Torrence/Smith* Date: *8-18-2010*

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Industry name: ***Schulze & Burch***

Additional comments:

This facility has been in operation less than a year at the Searcy location. Has one process line which makes toaster pastries.

Tanker trucks deliver flour, sugar, etc which is stored onsite in "silos". The ingredients are mixed, pressed, fruit filler added and baked in a continuous operation.

Visit conducted by: ***Torrence/Smith*** Date: 8-18-2010

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: *City of Searcy* NPDES #: *AR0021601*

Name, address and phone number of industry:
Yarnell's Ice Cream Co. 205 South Spring 72143 (501)268-2414

Type of industry: *Food Products (Ice Cream)*

Date/Time of visit: *8-18-2010 @ 1:00 pm*

Industry contacts: *Floyd J. Washburn, QA & HR Director*
Richard Taylor, Quality Assurance Mgr

	Yes	No	N/A
1. Significant industrial user?	✓		
2. Classified correctly?	✓		
3. Pretreatment equipment or procedures?		✓	
4. Pretreatment equipment maintained and operational?			✓
5. Hazardous waste generated or stored?		✓	
6. Proper solid waste disposal?			✓
7. Solvent management/TTO control?			✓
8. Suitable sampling location?	✓		
9. Appropriate self-monitoring procedures/equipment?	✓		
10. Adequate spill prevention and control?			✓
11. Industrial familiar with limits and requirements?	✓		
12. Pollution Prevention activity	✓		

Additional comments:

Facility receives various dairy items from suppliers to make ice cream

Visit conducted by: *Torrence/Smith* Date: *8-18-2010*

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: ***City of Searcy*** NPDES #: ***AR0021601***

Industry name: ***Yarnell Ice Cream Co.***

Additional comments: ***(None)***

Visit conducted by: ***Torrence/Smith*** Date: 8-18-2010

_____

(signature of auditor conducting visit)

INDUSTRIAL USERS SURVEY, UPDATE FORM

1. LEGAL name of industry: EATON HYDRAULICS
2. Mailing address: 400 EAST LINCOLN AVE SEARCY AR.
3. Physical address (if different): _____
4. Name and title of **local** individual who has local signatory authority and is responsible for all local operations. This person should have a position within the industry of a Plant Manager, General Manager, Administrator, Operations VP, or other similar position of authority.

   Name: Daniel Martin

   Title: Lead Environmental tech
5. Name and title of **local** individual to whom all day-to-day correspondence should be directed, if different from above:

   Name: _____

   Title: _____
6. If your sample collection point has changed recently, on the back of this form, include a brief, accurate description of the location of your company's new sample collection point. Please use exact measurements, making directional references to non-movable objects. Use additional paper, if necessary.
7. Normal hours of production: 8 HOURS ACCASIONAL SATURDAY
8. How many employees do you employ, per shift:

   1ST 289 2CD 46 3ED 25
9. Describe the wastewater-generating process(es) that is (are) regulated within your facility by either federal, state or local regulations. Use additional paper, if necessary.

   COLD BLACKING LINE AND ELECTRALIS NICKEL PLATING

   Do you anticipate any changes to your regulated wastewater-generating processes in the next 3 years? If so, please describe.

   NO
10. Average monthly wastewater flow over the last 12 months: 12,000 GALLONS

A-1/2

CERTIFICATION (To be completed by individual named in #4 above)

I certify that I am the individual responsible for local signatory authority at the above identified industry and that 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: Daniel Martin

Date: 2-21-2008

Please return this completed form to Daniel K. Dawson, Searcy Water and Sewer System, P. O. Box 1319, Searcy, AR 72145-1319.

SEARCY WATER AND SEWER SYSTEM
300 NORTH ELM STREET
P. O. BOX 1319
SEARCY, ARKANSAS
72145-1319

CLARENCE O. BUCKNER, MANAGER

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL PRETREATMENT PROGRAM AND THE CITY OF SEARCY PRETREATMENT ORDINANCE NO. 96-15 AND ITS AMENDMENTS

Permit No. 1349401

In compliance with the provisions of the Clean Water Act (33 USC 1251, et. Seq.), and the General Pretreatment Standards (40 CFR 403),

EATON Hydraulics, Inc.

is authorized to discharge industrial wastewater into the City of Searcy publicly owned treatment works (POTW) from a facility located at:

400 E. Lincoln St.
Searcy, AR 72143

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the provisions of this permit.

This permit shall become effective on: **3/16/2008**

This permit and the authorization to discharge shall expire at midnight, **3/15/2011**.

Signed this 4 day of March, 2008.

Clarence O. Buckner
Manager, SEARCY BOARD OF PUBLIC UTILITIES

B-1/8

1. FINAL EFFLUENT LIMITS

During the period beginning the effective date of this permit through the expiration date of the permit, the permittee is authorized to discharge into the City of Searcy POTW at a final effluent sampling location as follows:

Final Wastewater Discharge in Treatment Bldg., N side of plant

Such discharges shall be limited and monitored by the permittee as specified below.

EFFLUENT PARAMETERS TO MONITOR	DISCHARGE LIMITATIONS Maximum Loading (24-hour period) lbs./day	Maximum Concentration (24-hour period) mg/L
BOD	n/a	225
TSS	n/a	225
pH	----------See Note (1) below ----------	
Flow	----------See Note (2) below ----------	
Cadmium	REPORT	REPORT
Chromium	REPORT	REPORT
Copper	REPORT	1.55
Lead	REPORT	0.40
Nickel	REPORT	1.28

PARAMETERS	FREQUENCY OF ANALYSIS	SAMPLE TYPE
BOD	1/month	Composite
TSS	1/month	Composite
pH	1/month	Grab
Flow	---------See Note (2) below---------	
Cadmium	1/month	Composite
Chromium	1/month	Composite
Copper	1/month	Composite
Lead	1/month	Composite
Nickel	1/month	Composite

Note (1): pH shall not be less than 5.0 standard units nor greater than 11.0 standard units and shall be monitored by grab sample at the frequency indicated above.

Note (2): Flow shall be monitored and reported in accordance with supplemental permit condition 3.P. of this permit.

2. PROCESS EFFLUENT LIMITS (Categorical Industries only)

During the period beginning the effective date of this permit through the expiration date of the permit, the permittee is authorized to discharge into the City of Searcy POTW a process effluent sampling location as follows:

Final Wastewater Discharge in Treatment Bldg., N side of plant

Such discharges shall be limited and monitored by the permittee as specified below.

EFFLUENT PARAMETERS TO MONITOR	DISCHARGE LIMITATIONS Maximum Concentration (24-hour period) mg/L	Monthly Average mg/L
Cadmium	**0.69**	**0.26**
Chromium	**2.77**	**1.71**
Copper	**3.38**	**2.07**
Lead	**0.69**	**0.43**
Nickel	**3.98**	**2.38**
Silver	**0.43**	**0.24**
Zinc	**2.61**	**1.48**
Cyanide	**1.20**	**0.65**
TTO	**2.13**	**------**

PARAMETERS	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Cadmium	**See note (2) below**	**See note (3) below**
Chromium		
Copper		
Lead		
Nickel		
Silver		
Zinc		
Cyanide		
TTO		

Note (1): Flow shall be monitored and reported in units of million gallons per day (MGD).
Note (2): An actual analysis of the process effluent must be made twice yearly, and a compliance report as per 40 CFR 403.12(e) must accompany the analysis. This report shall be due June 30 and December 31 each year, unless other dates are noted in writing by the Utility.

Note (3): The sample type for the semi-annual analysis shall be a composite sample in accordance with the special requirements of 40 CFR 403.12(b)(5)(iv).

Note (4): A written certification regarding compliance with the applicable categorical Standards, and the industrial user's Toxic Organic Management Plan (TOMP) shall be made at the time of the semi-annual analysis report. See 40 CFR 403.12(b)(6).

3. SUPPLEMENTAL PERMIT CONDITIONS

A. The monthly monitoring period is defined as beginning on the 16th of one calendar month and ending on the 15th of the following calendar month.

B. Self-monitoring analyses for monitoring periods must be received by the Utility no later than the last day of the month in which the monitoring period ended. FOR EXAMPLE: A typical monitoring period can be from the 16th of March to the 15th of April (dates inclusive). The number of samples required by this permit to be taken can be taken ANY time during this period when normal operations are taking place. The results of these tests, however, must be received at the Utility office by 5:00 p.m. on the last day of April. If the last day of the month is a week-end day, then reports may be submitted no later than the following business day.

C. Users that are required to perform analyses less often than once per month will be charged a surcharge for the entire monitoring period if their sample analysis during that period meets the criteria of City of Searcy Ordinance #679.

D. All analyses and correspondence pertaining to this permit must be mailed or hand delivered to the following address:

Pretreatment Coordinator
Searcy Board of Public Utilities
300 North Elm Street
P. O. Box 1319
Searcy, AR 72145-1319

E. All laboratory analyses and correspondence pertaining to the provisions and requirements of this permit must be signed by a responsible corporate officer or an authorized representative of that individual {40 CFR 403.12(l)} and analyses must include the certification statement in 40 CFR 403.6(a)(2)(ii).

F. If sampling performed by the permittee indicates a violation, the permittee shall notify the Utility within 24 hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Utility within 30 days after becoming aware of the violation. Regularly scheduled sampling may be substituted for this resampling requirement if it occurs during the required 30-day period. This resampling is not required in the case of BOD, TSS or Oil & Grease parameters. These constituents are listed in Section 2 of

this permit for the purpose of determining applicability to the City of Searcy Ordinance #679 (the surcharge Ordinance), and not for compliance purposes. {40 CFR 403.12 (g)}

G. The Utility must be notified when plans are being made for batch or slug discharges so that if the Utility elects, monitoring equipment can be stationed in time to monitor the batch load. The telephone number to call for this notification is (501) 268-1679. {Ordinance 96-15, Section 4.2.4}

H. The Utility shall retain Right of Entry of the user's premises where wastewater is created, for the purposes of inspection, sampling or records examination. {Ordinance 96-15, Section 4.5.2}

I. Bypass or diversion of wastes from any portions of the treatment facilities is prohibited unless the following conditions are met:

1. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
3. The permittee submits written notice of an unanticipated bypass within 24 hours of the event;
4. The permittee submits prior notice of an anticipated bypass, if possible, at least 10 days before the date of the anticipated bypass.

{40 CFR 403.17; Ordinance 96-15, Section 2.8}

J. The purpose of this permit is to limit constituents in the permittee's normal process discharge which could pose a potential threat to the POTW. Therefore, the permittee is required to take monitoring samples which are representative of the normal production process, and not a reflection of scheduled downtimes, plant shutdowns, or periods of plant idleness such as weekends. {Ordinance 96-15, Sections 4.2.4, 4.3}

K. The permittee is required to promptly notify the Utility in advance, in writing, of any substantial change in the volume or character of pollutants in the permittee's discharge. Such change could be a result of plant expansion, change in production or treatment process, or significant increase in business. {40 CFR 403.12 (j)}

L. This permit is issued to a specific industrial user named on Page 1 of 7 of this permit, for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior written approval of the Utility. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. {Ordinance 96-15, Section 4.2.6}

M. Industrial Users shall be required to retain all records pertaining to monitoring activities required by this permit, or the General and/or Categorical Pretreatment Standards, for a minimum of 3 years. {40 CFR 403.12 (n)}

N. Failure to comply with all the requirements of this permit, the National Pretreatment Standards, and Ordinance 96-15 and its amendments may entitle the Utility to revoke the permission to discharge industrial wastewater granted in this permit. Discharging industrial wastewaters without a permit, or any other significant violations, may subject the industry to enforcement action as defined in Sections 5 and 6 of Ordinance 96-15 and its amendments. {Ordinance 96-15, Sections 4.1, 4.2.1, 5.2}

O. The Utility is required from time to time to modify the criteria on which the specific limitations on Page 2 of 7 are based. Such modification is usually the result of State and Federal mandates to do so. The Utility retains the right to reopen this permit for review and change the appropriate limitations in order to accomplish the goals as set forth by Federal and State water quality standards.

P. Flow measurement shall be by one of the following methods:

1. Instantaneous measurement in a primary measuring device in the permittee's monitoring facility, measured at the same frequency as that noted for pH. All flow measurements using this method, even if taken at a greater frequency, shall be reported.
2. An approved totalizing flow meter that is calibrated by a qualified technician at least once per year.
3. Total facility water consumption as measured by the facilty's water meter and reported on the monthly water bill. If this method is used, the industry is not required to include the water consumption on the self-monitoring report. NO CREDIT for water loss due to evaporation or inclusion in product will be allowed. Industries wanting more accurate measurement of discharge flow than that which can be afforded using water consumption should use method 2 above.

All categorical industries are required to use method 2, the totalizing meter, for their regulated process flows, unless another method has specifically been approved. Furthermore, for non-categorical industries, if no flow data is included with the self-monitoring analysis that is signed and submitted to the Utility, then it will be understood that flow measurement method 3 is being employed.

4. DEFINITIONS

BOD (Biochemical Oxygen Demand)—The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration (mg/L).

CFR—The Code of Federal Regulations.

Composite—A combination of individual samples of water or wastewater taken at selected intervals, either as separate, discreet, samples or collectively in a single vessel, to minimize the effect of the variability of the individually collected samples. Such sample must be taken over the course of a normal operating day, taking into consideration all shifts in a 24-hour period that production may be taking place. This sample may be flow-proportional, or it can be time-proportional, but in either case should be as representative of the normal discharge as can be practicably addressed.

Grab—A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and in less than a 15-minute period of time.

pH—The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions usually expressed in terms of standard measurement units.

POTW—Publicly Owned Treatment Works.

TSS (Total Suspended Solids)—The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtration.

TTO—Total Toxic Organics.

SMP—Solvent Management Plan, or, Toxic Organic Management Plan (TOMP).

Other definitions—Refer to Section 1.2 and 1.3 of the City of Searcy Ordinance 96-15 for additional definitions and abbreviations.

SEARCY WATER AND SEWER SYSTEM
300 NORTH ELM STREET
P. O. BOX 1319
SEARCY, ARKANSAS
72145-1319

CLARENCE O. BUCKNER, MANAGER

March 4, 2008

CERTIFIED MAIL, Return Receipt Requested: 7004 1350 0002 5871 2117

Daniel Martin, Lead Environmental Tech
EATON Hydraulics, Inc.
400 E. Lincoln St.
Searcy, AR 72143

Re: Industrial Discharge Permit No. 1349401

Dear Mr. Martin:

Enclosed you will find your new industrial wastewater discharge permit, referenced above. This permit becomes effective on March 16, 2008.

For those industries that have metals limitations in the enclosed permit, you will note a modest adjustment to the local (page 2) metals limits based upon changes to flow, both at your facility and at the Wastewater Plant. If you would like to see how these limits are derived, feel free to contact me and I will be happy to show you the calculations. Other than the slight changes to the metals limitations, all other parameters should be essentially the same as your previous permit.

Please take a few minutes and familiarize yourself again with the Supplemental Conditions of the permit. Even though they have not changed from your last permit, you should be fully aware of these conditions, particularly as they pertain to your monitoring samples being representative of your normal production, and your certification requirements. May we also suggest that you forward a copy of this new permit to your contract laboratory for their information.

If you have any questions regarding your permit, please feel free to call me.

Sincerely,

SEARCY WATER AND SEWER SYSTEM

Daniel K. Dawson
Pretreatment Coordinator/Assistant Manager

Enclosure

B-8/8

Industrial Inspection Report

1	Inspection Date:	9/21/2009	File Review Date:	9/21/2009
2	Time In:	10:00 AM		
3	Inspector No. 1 Name:	Jimmy Smith		
4	Title:	Chief Operator		
5	Inspector No. 2 Name:			
6	Title:			

Question & Answer

7	Industry Name:	Eaton Hydraulics		
8	Site Address:	400 E. Lincoln St.		
9		Searcy, AR 72143		
10	Mailing Address:	same		
11				
12	Industry Representative (1):	Kevin Caldwell		
13	Title:	EHS Manager		
14	Industry Representative (2):	Daniel Martin		
15	Title:	Lead Environmental Tech.		
16	Wastewater Discharge Permit No: AR0021601-	1349401		
17	East access to permit? y/n	yes		
18	If no explain:			
19				
20	No. of Employees:	250		
21	No. of Shifts/Day:	2		
22	No. of Days/Week	4	Occasionally on Fridays	

C - 1/11

Industrial Inspection Report Industry: *Eaton Hydraulics*

23	Raw materials used (in general):	*Gray iron, steel bar stock, some stainless steel and brass*
24	Products & by-products:	*Hydraulic valves and filters*
25	Number of Process Flows:	*1*
26	Number of Dilution Flows:	
27	Number of Sanitary Flows:	*2*
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:	*x*
30	Indicate on the sketch, where sample is taken for permit purposes:	*x*
31	Indicate on the sketch, where categorical sample is taken if applicable:	*x*
32	Indicate where flow monitoring is conducted:	*x*
33	How is flow monitored at the Industry:	*Flowmeter located at the end of pretreatment process*
34	Is the sample for categorical monitoring taken at the end of the process?	*yes*
	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	*yes*
	If not, describe reason:	

Industrial Inspection Report Industry: *Eaton Hydraulics*

36 Does the industry keep records of self-monitoring analyses? *yes*

37 Does the industry's records appear to be in order? *yes*

If not, explain:

38 Describe the Process(es) in which wastewater is generated:

Plating overflows, parts washers, batch processing of plating rinse, spent machine coolants, mop water, sanitary waste, spent nickel bath

39 Is the wastewater pretreated prior to discharge to the collection system? *yes*

40 Who is directly responsible for operation & maintenance of the pretreatment system?

Name: *Daniel Martin*

Title: *Lead Environmental Tech.*

41 Has the industry experienced any problem or difficulty with its pretreatment equipment or process? *no*

If yes, explain:

Industrial Inspection Report Industry: *Eaton Hydraulics*

42 What chemicals are used in processing? List Below or obtain MSD sheets:

Some changes have been made to the list of MSDSs. The IU will update our list and submit them to the utility.

43 What chemicals are used in maintenance? List Below or obtain MSD sheets:

Same as above.

44 Does the IU have an approved Solvent Management Plan (SMP) or Total Organic Management Plan (TOMP)? *yes*

45 Have any new chemicals been added since the SMP's or TOMP's submittal? *no*

If yes, list:

Hazardous Waste:

46 Does the IU have a RCRA permit? *yes*

47 What is the permit number? *ARD006355341*

48 Where are the hazardous wastes stored? *Hazardous waste storage building, located outside behind pretreatment area, and in environmental bldg.*

49 Name of processing company that removes hazardous wastes from the site?

Rineco, Benton, AR

50 How often are hazardous wastes removed from the site?

Twice/year, Eaton is now a small-quantity generator.

C- 4/11

Industrial Inspection Report Industry: *Eaton Hydraulics*

Walk-Through, Inspectors Notes:

51 Did the inspector visit the manufacturing area of the facility? *yes*
If no, explain:

52 Briefly describe the manufacturing process: *Assembly and testing of hydraulic valves and filters for heavy equipment. Includes machining, washing, blackening and/or plating. Some painting.*

53 Have there been any significant changes in the manufacturing process or the apparent volume of production? *Some*
If yes, explain: *Production is down.*

54 Did the inspector visit the regulated process (if categorical)? *yes*
If no, explain:

55 Briefly describe the regulated process: *Nickel plating process that includes: soak-clean>rinse>electro-clean>rinse>HCL rinse>city water rinse>city water rinse>nickel bath>out. There is also a "cold" blackening line and a "hot" blackening line, each with similar processes.*

56 Have there been any significant changes in the regulated process or the apparent volume? *no*
If yes, explain:

Industrial Inspection Report Industry: *Eaton Hydraulics*

Chemical Storage Area

57 Did the inspector visit the chemical storage area(s)? *yes*
If no, explain:

58 Is there adequate storage space for bulk chemicals? *yes*
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? *yes*

60 Is there a list of procedures to follow in case of an accidental spill posted in a prominent place? *yes*

61 Is there visible evidence of leaks in the past? *no*
If yes, describe:

Hazardous Waste Storage Area (If applicable)

62 Did the inspector visit the hazardous waste storage area? *yes*
If no, explain:

63 Did the hazardous waste storage area appear to be properly built, maintained, and protected from accidental spills? *yes*
If no, explain:

Industrial Inspection Report Industry: *Eaton Hydraulics*

Pretreatment Area:

64 Did the inspector visit the pretreatment area? *yes*
If no, explain:

65 Briefly describe the pretreatment process: *Normal Treatment: Oil skimmer tank > paper filter & oil skimmer > Ultra-filtration > 6000 gal. holding tank including plating rinse > Memtek filtration > pH adjustment > sludge press > pH adjustment > out.*
Batch Treatment: pH adjustment > sludge press > back to main holding tank > Memtek filtration >pH adjustment > sludge press > pH adjustment > out.
Lime, caustic soda and acid used for pH adjustment.

66 Does the industry appear to be performing adequate maintenance on the pretreatment equipment? *yes*
If no explain:

67 Is there visible evidence of leaks, bypasses, or overflows in the area? *no*
If yes, describe:

Flow Monitoring & Sampling Area

68 Did the inspector visit the flow monitoring & sampling area? *yes*
If no, explain:

69 Did the flow monitoring & sampling equipment appear to be installed and operated properly? *yes*
If no, explain:

C - 7/11

Industrial Inspection Report Industry: *Eaton Hydraulics*

70 Did the IU appear to be performing adequate maintenance on flow monitoring & sampling equipment? *yes*
If no, explain:

71 Does the flow monitoring equipment appear to be adequate to handle the expected range of flow? *yes*

Analytical Techniques:

72 Is flow measuring device calibrated a minimum of once per year? *yes*

73 Describe Calibration Process: *Manufacturer's specifications.*

74 If IU is doing their own flow measurement, are they keeping proper records including date, time, results, and sampler initials? *yes*
If no, explain:

75 Is self-monitoring equipment being calibrated and maintained properly? *n/a*
Briefly describe calibration process:

76 Is the correct type of sample being collected? *yes*

77 Is the correct sampling point being utilized? *yes*

78 Is IU doing any of their own analysis for the monthly reports (pH,flow etc.)? *no*
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: *n/a*
Noting the method number: *n/a*
Calibrating the pH meter properly: *n/a*
Keeping proper calibration records: *n/a*

Industrial Inspection Report Industry: *Eaton Hydraulics*

79 (continued)

Noting the date, time, & sampler initials:	*n/a*
Noting the date, time, & analyst initials:	*n/a*
Analyzing the sample within 15 minutes:	*n/a*
Control limits for dup. analyses	*n/a*
Control charts for dup. analyses	*n/a*
Eliminating out/control data?	*n/a*

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)? *n/a*

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)? *yes*

If no, explain:

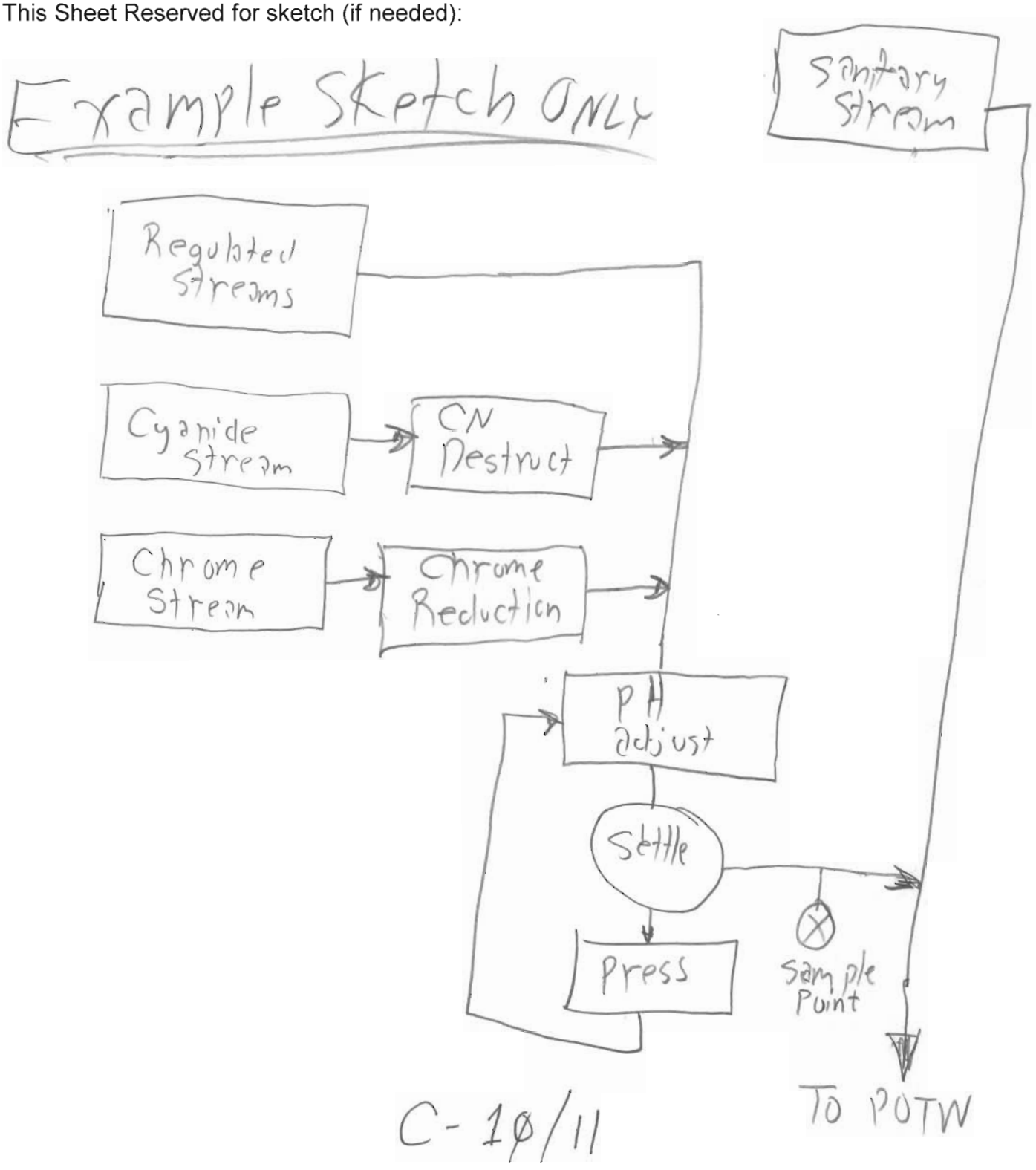
82 Does the IU implement any Pollution Prevention Methodologies? *yes*

If yes, describe: *Reducing soap use in mop water; currently testing other treatment chemicals for removing nickel; still reducing solvent use (about 70% reduction so far). IU is using analytical analysis to determine the optimum time for changing the plating bath, resulting in reduced chemical use.*

Also using a dual-purpose oil for both cutting and oiling, thus cutting overall oil usage.

Industrial Inspection Report Industry: *Eaton Hydraulics*

This Sheet Reserved for sketch (if needed):



Industrial Inspection Report

Industry: *Eaton Hydraulics*

Additional Notes & Summary:

No major problems noted during this inspection.

83 Time Out: *11:30 AM*

84 Signature of Inspector No 1: _____

85 Signature of Inspector No 2: _____

C - 11/11

TOMP & SPCC

March 31 2008

Mr. Daniel K. Dawson
Searcy Water and Sewer System
P. O. Box 1319
Searcy, AR 72143

Dear Mr. Dawson:

In compliance with Searcy City Ordinance and Federal regulations 40 CFR Part 433.12, Eaton Hydraulics, Inc. submits the following Solvent Management Plan. The plan has been updated from the previous plan.

If you have any questions or need additional information please feel free to call.

Sincerely,

Daniel Martin

Lead Environmental Tech
Eaton Hydraulics
Office 501/279/2261
Cell 501-380-0046

SEARCY INDUSTRIAL PRETREATMENT
Lab Analysis Routing

ACTIVITY	DATE	INIT.
Received	4-1	dd
Entered		
Surcharged		
Filed		

D-1/9

SEARCY WATER AND SEWER SYSTEM
300 NORTH ELM STREET
P. O. BOX 1319
SEARCY, ARKANSAS
72145-1319

CLARENCE O. BUCKNER, MANAGER

April 1, 2008

Daniel Martin
Eaton Hydraulics, Inc.
400 E. Lincoln St.
Searcy, AR 72143

Re: TOMP, Permit No. 1349401

Dear Daniel:

We are in receipt of the update to your Toxic Organic Management Plan (TOMP), dated March 31, 2008. It is in the form and has the content of an approvable Plan, and we are approving it.

As long as this TOMP is up to date and in effect, you can submit the certification statement in lieu of TTO sampling on your semi-annual report of continued compliance.

Thank you for your time and attention to this matter, and for your efforts to protect our water environment.

Sincerely,

SEARCY WATER AND SEWER SYSTEM

Daniel K. Dawson
Assistant General Manager

Enclosure

D-2/9

TOMP / SPCC

3.0 Toxic Organic Management Plan

3.1 Solvent Substitution

Eaton Hydraulics will continue to explore the feasibility of replacing toxic organic containing materials. At the present time, Eaton Hydraulics knows of no alternative solvents and/or paint compounds that could be used without adversely affecting the process and final products. Eaton Hydraulics Searcy will utilize ISO14000 for solvent substitution and eliminating environmental concerns.

3.2 Solvent Delivery / Storage Procedures

3.2.1 Solvent Storage

We have two fifty-five gallon drums and one two hundred and seventy five gallon tote of 300-360 solvents in the drum storage rack in the Environmental Building. We also have Acetone in five-gallon pails and in fifty-five gallon drums in the environmental Building and in the Hazardous waste storage building.
The concrete floor of both building is depressed approximately Thirteen inches below the exterior ground elevation. All leaks or spills from drum and tote would be contained within the building.

3.2.2 Solvent Delivery

Solvents are unloaded from commercial carriers in the Environmental Building. Both Clean and spent solvents are stored in the Hazardous waste Building and in the Environmental Building. Solvent storage areas are recessed and can hold several times the volume of the largest container stored.

3.2.3 Facility Drains

There is one floor drains located in the environmental Building sealed to the floor. The facility drains are not located near solvent washers.

3.3 Spill Response Procedures

Spill prevention and control within the Eaton Hydraulics facility is base on several levels of control. These different levels are:

Prevention: Preventing releases of solvents during filling and transfer procedures are the first step to eliminating spills. Facility tanks have tank gauges on the tanks and the gauges are read prior to receiving product. The unloading operation from transport to the storage tanks is manned at all times. Transfer piping is inspected monthly for leaks. Any leaks found are repaired immediately.

Control: The next level of defense is to control the release should one occur. Control is comprised of containment systems. The bulk storage tanks have containment areas capable of holding 100 percent of the volume of the tanks within the containment area.

Response: After all practical prevention and control systems have been installed; the next level of defense is spill response. The Eaton Hydraulics facility maintains an Emergency Response Coordinators (Joey Forrest, Daniel Martin). The coordinators will determine the severity of the spill and assign the proper plant personnel and contractors to respond to the spill. Coordinators are trained in response procedures and have the authority to procure necessary resources to properly respond to spills. Response measures will consist of the following elements, listed in order of priority.

1. Stop the Release at the Source: This will be accomplished through whatever means necessary including but not limited to plugging the release point, valveing pipe section off, and off loading tank contents.

2. Containing Released Material: This will be accomplished through various means including but not limited to: Constructing Barricades ahead of or within the body of the released material; using absorbent materials and reducing the mobility of the released material.

3. Recovering the Released Material: This will be accomplished after #1 and #2 above is complete. The recovery of released material will be supervised by the Emergency Response Coordinator and recovered using qualified personnel and contractors. Spills will be recovered by but not limited to the use of absorbent material and pneumatic pumps.

3.4 Spill Clean-Up Equipment Stations

Spill clean-up equipment storage areas are located at the shipping dock, ECB, plating, and the Hazardous waste Building, and the spill response building located on the back lot by the environmental building.

3.5 Spent Solvent Disposal Practices

3.5.1 Acetone

Used acetone is taken to the Hazardous waste Building two be held for recycled. Acetone that cannot be reclaimed is deemed contaminated and shipped offsite as hazardous.

3.5.2 Calumet 300-360 Naphtha,

Used Calumet 300-360 naphtha from parts washers is taken to the ECB and recycled in a vacuum distillation unit and reused. Solvent that cannot be recycled is deemed contaminated and shipped offsite as hazardous waste. Still bottoms from the process are pump into used oil and recycled into heating fuel.

3.6 Training

All personnel involved in using, handling, and clean-up activities will receive instruction in the proper handling and disposal of solvents, paints, and clean-up materials in order to keep regulated toxic organics out of industrial wastewater. New employees will be trained in these procedures immediately. All personnel working in these activities are familiar with this toxic organic plan and will follow the procedure established in this standard to eliminate regulated organics from entering the wastewater system.

3.7 Inspections and Records

Weekly inspections (Attachment 3) are performed by an Environmental technician to verify procedures and adherence to this plan to insure that TTO does not spill or leak into the plant wastewater treatment system.

The coordinator will review inspection records and take appropriate corrective actions as needed.

4.0 Certification of Plan

Based on my inquiry of person or persons directly responsible for managing compliance with the permit limitation (or pretreatment standard) for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the Searcy Water and Sewer system as follows:

Plan
Prepared by: Daniel Martin Approved by: Joey Forrest

Weekly Facility Inspection Form (Attachment 3)

Inspection Points	Pass	Fail*
1. Hazardous Waste Storage Building		
All Materials Properly Labeled.		
All materials in their designed area.		
All containers in good condition (No signs of deterioration, no bulging drums).		
No signs of leaking drums.		
All containers sealed or covered (as required).		
Adequate aisle space to get to drums.		
Eyewash stations clear (not blocked).		
2. Barrel Storage Rack in ECB.		
All containers in good condition (No signs of deterioration, no bulging drums).		
No signs of leaking drums.		
All materials properly labeled and sealed as appropriate.		
Adequate aisle space to get to drums.		
3. Chemicals drums on floor in ECB.		
All containers in good condition (No signs of deterioration, no bulging drums).		
No signs of leaking drums.		
All materials properly labeled and sealed as appropriate.		
Adequate aisle space to get to drums.		
4. Storage Tanks in ECB.		
All tanks in good condition (No signs of deterioration).		
No signs of leaks. (no leaks in valving or piping connected to tanks)		
All tanks properly labeled.		
Adequate aisle space to get to tanks.		
5. Outside perimeter of Manufacturing building.		
6. Inside perimeter of manufacturing building.		
7. Receiving Dock area.		
8. Shipping Dock area.		
9. Cold Black Line area.		
All containers in good condition (No signs of deterioration, no bulging drums).		
No signs of leaking drums.		
All materials properly labeled and sealed as appropriate.		
Adequate aisle space to get to drums and tanks.		
No signs of leaking tanks, or valveing / piping connected to tanks.		
Eye wash stations clear (not blocked).		
10. Plating Line / Cold Black Line area.		
All containers in good condition (No signs of deterioration, no bulging drums).		
No signs of leaking drums.		
All materials properly labeled and sealed as appropriate.		
Adequate aisle space to get to drums and tanks.		

No signs of leaking tanks, or valveing / piping connected to tanks.		
Eye wash stations clear (not blocked).		

- The Environmental building and Hazardous Waste Storage Area are to be kept clean, neat, and orderly at all times.

- All equipment containing hazardous materials shall be checked for signs of leaks or damage that may result in leaks or spills.

- Insure Satellite storage drums are closed.
- Check to see that all emergency handling equipment is in its designated area and accounted for.

* Any item that fails must be commented on below.

Inspectors Comments: _____

_____

_____

_____

_____

_____

_____

_____

_____

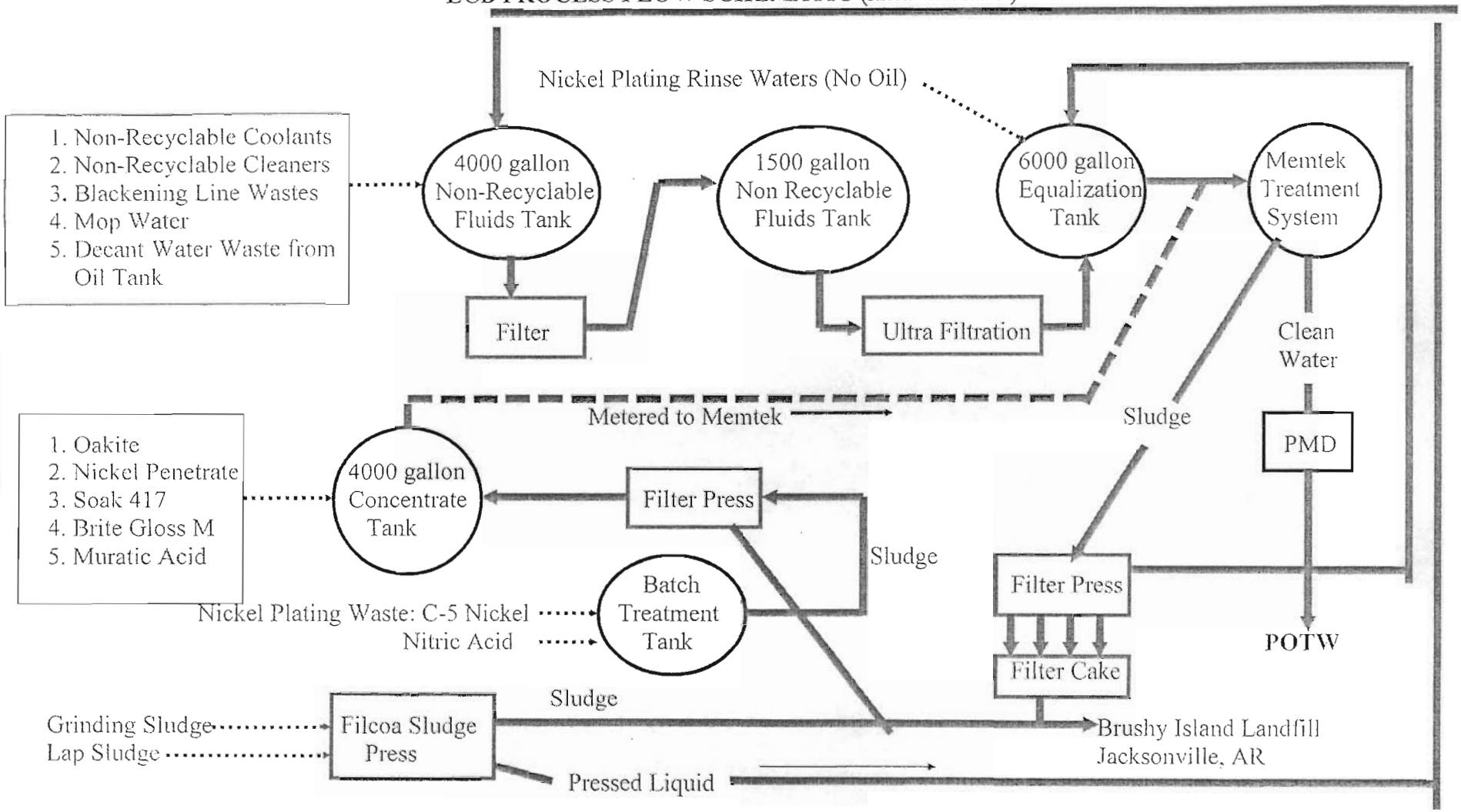
_____

Inspected by: _____ Date:_____

Safety Engineer: _____ Date:_____

Revised: 9/98

ECB PROCESS FLOW SCHEMATIC (Attachment 2)



6/6-D

EATON

Eaton's Self Monitoring Report
Page 1/2

SEARCY INDUSTRIAL PRETREATMENT
Lab Analysis Routing

ACTIVITY	DATE	INIT.
Received	7-26	
Entered	8-9-10	
Surcharged	8-9-10	
Filed		

Mr. Daniel K. Dawson
Assistant Manager
Searcy Water & Sewer System
P.O. Box 1319
Searcy, AR 72145-1319

RE: Monthly Compliance with
Federal Pretreatment Standards

Dear Mr. Dawson:

In compliance with Searcy City ordinance and Federal Regulation 40 CFR 403.12, Eaton Hydraulics, Inc. submits the attached Laboratory Analysis Report and the fallowing statement of certification on continued compliance with Federal Pretreatment Standards.

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 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.

Sincerely,

Kevin Caldwell
EHS Manager

[illegible] DATE: WEDNESDAY, JULY 28, 2010
ENVIRONMENTAL HEALTH & SAFETY MANAGER
400 EAST TYLER AVE.
SEARCY, AR 72143
[illegible]

E-1/5

Arkansas Testing Laboratories
3301 Langley Drive · Searcy, AR 72143 (501) 268-6431 f(501) 268-9314

NPDES Wastewater Monitoring
Water and Wastewater Analysis
Concrete, Asphalt, and Aggregate Testing
Geotechnical Testing
Industrial and Construction Quality Control

Eaton's Report page 2/2

Eaton (Searcy, AR)

Wastewater Analysis

Collection Date / Time: Start June 16, 2010 2:45 PM
End June 17, 2010 1:50 PM
Collection Place: Final Discharge Point
Grab Collection: June 16, 2010 2:48 PM KLB

Parameter	Date / Time Begin	Date / Time End	Results	Unit	Ldg (lbs/dy)	Analyst	% Spike	Rel %	Sample Type	Ref #
Flow	06/16 2:45 PM	06/17 1:50 PM	0.0013	mgd		KLB	NA	NA	Comp	
BOD	06/18 2:00 PM	06/23 9:00 AM	885	mg/l	9.8	KLB / KLB	93.4	4.24	Comp	1
TSS	06/21 4:15 PM	NA	68	mg/l	0.8	KLB	NA	2.94	Comp	2
pH	06/16 2:48 PM	NA	9.52	S.U.	NA	KLB	NA	0.00	Grab	3
Oil & Grease	06/24 1:00 PM	NA	2	mg/l	0.0	KLB	94.6	6.06	Grab	4
Cadmium	07/22 3:30 PM	NA	< 0.005	mg/l	0.0	BET	99.5	1.01	Comp	5
Chromium	07/22 3:45 PM	NA	< 0.05	mg/l	0.0	BET	96.6	4.21	Comp	5
Copper	07/22 4:00 PM	NA	< 0.01	mg/l	0.0	BET	99.0	2.04	Comp	5
Lead	07/22 4:15 PM	NA	< 0.05	mg/l	0.0	BET	98.9	2.99	Comp	5
Nickel	07/22 4:30 PM	NA	0.05	mg/l	0.0	BET	100.8	4.08	Comp	5

Quality Assurance: All Parameters include 10% duplication studies by random selection. The following equipment is checked and calibrated daily: pH meter, balance, incubators, water baths, drying oven and sterilizing apparatus. Ammonia Nitrogen and Oil & Grease Analysis include duplication and spike studies at a rate of at least 10%.

Notes: Samples iced at collection. Preserved with H_2SO_4 to pH_2: Oil & Grease, Ammonia, COD

References:

Analysis complies with 40 CFR Part 136:

1. SM 5210 B
522.70 gallons per day with a maximum of 633.3 gallons per day.
3. SM 9222 D
4. EPA 1664A
5. SM 3111B

SEARCY INDUSTRIAL PRETREATMENT
Lab Analysis Routing

ACTIVITY	DATE	INIT.
Received	7-28	
Entered	8-9-10	
Surcharged	8-9-10	
Filed		

0.00527

Neville Adams, Manager

E - 2/5

Arkansas Testing Laboratories

3301 Langley Drive · Searcy, AR 72143 (501) 268-6431 f(501) 268-9314

NPDES Wastewater Monitoring
Water and Wastewater Analysis
Concrete, Asphalt, and Aggregate Testing
Geotechnical Testing
Industrial and Construction Quality Control

City's Report page 1/3

SEARCY -- EATON

METAL ANALYSIS

Collection Date / Time: November 9, 2009 10:02 AM
November 10, 2009 10:03 AM

PO # 266

Collection Place: Final Discharge Point J SMITH

Parameter	Date / Time Begin	Date / Time End	A	B	Unit	Analyst	% Spike	Rel %	Sample Type	Ref #
Cadmium	11/15 11:00 AM	NA	**< 0.005**	**< 0.005**	mg/l	BET	98.4	1.03	Comp	5
Chromium	11/15 11:15 AM	NA	**< 0.05**	**< 0.05**	mg/l	BET	96.0	5.35	Comp	5
Copper	11/15 11:30 AM	NA	**0.03**	**0.03**	mg/l	BET	98.5	1.03	Comp	5
Lead	11/15 11:45 AM	NA	**< 0.05**	**< 0.05**	mg/l	BET	999.0	8.33	Comp	5
Nickel	11/15 12:00 PM	NA	**0.78**	**0.78**	mg/l	BET	100.0	6.19	Comp	5
Silver	11/15 12:30 PM	NA	**< 0.01**	**< 0.01**	mg/l	BET	99.2	0.00	Comp	5
Zinc	11/15 12:15 PM	NA	**0.148**	**0.154**	mg/l	BET	99.1	1.02	Comp	5
Cyanide	11/15 10:45 AM	NA	**0.01**	**0.01**	mg/L	BET	103.0	0.00	Grab	3

Quality Assurance: All Parameters include 10% duplication studies by random selection. The following equipment is checked and calibrated daily: pH meter, balance, incubators, water baths, drying oven and sterilizing apparatus. Ammonia Nitrogen and Oil & Grease Analysis include duplication and spike studies at a rate of at least 10%.

Notes: Samples iced at collection. Preserved with H_2SO_4 to pH_2: Oil & Grease, Ammonia, COD

References:

Analysis complies with 40 CFR Part 136:

3. SM 4500-S^2-E
5. SM 3111B

SEARCY INDUSTRIAL PRETREATMENT
Lab Analysis Routing

ACTIVITY	DATE	INIT.
Received	3-24	dl
Entered		
Surcharged		

Neville Adams, Manager

E-3/5

City Report page 2/3

SEARCY WATER AND SEWER SYSTEM

SAMPLE CHAIN OF CUSTODY RECORD

No. 266

SAMPLED BY Jimmy Smith SIGNATURE Jimmy W. Smith

AFFILIATION / TITLE OF PERSON SAMPLING Operator

Composite Date / Time START 11-9-09 10:00a.m. STOP 11-10-09 10:08a.m.

Grab Date / Time 11-9-09 10:02a.m.

Facility Sampled Eaton Permit No. 1349401

Facility Location 400 E. Lincoln St.

Sampling Location Inside, at the end of their pre-treatment process

Remarks

PO No.

Sample Identification	Sample Matrix: GRAB	COMP	WATER	SOIL	NO. OF BOTTLES	ANALYSIS REQUIRED: pH	Cd, Cr, Cu, Ni, Pb, Ag, Zn	TSS	Oil
Eff	✓		✓		2	✓			
Eff		✓	✓		2		✓		
Eff		✓	✓		2			✓	
Eff	✓		✓		1				✓
Container Type						P	P	P	P
Preservative						No	NO	N	B

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

Turnaround Time Requested: (Please Circle)

NORMAL OR EXPEDITED IN ____ DAYS

Expedited results requested by: ____

Phone: ____ Fax: ____

Report Attention to: ____

Report Address to: Searcy Water & Sewer
P.O. Box 1319
Searcy, AR 72145

Relinquished By:	Date / Time	Received By:	Date / Time
Jimmy W. Smith	11-10-09 9:23a.m.	Wallace Whitten	11-10-09 9:23A
Jimmy W. Smith	11-11-09 1:52p.m.	K. Rl	11-11-09 152p

Comments

E-4/5

City Report page 3/3

Searcy Wastewater Treatment Plant
Industrial Analysis

24 HC CN

Sample ID Eaton Chain of Custody # 266

Sample (grab) Date/Time: 11-9-09 / 10:02a.m. Flow Full

Sample (composite) Start date/time 11-9-09/10:00a.m. Stop date/time 11-10-09 10:00a.m.

BOD/TSS Date/time/temp stored 11-10-09 9:23AM / 3.5 degree C.

date/time analyzed	Parameter	Units	Results	Initial
11-9-09/10:02a.m.	Ph	SU	8.84	
11-9-09/10:04a.m.	ph dup	SU	8.85	
11-10-09 1:29pm	TSS	MG/L	48 Avg=50	WW
" "	TSS dup	MG/L	51	"
11-15-09 3:39pm	BOD	MG/L	660 Avg=676	LA
" "	BOD dup	MG/L	692	"
	Oil & Grease	MG/L		
	Oil & Grease dup	MG/L		

Reference Std Methods 20th Edition
BOD method # 5210B
TSS method # 2540D* shake sample and measure with graduated cylinder
O&G method # 5520B
Ph method # 4500B

PERMIT # 1349401

ADDRESS 400 E. Lincoln St.

SEARCY, ARKANSAS 72143

SEARCY INDUSTRIAL PRETREATMENT
Lab Analysis Routing

ACTIVITY	DATE	INIT.
Received	3-26	
Entered	3-26-10	
Surcharged		
Filed		

E-5/5

APPLICATION FOR WASTEWATER DISCHARGE PERMIT

All users who may discharge anything other than normal domestic sanitary wastewater must make application for a wastewater discharge permit (Section 4.2.2 of Ordinance No. 96-15).

Please complete the following items and attach the additional items listed at the end of the form. Use additional paper to answer questions if needed.

1.) Name of Applicant: James McBride

Business/Industry Name: Schulze & Burch Biscuit Co

Mailing Address: 1133 W. 35th Street

Site Address: 200 Queensway Searcy

2.) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended: 2052

3.) Time and duration of contribution to city wastewater collection system: Beginning with 10 hr day 6 day a week working towards 24 hr per day 7 Day 5 week

4.) Average daily flow in millions of gallons per day:

Tbd mgd

Three (3) minute peak wastewater flow rate:

Tbd mgd

List and describe any daily, monthly, or seasonal variations in flow: Daily sanitation is minor, Most water used during wash will be used in the product

F-1/8

5.) Describe activities, facilities, and plant processes on the premises including all materials which are or could be discharges:

Finished Production will be Toaster Pastry Production Next Line to be installed will be a Granola Bar production line. The

6.) Where known, list the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards:

No known Pollutants

Does the applicant feel that the business/industry will be able to meet the pretreatment standards above on a regular basis? yes X no

If no, then additional pretreatment and or operation and maintenance will be required. With the following conditions, list the shortest possible schedule by which the user will provide such pretreatment.

F-2/8

a. The compliance date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard.

b. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (e.g., hiring an engineer, completing preliminary plans, completing final plans, completing construction, etc.)

c. No increments referred to in paragraph (b) above shall exceed nine (9) months.

Note: No later than 14 days following each date in the schedule the User will be required to submit a progress report as described in section 4.2.2. of Ordinance 96-15.

COMPLIANCE SCHEDULE

DATES	ACTION

7.) List each product produced by type, amount, process or processes and rate of production.

Kaster Pastry Start 8 hrs per day, future 24 hrs per day

Gazebo Bars Start 8 hrs per day Some time mid 2009

F-3/8

8.) List the type and amount of raw materials processed (average and maximum per day).

Dough 58,000 lbs per 8 hrs

Jam 31,000 lbs per 8 hrs

Granola 27,800 lbs per 8 hrs

9.) Number and type of employees: as of 3\23\09

Number 10 Type: Non Production

Number 23 Type: Production

Number _____ Type: _____

Number _____ Type: _____

Number _____ Type: _____

10.) Hours of operation of plant 10 hrs per Day 5 days/week

Proposed or actual hours of operation of pretreatment system

_____

11.) List the anticipated start date of the facility (for new industries).

Testing 2/17/09 Production ~~April~~ March 30

ADDITIONAL INFORMATION:

Also enclose the following information:

1. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

2. Copies of any and all applicable analysis sheets which shall include but not be limited to the analysis of the wastewater constituents mentioned in Section 2 of Ordinance No. 96-15 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, part 136, as amended.

3. Copies of any and all Material Safety Data Sheets of chemicals that are stored or will be stored at the facility in bulk (55 gallon drums or larger).

4. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

CERTIFICATION STATEMENT:

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

Signature James McBride Date 3/31/05

Printed Name James McBride

Title V.P. of Quality Assurance

F-5/8

Schulze & Burch Biscuit Co.

1133 West 35th Street
Chicago, Illinois 60609

Telephone 773.927.6622
Facsimile 773.376.4528

Fax Cover Sheet

To: Dan Dawson

Company: Searcy Water & Sewer

Fax No.: (501) 268-9463

From: Jim McBride

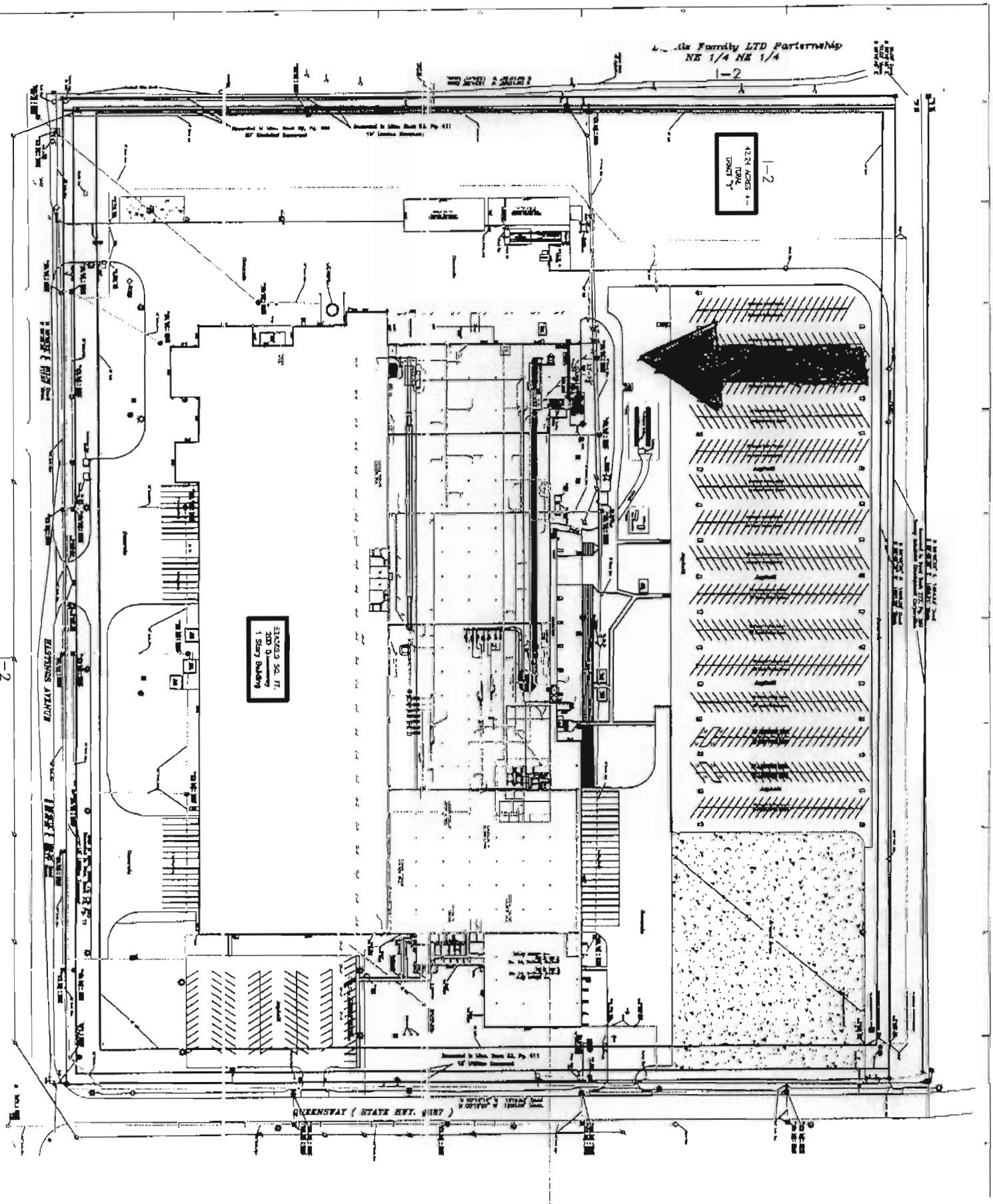
Date: 3/30/09

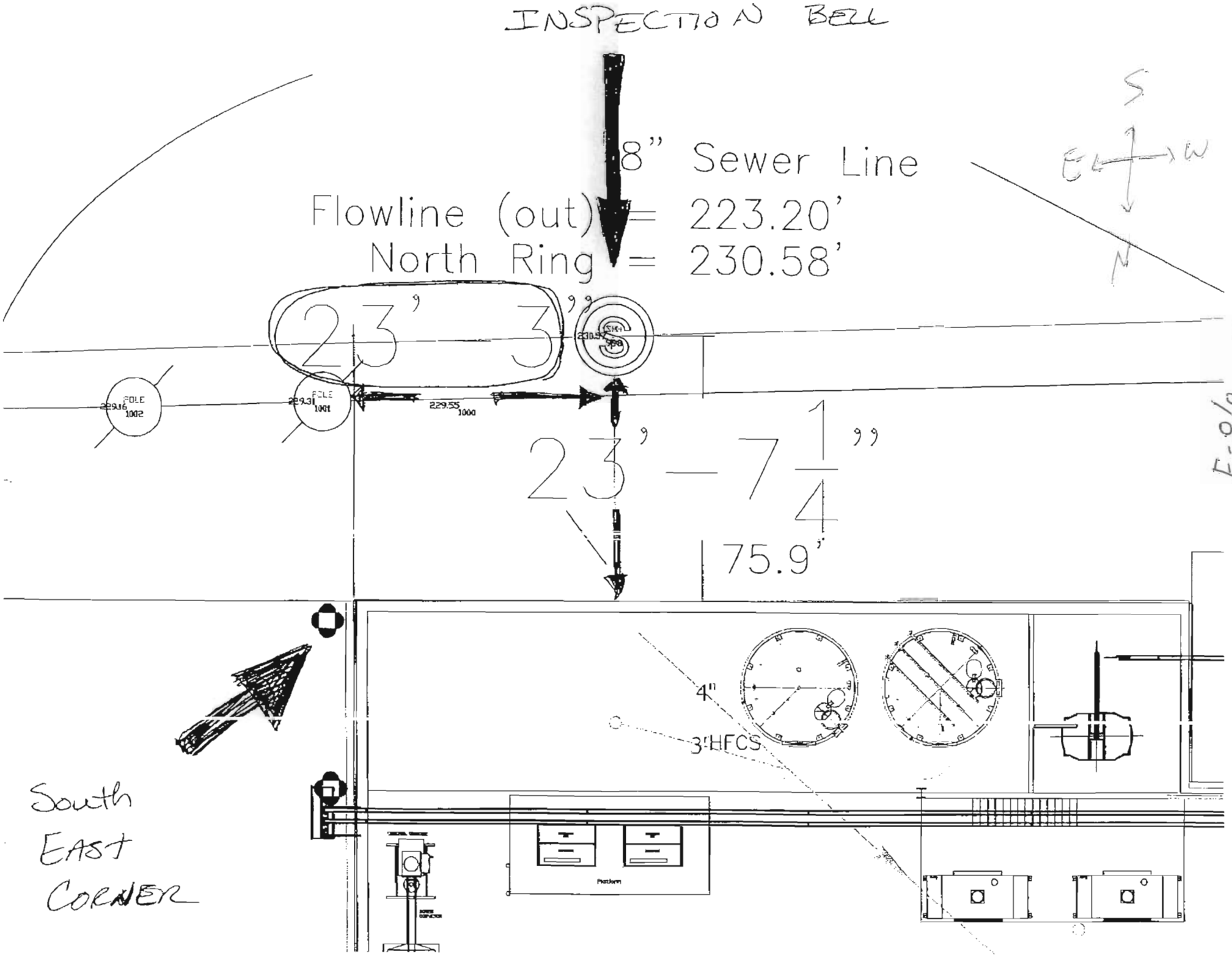
No. of Pages: 2

(1) Entire property

(2) Close up of corner new inspection ball

F-6/8




INSPECTION BELL
8" Sewer Line
Flowline (out) = 223.20'
North Ring = 230.58'
23' 3"
23' - 7 1/4"
75.9"
S
E
W
N
FOLE
229.16
1002
FOLE
229.31
1001
229.55
1000
4"
3' HFCS
South
EAST
CORNER
03/30/2009 08:47 7733764528 SCHULZE BURCH PAGE 03
E-8/8

§ 403.5 National pretreatment standards: Prohibited discharges.

(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.

(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.

TABLE II

40CFR122 APP D / CHEMICAL ABSTRACT SYSTEM PPS-CAS.wpc

50-29-3 4,4'-DDT
50-32-8 Benzo(a)Pyrene
51-28-5 2,4-Dinitrophenol
53-70-3 Dibenzo(a,h)Anthracene
56-23-5 Carbon Tetrachloride
56-55-3 Benzo(a)Anthracene
57-74-9 Chlordane
58-89-9 Gamma-BHC
59-50-7 4-Chloro-3-Methylphenol
60-57-1 Dieldrin
62-75-9 N-Nitrosodimethylamine
67-66-3 Chloroform
67-72-1 Hexachloroethane
71-43-2 Benzene
71-55-6 1,1,1-Trichloroethane
72-20-8 Endrin
72-54-8 4,4'-DDD
72-55-9 4,4'-DDE
74-83-9 methyl bromide
74-87-3 methyl chloride
75-00-3 Chloroethane
75-01-4 Vinyl Chloride
75-09-2 Methylene Chloride
75-25-2 Bromoform
75-27-4 Bromodichloromethane
75-34-3 l,l-Dichloroethane
75-35-4 1,1-dichloroethylene
76-44-8 Heptachlor
77-47-4 Hexachlorocyclopentadiene
78-59-1 Isophorone
78-87-5 1,2-Dichloropropane
79-00-5 1,1,2-Trichloroethane
79-01-6 Trichloroethene
79-34-5 1,1,2,2-Tetrachloroethane
83-32-9 Acenaphthene
84-66-2 diethyl phthalate
84-74-2 Di-n-Butylphathalate
85-01-8 Phenanthrene
85-68-7 Butylbenzylphthalate
86-30-6 N-Nirosodiphenylamine (1)
86-73-7 Fluorene
87-68-3 Hexachlorobutadiene
87-86-5 Pentachlorophenol
88-06-2 2,4,6-Trichlorophenol
88-75-5 2-Nitrophenol
91-20-3 Naphthalene
91-58-7 2-Chloronaphthalene
91-94-1 3,3'-Dichlorobenzidine
92-87-5 Benzidine
95-50-1 1,2-Dichlorobenzene
95-57-8 2-Chlorophenol
98-95-3 Nitrobenzene
100-02-7 4-Nitrophenol
100-41-4 Ethylbenzene
101-55-3 4-Bromophynyl-Phenylether
105-67-9 2,4-Dimethylphenol
106-46-7 1,4-Dichlorobenzene
107-02-8 Acrolein
107-06-2 1,2-Dichloroethane
107-13-1 Acrylonitrile
108-60-1 Bis(2-Chloroisopropyl)Ether
108-88-3 Toluene
108-90-7 Chlorobenzene
108-95-2 Phenol
110-75-8 2-Chloroethylvinylether
111-44-4 bis (2-Chloroethyl) Ether
111-91-1 bis (2-Choloethoxy) Methane
115-29-7 Alpha-Endosulfan
115-29-7 Beta-Endosulfan
117-81-7 bis(2-Ethylhexyl)Phthalate
117-84-0 Di-n-Octyl Phthalate
118-74-1 Hexachlorobenzene
120-12-7 Anthracene
120-82-1 1,2,4-Trichlorobenzene
120-83-2 2,4-Dichlorophenol
121-14-2 2,4-Dinitrotoluene
122-66-7 1,2-diphenylhydrazine
124-48-1 Dibromochloromethane
127-18-4 Tetrachloroethene
129-00-0 Pyrene
131-11-3 Dimethyl Phthalate
156-60-5 Trans-l,2-Dichloroethene
191-24-2 Benzo(g,h,i)Perylene
193-39-5 Indeno(1,2,3-cd)Pyrene
205-99-2 3,4-benzofluoranthene
206-44-0 Fluoranthene
207-08-9 Benzo(k)Fluoranthene
208-96-8 Acenaphthylene
218-01-9 Chrysene
309-00-2 Aldrin
319-84-6 Alpha-BHC
319-85-7 Beta-BHC
319-86-8 Delta-BHC
534-52-1 4,6-Dinitro-2-Methylphenol
541-73-1 1,3 Dichlorobenzene
542-75-6 1,3-dichloropropylene
606-20-2 2,6-Dinitrotoluene
621-64-7 N-Nitroso-Di-n-Propylamine
1024-57-3 Heptachlor Epoxide
1031-07-8 Endosulfan Sulfate
7005-72-3 4-Chlorophenol-phenylether
7421-93-4 Endrin Aldehyde
8001-35-2 Toxaphene
1031-07-8 Endosulfan Sulfate
11096-82-5 Aroclor-1260
11097-69-1 Aroclor-1254
11104-28-2 Aroclor-1221
11141-16-5 Aroclor-1232
12672-29-6 Aroclor-1248
12674-11-2 Aroclor-1016
39638-32-9 bis(2- c'i'propyl)ether
53469-21-9 Aroclor-1242

Color Code: Red => Required Change Green => Recommended Change Yellow => Attention

ORDINANCE NO. _____

AN ORDINANCE SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS FOR THE CITY OF SEARCY AND ENABLING THE CITY OF SEARCY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT (33 USC § 1251 ET SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403).

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance 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 ordinance 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 ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance 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.

1.2 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 ordinance. 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.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, 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

1.4 Definitions

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

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

B. Approval Authority. 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 2.1 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 General Manager of the Searcy Water and Sewer System.~~ Searcy Board of Utilities-Searcy Wastewater Treatment Facility

Comment: Must be the same as shown on NPDES Permit AR0021601

K. Daily Maximum. ~~The arithmetic average of all effluent samples for a pollutant collected during a calendar day.~~ Daily Maximum' discharge limitation means the highest allowable "daily discharge" during the calendar month.

Comment: Must be the same as definition in NPDES permit (Part IV paragraph 8).

L.

M. 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.

N. 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.

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

L. 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 ordinance. The term also means a Duly Authorized Representative of the General Manager.

M. 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.

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

O. 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.

P. 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.

Q. 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).

R. 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.

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

T. 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.

U. 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.

V. 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.

W. Pass Through. A discharge which exits the POTW into waters of the ~~United States~~ 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.

Comment: See 1.4.OO below.

X. 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.

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

Z. 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).

AA. 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.

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

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

DD. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

EE. 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.

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

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

HH. 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) The City may determine that an Industrial User subject to categorical Pretreatment Standards 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:~~

~~(a) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;~~
~~(b) The Industrial User annually submits the certification statement required in Section 6.14-B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and~~
~~(c) The Industrial User never discharges any untreated concentrated wastewater.~~

Comment: This is an "Optional" Streamlining Change and the City may and should delete paragraph (3). The original intent of the State Pretreatment Coordinators was to reduce the administration efforts of the Control Authorities. However, after EPA added additional requirements, the amount of effort to administer this option is greater than the effort to administer the current lone CIU's (Eaton's) reporting with its current status. Furthermore, if the City elects to include any optional streamlining changes, the City must public notice the program modification and ADEQ will consider the changes as a "Major Modification".

(4) 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.

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

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

KK. 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.

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

MM. 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.

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

OO. 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.

Comment: See Arkansas Code §8-4-102 (8).

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 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 3.4 of this ordinance;

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

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the 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.

2.2 National Categorical Pretreatment Standards

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

~~A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F. See 40 CFR 403.6(c).~~

Comment: Optional Streamlining update and the City should omit this option to avoid a "Major Modification".

B. 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).

Comment: Optional and the City can retain this provision without a "Major Modification". However, the City must retain subsections G and H below.

C. 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).

D. 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.

Comment: The Net/Gross adjustment is "optional" but the adjustment is not an "optional Streamlining" revision. The City may retain this option without incurring a "Major Modification".

(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.

E. ~~When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.~~

Comment: Optional Streamlining update and the City should omit this option to avoid a "Major Modification".

~~(1) 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 individual wastewater discharge permit.~~

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 the 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.

(2) 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 General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the General Manager will 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 paragraphs 2.2F(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the General Manager:

a. Will 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, will 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 individual wastewater discharger permit 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 Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

F. The General Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the General Manager. When converting such limits to concentration limits, the General Manager will 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 Section 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the General Manager will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).

Comment: Optional Streamlining update and the City should omit this option to avoid a "Major Modification".

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. See 40 CFR 403.6(c)(7).

Comment: Optional provision which requires the City to elect at least the provision in subsection 2.2 B above if no optional streamlining updates in this section are retained.

H. 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).

Comment: Optional provision which requires the City to elect at least the provision in subsection 2.2 B above if no optional streamlining updates in this section are retained.

2.3 State Pretreatment Standards

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

2.4 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. All Local Limits shall apply to the total flow or total discharge from Industrial Users. 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.

Comment: The City may and should omit this sentence. The local limits in Eaton's permit apply at the "Treatment Bldg" and is the same sampling point for the categorical process wastewater ONLY.

If the City elects to omit this sentence, the City can still apply local limits to the "total flow" and will retain the option to apply local limits to "all and only" process wastewater.

C. The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1.

Comment: The Department recommends adding "local" to avoid confusion with the optional streamlining revisions should in section 2.2E & F above.

2.5 City's Right of Revision

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

2.6 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 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance 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 ordinance.

3.2 Additional Pretreatment Measures

Comment: Optional but not an "optional streamlining revision".

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 ordinance.

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.

3.3 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 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

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 2 of this ordinance 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 ordinance.

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 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS

4.1 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.

4.2 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 4.3 of this ordinance 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 ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining 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.

4.3 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 ordinance 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 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the General Manager.

4.4 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 4.5 of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

4.5 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 2.2C (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 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the 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 6.11 of this ordinance.

(8) ~~Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4.B [40 CFR 403.12(e)(2)].~~

Comment: The City MUST delete this paragraph if the City elects to delete section 6.4.B below.

(9) 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.

4.6 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 6.14 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.

C. ~~A facility determined to be a Non-Significant Categorical Industrial User by the General Manager pursuant to 1.4.HH(3) must annually submit the signed certification statement in Section 6.14.B. See 40 CFR 403.3(v)(2).~~

Comment: The City MUST delete this option IF the City elected to delete section 1.4.HH.3 above.

4.8 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 5—INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 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.

5.2 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 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (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 6.4 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 (Section 6.4 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 ordinance, and State and Federal laws, rules, and regulations.

5.3 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 5.4.

5.4 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.

5.5 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 6.5 of this ordinance;

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 ordinance.

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.

5.6 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 4.5 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

5.7 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 ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance 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 6—REPORTING REQUIREMENTS

6.1 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 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6). See 40 CFR 403.12(b)(1)-(7).

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 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 6.10;
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 1.4 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 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the 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.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 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 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 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 6.4 C.

A. Except as specified in Section 6.4.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. The City may authorize an 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. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

Comment: Optional Streamlining update and the City should omit this option to avoid a "Major Modification".

(1) The waiver may be authorized 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.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, 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 individual wastewater discharge permit. See Section 4.5A(8).

(3) 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.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only 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.

(6) Any grant of the monitoring waiver by the General Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the General Manager for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the General Manager, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the General Manager, and notify the General Manager.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. The City may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

Comment: Optional Streamlining update and the City may omit this option to avoid a "Major Modification".

(1) 0.01 percent (0.01%) of the POTW's design dry-weather *hydraulic capacity* of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;

(2) 0.01 percent (0.01%) of the design dry-weather *organic treatment capacity* of the POTW; and

(3) 0.01 percent (0.01%) of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of this ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the General Manager, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

E. 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.

F. 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 6.11 of this ordinance, the results of this monitoring shall be included in the report. See 40 CFR 403.12(g)(6).

6.5 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 4.5 of this ordinance.

B. The General Manager may issue an individual wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a 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.

6.7 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.

6.8 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.

6.9 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 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms (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 ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

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

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

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 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, 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 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. ~~Faxed reports are acceptable in lieu of mailed reports so long as the User understands that the City is not responsible for misdirected or lost facsimile transmissions of written reports.~~

Comment: The City correctly elected to omit section 6.4.G (electronic reporting) in the MPO as the City has not received approval from EPA for electronic reporting. The City must strike this sentence, too.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 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.

6.14 Certification Statements

A. Certification of Permit Applications, User Reports and [redacted] The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4 A–D, [redacted] The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

Comment: Optional Streamlining Revision: The City MUST delete this phrase if the City elected to delete Section 6.4B(4) above.

Comment: Optional Streamlining Revision: The City MUST delete this sentence if the City elected to delete Section 6.4B(4) above.

> 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.

B [redacted]

Comment: Optional Streamlining Revision: The City MUST delete this certification if the City elected to delete Section 1.4HH(3) above.

[redacted]

Comment: Optional Streamlining Revision

[redacted]

SECTION 7—COMPLIANCE MONITORING

7.1 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 ordinance 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 ordinance.

7.2 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 ordinance, 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 ordinance 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.

SECTION 8—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 9—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 2;

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 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the 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 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

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

10.2 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 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The General Manager may order a User which has violated, or continues to violate, any provision of this ordinance, 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 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

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

10.5 Cease and Desist Orders

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

10.6 Administrative Fines

A. When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, 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.

10.7 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 10.8 of this ordinance are initiated against the User.

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

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions 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 2 of this ordinance.

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

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, 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, order, or other requirement imposed by this ordinance 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.

11.2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of $1,000 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 Court 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.

11.3 Criminal Prosecution

A. It shall be unlawful for any User to willfully or negligently violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement. There is established under the Searcy Code of Ordinances as a criminal act of such willful or negligent violation which may be prosecuted shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 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 Ordinances as a criminal act for any User to willfully or negligently introduce any substance into the POTW which causes personal injury or property damage and in such event and upon conviction, shall be guilty of a misdemeanor and be subject to a penalty of at least $1,000, per violation, per day, or be subject to imprisonment for not more than six (6) months, or both. 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 criminal act 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 ordinance, individual wastewater discharge permit, or order issued hereunder. Additionally it shall be a criminal act under this ordinance for any User to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance. Upon a conviction for any such act the User shall be punished by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

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

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance 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 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 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 ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.2 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, 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 13---AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

Comment: The City elected to omit this section. Since Federal and State law [40CFR403.16] provides for affirmative defenses for UPSETs, the SIUs in Searcy will have to contact ADEQ within 24 hours of the upset and/or send the report to ADEQ within 5 days.

40CFR403.17(c)(2) provides for BYPASS 24-hour notification to the Control Authority and the City must have legal authority in place to require the 24-hour notice.

The Department delegated the program to Searcy and Searcy must have legal provisions in place to accept/require these 24-hour notifications and reports.

40CFR403.5(c) provides for LOCAL LIMITs defense. Since no "24-hour reporting" is required by Federal and State law, the City may elect to omit this provision IF the City Attorney wishes to defend these defenses in Federal and State courts.

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 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.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through [(__)] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when [the 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.

13.3 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to General Manager, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to 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 Superintendent] 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 14----MISCELLANEOUS PROVISIONS

14.1 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 13.1 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 ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

14.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 15—EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.