



A R K A N S A S  
Department of Environmental Quality

April 18, 2011

Daniel K. Dawson  
Searcy Water and Sewer System  
P O Box 1319  
Searcy, Arkansas 72145-1319

Re: City of Searcy Pretreatment Program Modification  
(Permit No. AR0021601, AFIN 73-00055)

Dear Mr. Dawson:

In reference to Searcy Water And Sewer System (SWASS) letter dated February 16, 2011, the Department has reviewed SWASS pretreatment program submittal, "Industrial Wastewater Pretreatment Program for the Searcy Board of Public Utilities". The Department has some concerns which are summarized below. To address all the required and recommended changes, the SWASS staff should review the proposed attached black-and-white document (color copy of document sent by email dated April 18, 2011 at 3:36 pm).

Required Changes to Program Document

- A. On October 14, 2005 EPA updated 40 CFR Part 403. These updates to Part 403 are commonly referred to as the "Streamlining Rule Revisions". The revisions included seven required updates to local pretreatment programs if they were applicable. Two of these updates are applicable to SWASS pretreatment program.
1. In accordance with 40 CFR 403.12(b), (e) & (h), SWASS must not only provide legal authority but also include language for BMPs in the program narrative to explain the update. The Department proposes adding Section 8 to the narrative. See page 1/27 in the attachment.
  2. In accordance with 40 CFR 403.8(f)(1)(iii)(B)(6), SWASS must not only provide legal authority to control Slug Discharges but also include language in the program narrative to explain the update. The Department proposes adding Section 7 to the narrative. See page 1/27 in the attachment.

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- B. SWASS must update other required elements to the pretreatment program to comply with other provisions in 40 CFR 403.
1. In accordance with 40 CFR 403.9 (b) (1), SWASS must provide an updated letter from the Board attorney. The Board attorney must review ordinance 2011-9 and confirm that the new ordinance is adequate to carry out the pretreatment program. See Comment TR11 on page 4/27 in the attachment.
  2. SWASS must remove all language from the program narrative which supports the "User Charge Ordinance". This ordinance was not included in Appendix E. See Comment TR24 on page 14/27 in the attachment.

#### Recommended Changes to Program Document

- A. SWASS should remove "obsolete" data and local limit development from the program narrative and appendices.
1. Please remove the 1981 & 1984 Industrial Waste Survey results from Appendix B.
  2. Please delete Appendix C. This appendix contains laboratory data dated July 24, 1981 and is no longer relevant.
  3. Please remove Technically Based Local Limits/Maximum Allowable Headworks Loading criteria and data from the program narrative (Section 8. Proposed Specific Limitations for Discharge), from Appendix F and from Appendix P. SWASS should place this criteria and data in a separate document. See Comment TR6 on page 2/27 in the attachment.
  4. Please remove all Federal regulations from Appendix J. SWASS should cite a City office or website where the current regulations are located. See Comment TR7 on page 2 /27 in the attachment.

If you have any questions or concerns, please contact the Department at (501) 682-0626 or by email at [torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us) .

Sincerely,

  
Rufus Torrence, ADEQ Engineer

Attachment: April 2011 Draft - Proposed SWASS Industrial WW Pretreatment Program Narrative

# APRIL 2011 DRAFT

Color Code: **Red** => Required **Green** => Recommended **Yellow** => Attention Only  
Terminology: "Must" => Required Change "Should/May" => Recommended Change  
"City" => Searcy Board of Public Utilities  
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**Comment [TR1]:** The City must include some language on the required streamlining updates.

**Comment [TR2]:** Ditto—comment TR1

**TABLE OF APPENDICES**

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 Appendix N ----- Enforcement Response Plan  
 Appendix O ----- Resolution of Support  
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**Comment [TR3]:** The City should remove the 1981 & 1984 IWS from Appendix B. This survey data is obsolete. Usually, EPA recommends not using data over five years old.

**Comment [TR4]:** The City should remove all data which is or will soon become obsolete. The City should delete Appendix C entirely.

**Comment [TR5]:** The City must submit an updated letter; see Comment TR11 below.

**Comment [TR6]:** The pretreatment ordinance does not contain numerical local limits; instead, the ordinance allows the General Manager to update the limits from time to time. The City should remove all local limit criteria from the program narrative. Instead the City should refer the reader to a City Office where the current TBLL development is located. The City should change the title to "Current Local Limits" and should include only one page in Appendix F with the location of the current limits. In the future the city may submit separate TBLL documents to ADEQ to update local limits. If the City elects to retain TBLL/MAHL data in this program narrative, the City MUST submit the entire program narrative for approval each time the TBLLs/MAHLs are updated.

**Comment [TR7]:** The City may retain Appendix J but should remove all Federal Regulations. Replace the regs with a single page; this page should cite a city office and/or website where the user may find current regulations.

**Comment [TR8]:** The City should remove the "completed" annual report and should replace it with a "blank" annual report.

**Comment [TR9]:** See comment TR6 above Please delete Appendix P.

## 1.0 INTRODUCTION

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

General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403) were promulgated by the U.S. Environmental Protection Agency (EPA) on June 26, 1978 and have been amended. ~~By the water Quality Act of 1987 by the U.S. Congress.~~ The basic objectives of the Pretreatment Program were defined as follows:

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

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

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

## 2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS

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

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

**Comment [TR10]:** There has been many amendments (too numerous to cite here).

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

### 2.1 Technical Information Support

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

### 2.2 Legal Authority

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

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

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

**Comment [TR11]:** The Attorney letter dated 2-21-1992 refers to Ordinance #678 which was repealed by #96-15; Section 8. Furthermore, referring to page 3-10 [EPA Guidance Manual for POTW Pretreatment Program Development] "The individual who signs this letter should be the person who is responsible for bringing an enforcement action in court.". The intent of the letter is that the City Attorney has reviewed the current ordinance and provided "written" assurance. The City must update the letter.

### 2.3 Program Implementation

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

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

### 2.4 Staffing and Organization

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

### 2.5 Funding

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

### 3.0 EXISTING WASTEWATER TREATMENT FACILITIES

The Searcy Board of Public Utilities currently operates a wastewater treatment facility (i.e. POTW) north of the city. The 1990 and 2000 census population of Searcy was 15,180 and 18,928, respectively. Approximately 80% of the population is currently served by the existing collection system.

**Comment [TR12]:** Include 1990 census to show growth.

At the time when this program was initially submitted for approval in 1984, the utility operated a treatment facility consisting of 3 oxidation ponds having a total combined surface area of about 100 acres. The lagoons had been built in the mid 1960's and were severely overloaded by the time a new facility was under construction.

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

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

**Comment [TR13]:** Remove all data which will soon become obsolete.

### 4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION

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

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



5.0 INDUSTRIAL USERS SURVEY

In July of 1981, a questionnaire was sent to the industries of Searcy listed in Appendix B, Table 1. In October of 1984, an update questionnaire was sent to those industries which either exhibited incomplete, or no information at all (See Appendix B, Table 2). It was also sent to the industries that had moved to Searcy since the July 1981 submittals. Blank copies of these questionnaires are attached in Appendix B.

A summary table of all the information gathered in 1984 is outlined in Appendix B, Table 3. Information such as water usage and quantity of wastewater discharged was compared to city water usage records and was further verified by plant inspections. SIC codes were verified using Standard and Poor's 1984 Index. Table 4, included in Appendix B, list both categorical and non categorical users and the pollutants to be initially monitored for each. Since the program was implemented in 1985, periodic updates of the vital information from each significant industrial user (SIU) have been received. The format of this update is given in Appendix B. The current list of SIU's regulated under Searcy's industrial pretreatment program is given in Appendix B, Table 5. This list, as updated annually, will be included with the annual POTW Pretreatment Report, as required under 40 CFR 403.12(i).

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

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

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

**Comment [TR14]:** Please remove actual survey data (Table 1) from this appendix. The 1981 data is obsolete.

**Comment [TR15]:** Please remove actual survey data (Table 2) from this appendix. The 1984 data is obsolete.

**Comment [TR16]:** Please remove Table 3 from this appendix.

**Comment [TR17]:** Please remove Table 4 from this appendix.

**Comment [TR18]:** The department's current objective is to encourage the Cities to design their programs to minimize program submittals to update the language and data in their ordinances and program narratives. Any information which will soon become obsolete should not be included in the narrative. Please delete Table 5, too.

**Comment [TR19]:** Since the old IWS are not relevant, the City should delete all surveys from Appendix B. They may retain forms and procedures in this appendix.

## 6.0 TECHNICAL INFORMATION

When the pretreatment program was initially conceived, the utility had to determine the extent to which prohibited pollutants were being discharged to the Utility's treatment facility. Twenty-four hour composite influent samples were collected July 9 and 10, 1981 at the head of the existing treatment facility. ~~The results of the sampling and analysis are located in Appendix C.~~ The sample results indicated that the quality of wastewater entering the treatment facility at that time did not contain any grossly excessive concentrations of pollutants. Only one pollutant, lead, exceeded the specific limits established in Section 8 of the 1984 program submittal. ~~Results of the latest priority pollutant scan conducted at the Searcy WWTP are also in Appendix C.~~

Comment [TR20]: See Comment TR4.

Comment [TR21]: See Comment TR4.

After the construction and start-up of the new treatment facility was completed, a more comprehensive approach to influent and effluent monitoring was taken. 24-hour composite samples are taken several times per week and analyzed for BOD5 and TSS. Other parameters are analyzed throughout the plant for process control.

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

## 7.0 EVALUATION OF LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR IMPLEMENTATION OF PRETREATMENT PROGRAM

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

Comment [TR22]: The City should submit an updated letter; see Comment TR10.

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

The Searcy Board of Public Utilities does have all of the necessary legal authority and powers as set forth in Section 403.8(f) of the ~~Federal Clean Water Act~~ ~~General Pretreatment Regulations For Existing and New Sources of Pollution~~. The Arkansas Legislature has vested the authority in the cities of the State to construct, operate, and maintain their sewer systems, delegating the requisite authority to establish a pretreatment program as required by the above referenced section of the ~~Clean Water Act~~ ~~General Pretreatment Regulation~~.

<sup>1</sup> Title 40-Protection of Environment, Chapter 1-Environmental Protection Agency, Subchapter N-Effluent Guidelines and Standards, Part 403-General Pretreatment Regulations for Existing and New Sources of Pollution

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

#### 8.0 PROPOSED SPECIFIC LIMITATIONS FOR DISCHARGE OF PROHIBITED POLLUTANTS

National Pretreatment Standards for Prohibited Discharges are specified in 40 CFR 403.5 ~~of the Clean Water Act~~. These ~~general~~ standards specify that pollutants discharged into POTW's by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the POTW ~~or cause Pass Through~~. These general ~~and~~ ~~specific~~ prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State or local pretreatment requirements. The following are classified as ~~general~~ ~~specific~~ prohibitions and may not be introduced into a POTW:

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

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

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

In accordance with 40 CFR 403.12(b), all existing industries subject to newly promulgated categorical standards will be informed of their responsibility to submit Baseline Monitoring Reports, as well as other monitoring requirements per **Section 28-31 of the Pretreatment Ordinance<sup>2</sup>**. While the utility is responsible for this notification and administrative process, failure of the utility to do so does not remove the industry's responsibility to submit all the proper information at the proper time.

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

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

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

**Comment [TR23]:** The City should remove all TBLL/MAHL development from the main program narrative. See Comment TR6 above.

Pollutant	Maximum Allowable Headworks	
	Loading (Lbs/day)	Concentration (ug/L)
Arsenic	0.543	18.5
Cadmium	0.578	19.7
Chromium	11.927	406.3
Copper	3.829	130.4
Cyanide	3.289	112.0
Lead	1.221	41.5
Mercury	0.006	0.20
Molybdenum	0.489	16.7
Nickel	3.260	111.0
Selenium	0.652	22.2
Silver	0.421	14.3
Zinc	10.208	347.3

<sup>2</sup> Please note that the Appendix E has the codified version of Ordinance #2011-9. Section 28-31 refers to the section in Chapter 28, Article III of the Searcy Code of Ordinances and is shown in Appendix E.

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

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

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

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

This pretreatment program, in its initial implementation, used maximum concentration levels based upon the old A.D.E.Q. Guideline values as applied to the influent. Maximum loadings were then calculated from these values directly and apportioned out to each I.U. As noted in Section 6 (Technical Information) the sampling and analysis for priority pollutants revealed that lead was the only pollutant entering the treatment facility in 1981 that was exceeding the established maximum concentration limit of 0.10 mg/l. The lead concentration to the treatment facility during the July 9th and 10th, 1981, sampling was measured to be 0.198 mg/l. Actually, from a review of all metals analysis data since the new facility became operational, this 0.198 mg/L result appears to be the exception rather than the rule. Influent and effluent concentrations of these parameters are generally so low that any inhibitory affect caused by them would be difficult, if not impossible, to detect. To continue to adequately protect the POTW and the environment of the receiving stream, influent loadings must be kept at or below the above levels.

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

Example: POTW average flow = 3.53 MGD

Pollutant	Safety Factor	Domestic/Background	Maximum Industrial Discharge
Arsenic	0.0543	0.01	0.479
Cadmium	0.0578	0.18	0.346
Chromium	1.1927	0.09	10.644
Copper	0.3829	0.18	3.266
Cyanide	0.3289	0.13	2.830
Lead	0.1221	0.25	0.849
Mercury	0.0006	0.00	0.005
Nickel	0.3260	0.25	2.684
Selenium	0.0652	0.03	0.557
Silver	0.0421	0.09	0.289
Zinc	1.0208	2.59	6.597
Molybdenum	0.0489	0.00	0.440

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

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

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

Pollutant	Concentration (ug/L)	
	Maximum Allowable	Average Influent
Arsenic	19.5	ND
Cadmium	19.7	0.94
Chromium	406.3	ND
Copper	130.4	20.6
Cyanide	112.0	ND
Lead	41.6	2.65
Mercury	0.20	0.0385
Nickel	111.0	5.85
Selenium	22.2	ND
Silver	14.3	2.13
Zinc	347.7	69.25
Molybdenum	16.7	ND

ND = not detected

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

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

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

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

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

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

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

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

#### Biochemical Oxygen Demand

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

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

Where:

SB = Surcharge for BOD5 in excess of 225 mg/l

V = Volume in 1000 gallons per month

CB = Concentration of BOD5 in mg/l

BOD5 (Biochemical Oxygen Demand) is defined as:

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

**Comment [TR24]:** Appendix E contains only the "Pretreatment Ordinance" and section 28-39-1(F) states that "pretreatment" fees are separate from "surcharge" fees. The City must delete the "User Charge Ordinance" narration from the pretreatment program narrative. However, the City may continue to include "surcharge" language in SIU permits if the permit language clearly identifies which ordinance is applicable.



### Total Suspended Solids

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

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

Where:

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

### Oil and Grease

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

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

Where:

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

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

9.0 PROPOSED ORGANIZATION AND STAFFING

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

The Utility operates its pretreatment program by sharing various program tasks among its existing staff (refer to the Searcy Board of Public Utilities Staffing Diagram located in Appendix A of this document). As stated above, the Pretreatment Coordinator is responsible for the day to day operation of the program and serves as the initial reviewer of permit applications with some periodic assistance from the consulting engineer. However, the **General** Manager of the Utility is to be the final reviewer and the permits will be issued under his signature. The Pretreatment Coordinator is responsible for establishing the monitoring schedule along with records and filing procedures. The Coordinator will also be responsible for review of compliance reports and initiating noncompliance actions against any industry not complying with its particular permit. The final decision of enforcement is the decision of the **Utility General** Manager with the concurrence of the Utility Board. The Pretreatment Coordinator will have the management staff of the Wastewater Treatment Plant and the operators and additional maintenance staff available to assist in the monitoring and implementation program, along with office employees for clerical support.

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

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

Searcy Board of Public Utilities

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

**Utility General** Manager

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

#### Pretreatment Coordinator

1. Day to day responsibility of implementing and carrying out the pretreatment program.
2. Receive and review discharge permit applications.
3. Develop necessary permit conditions and compliance schedules.
4. Develop discharge permits for issuance by Utility Manager.
5. Review, develop and maintain permits, monitoring report records and filing procedures.
6. Reporting and documentation of instances of noncompliance.
7. Initiate noncompliance actions against any industry not complying with its particular permit.
8. Provide assistance to ~~Utility~~ Assistant General or General Manager on all administrative matters concerning the pretreatment program.
9. Provide assistance to the Consulting Engineer and
10. Attorney and serve as primary contact on all matters requiring technical and legal assistance
11. Publish yearly public notice in the local newspaper.
12. Keep updated on newly promulgated Federal and State standards and requirements. Identify to whom they apply and notify those industries of the conditions which are applicable.

#### Office Manager

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

#### Board Attorney

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

Consulting Engineer

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

Inspector

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

**Comment [TR25]:** If the Pretreatment Coordinator is responsible for inspections, move these duties to his description above.

Wastewater Treatment Plant Laboratory

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

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

Utility General Manager

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

**Comment [TR26]:** Do these requirements apply to the Assistant General Manager, too?

Pretreatment Coordinator

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

Wastewater Treatment Plant Manager

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

Wastewater Plant Operator/Pretreatment Field Inspector

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

Office Manager

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

Board Attorney

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

Consulting Engineer

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

Wastewater Laboratory

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

**Comment [TR27]:** Are these requirements applicable to the present "Pretreatment Coordinator" position?

## 10.0 PROPOSED PRETREATMENT MONITORING AND REPORTING

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

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

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

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

Conditions in the industrial users discharge permit may include:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types

- and standards for tests and reporting schedule;
- (f) Compliance Schedules;
  - (g) Requirements for submission of technical reports or discharge reports, and signatory and certification requirements (per Ordinance Section 28-31);
  - (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
  - (i) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - (j) Requirements of notification of slug discharges.
  - (k) A specified duration in which the permit is effective (per Ordinance Section 28-30-1).
    - (1) Requirements in regard to transferability (per Ordinance Section 28-30-4).
  - (m) Statements of applicable civil and criminal penalties for violations of pretreatment standards and requirements (per Ordinance Sections 28-35 and 28-36).
  - (n) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

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

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

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

### 10.1 Pretreatment Monitoring Equipment

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

### 10.2 Industrial User Site Inspections

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

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

### 10.3 Procedures for Follow Up of Instances of Noncompliance

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

A. Noncompliance Detected from Reviewing Self-Monitoring Reports:

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

B. Noncompliance Detected from Random Sampling:

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



C. Noncompliance Detected from Analysis of POTW Influent:

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Utility shall perform a follow up investigation to determine cause and probable source of pollutant. The investigation shall include contacting suspected industry or industries, either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industry shall be notified in writing of the results of the investigation requesting written response within a specified time noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violation of noncompliance.

D. Emergency, Quick Response Sampling:

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

**Comment [TR28]:** The City must not use the term "upset" in this context. 40 CFR 403.16 and Section 28-38-1 defines this term to apply to CIUs only. The City may use "disturbance" or another term.

E. Enforcement Procedures - Alternatives:

In situations involving emergencies or where the involved industry has failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in Searcy City Ordinance ~~679 of November 13, 1984~~ **2011-9 of February 15, 2011**, and ~~the~~ **any** new ordinance shall be utilized, as outlined in the Enforcement Response Plan (Appendix N). The options include immediate cutoff of discharge, revocation of permit, administrative procedures, imposition of fines ~~and surcharges~~ and suits by the utility for injunctive relief and/or damages caused to the system. All such remedies are authorized by the ordinances and can be utilized singly or in combination. These remedies, as appropriate, shall be promptly sought in cases of improper discharge.

**Comment [TR29]:** The City must delete all references to the "User Charge Ordinance".

### E.1. Enforcement Hierarchy and Steps

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

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

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

**Comment [TR30]:** Is this still true? In either case, the City should consider deleting this sentence as the City may have a case go pass step 6 in the near future.

### E.2. Enforcement Response Plan

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

### 10.4 Chain of Custody Provision

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

**Comment [TR31]:** The City appears to be contradicting itself here.

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

**Comment [TR32]:** The Chain of Custody form in Appendix H is not the same Chain of Custody form that the City is currently using (See Attachment E-4/5 in the September 2010 audit report). If the form changes from time to time, the City may want to delete the form and direct the reader to the City office with the current form.

### 10.5 Sampling and Analysis Methods and Procedures

As noted in the Pretreatment Ordinance Section 28-31-10, all analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administration (See Appendix J). Where 40 CFR, Part 136, does not include a sampling and analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the E.P.A. Administrator or ADEQ.

**Comment [TR33]:** See Comment TR7 above.

**Comment [TR34]:** Allow ADEQ to assist you first.

### 10.6 Safety

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

## 11.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST

The ground work for the development of an original pretreatment program for the Searcy Board of Public Utilities has been completed and was approved on April 5, 1986 and later modified on January 1, 1996. The industrial user survey has been completed and is an ongoing process. The legal authority review has been completed and updated. An initial sampling and analysis of the treatment plant influent has been completed is an ongoing process. Appropriate organization developed, specific limitations have been developed and will be updated from time to time, and method of monitoring and reporting are outlined. The pretreatment program is properly staffed and organized. All of the above have been necessary in order to gain basic information on the extent of industrial pollutants being discharged to the Utility's sewer system and to develop maintain an appropriate pretreatment program. Since the program has already been developed, the only costs still being incurred by the Utility are the daily operating costs. The current estimated pretreatment program operating cost is listed in Appendix K.

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

The pretreatment program operating cost as noted in Appendix K is estimated at \$77,000.00. Those costs associated with technical and legal assistance should vary drastically from year to year depending on industrial activity in the community. The cost associated with the pretreatment program will be funded from the Sewer Department Operating Budget. A copy of the Utility's most recent financial statement is also located in Appendix K. The sewer ordinances allow the Utility to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the pretreatment program.

#### 12.0 PRETREATMENT PROGRAM IMPLEMENTATION

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

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

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

#### 13.0 CONFIDENTIAL INFORMATION

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this program, and the National Pollutant Discharge Elimination System (NPDES) Permit; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

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