

# ADEQ

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

May 8, 2009

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

RE: City of Searcy Streamlining Rule Requirements (NPDES Permit Number AR0021601, AFIN 73-00055)

Dear Mr. Dawson:

In reference to Searcy Water and Sewer System letter dated March 24, 2009, the department has received the attached ordinances. The City's letter stated that "*This legal authority was approved by Allen Gilliam on November 22, 2004, and was further approved by Martin Maner in a letter from him dated February 15, 2005.*" The department agrees with this statement. However, on October 14, 2005 EPA modified 40 CFR Part 403. These modifications to Part 403 are commonly referred to as the "Streamlining Rule Revisions". Part III paragraph 7.a in the NPDES permit required the City to submit to ADEQ the necessary modifications to comply with the Streamlining revisions by February 1, 2009.

The department reviewed the City's legal authority for compliance with the Streamlining revisions and noted some necessary corrections and updates to comply with the new rule. For example, the definition of Control Authority was moved from 40 CFR 403.12(a) to 40 CFR 403.3(f). These required corrections and updates are indicated in red on the attachments. The department also noted recommended changes in green which should enhance the City's existing legal authority.

The department reviewed not only the attached ordinances but also the Searcy Code of Ordinances (Article III). Since the City relies on the Codes for implementation, the department checked the Codes to ensure that they matched the ordinance language (some exceptions were found and noted). The department also provided instructions and listed items which require attention. These instructions and items of attention are highlighted in yellow. The department welcomes any concerns which you or members of the City staff may have. The City is encouraged to make suggestions on improving the department's changes.

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The department used the attached checklist to ensure that (1) all the required "Streamlining" updates were included in the attached draft and (2) all recommended language to enhance the existing legal authority is included.

The department looks forward to working with you and your staff on these "Streamlining" changes. If you have any questions or concerns, please contact Rufus Torrence at 501-682-0626 or [torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us).

Sincerely,



Mo Shafii  
ADEQ Assistant Water Chief

CC: Cindy Gardner, Technical Assistance Manager, Enforcement Branch  
Rufus J. Torrence, ADEQ NPDES Engineer

Attachment: DRAFT "Searcy Code of Ordinances Chapter 28 Water and Sewer"  
ADEQ Checklist-Pretreatment Program Legal Authority Reviews

## ADEQ CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: Searcy Water and Sewer System  
 DATE OF REVIEW: April 10 - May 1, 2009

Note: Several changes to the National Pretreatment Regulations made as a result of the Streamlining Rule are more stringent than the previous Federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with these required changes, they must be revised. Where local authorities are already consistent with these required provisions, further changes are not necessary.

NONE = No Provision necessary    REQ = Required Provision    REC = Recommended Provision    X X = Required Streamlining Rule Change

A. Definitions [403.3 & 403.8(f)(2)]	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
1. Act, Clean Water Act	403.3(b)	§ 1.4 A		X		\$28-26-2-1	May Change
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C		X		\$28-26-2-3	May Change
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E		X*		\$28-26-2-47	May Change
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F		X		\$28-26-2-6	May Change
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M		X		\$28-26-2-14	May Change
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL		X		\$28-26-2-38	May Change
7. Interference	403.3(k)	§ 1.4 O		X		\$28-26-2-16	
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB		X		\$28-26-2-17	May Change
9. New Source	403.3(m)	§ 1.4 T		X		\$28-26-2-19	
10. Pass Through	403.3(p)	§ 1.4 V		X		\$28-26-2-45	
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA		X		\$28-26-2-27	May Change
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD		X		\$28-26-2-28	
13. Significant Industrial User <i>[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]</i>	403.3(v)	§ 1.4 GG		X		\$28-26-2-31	
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-C)		X X		\$28-26-2-42	
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (D-H)			X	\$28-26-2-42	

\*City is not required to allow BMPs but CIUs with BMP requirements as categorical standards must have BMPs; therefore, a definition is required.

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							Part 403 Citation	Model SUO Section	NONE	REQ	REC		
15. Slug Load or Slug Discharge					\$28-26-2-46	May Change	403.8(f)(2)(vi)	§ 1.4 HH		X			
16. Other definitions based on terms used in the POTW Ordinance					*****								
17. Control Authority					\$28-26-2-9		403.3(f)						
18. Approval Authority					\$28-26-2-2	May Change	403.3(c)						
19. Prohibited Discharges					\$28-26-2-18	May Change	403.5	§ 1.4 CC					
<b>B. National Pretreatment Standards – Prohibited Discharges</b>													
1. General Prohibitions													
a. Interference					\$28-27-1	May Change	403.5(a)	§ 2.1A		X			
b. Pass Through					\$28-27-1	May Change	403.5(a)	§ 2.1A		X			
2. Specific Prohibitions [403.5(b)]													
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)					\$28-27-2-a		403.5(b)(1)	§ 2.1B(1)		X			
b. pH/Corrosion					\$28-27-2-c		403.5(b)(2)	§ 2.1B(2)		X			
c. Solid or Viscous/Obstruction					\$28-27-2-b		403.5(b)(3)	§ 2.1B(3)		X			
d. Flow Rate/Concentration (BOD, etc.)					\$28-27-2-j		403.5(b)(4)	§ 2.1B(4)		X			
e. Heat; exceeds 40° C (104°F)					\$28-27-2-i		403.5(b)(5)	§ 2.1B(5)		X			
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils					\$28-27-2-a		403.5(b)(6)	§ 2.1B(6)		X			
g. Toxic Gases/Vapor/Fumes					\$28-27-2-e		403.5(b)(7)	§ 2.1B(7)		X			
h. Trucked/Hauled Waste					\$28-27-2-m		403.5(b)(8)	§ 2.1B(8)		X			

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				PROVISIONS			
	Part 403 Citation	Model SUO Section	NONE	REQ	REC	POTW Ordinance Section	Comments / Notes
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2		X		\$28-27-3	May Change
4. Local Limits Development <i>[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i>	403.5(c) & (d)	§ 2.4		X			
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6		X		\$28-27-8	May Change
6. Best Management Practices Development <i>[NOTE: Optional streamlining provision.]</i>	403.5(c)(4)	§ 2.4C			X	\$28-27-5	
<b>C. Control Discharges to POTW System</b>							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2		X		\$28-29-1	
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)	§ 4.2		X		\$28-29-2.4	
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)		X		\$28-29-2.5	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§ 5.2A(2)		X		\$28-29-2.6	
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)		X		\$28-29-2.4	May Change

	NONE = No Provision necessary	REQ = Required Provision	REC = Recommended Provision	PROVISIONS			POTW Ordinance Section	Comments / Notes
				NONE	REQ	REC		
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C.)]</i>		403.8(f)(1)(B)(3)	Model SUO Section § 5.2A(3)		X X			
e. Self-Monitoring Requirements		403.8(f)(1)(B)(4)	§ 5.2A(4)		X		\$28-29-2.4	May Change
f. Reporting & Notification Requirements		403.8(f)(1)(B)(4)	§ 5.2A(4)		X		\$28-29-2.4	May Change
g. Recordkeeping Requirements		403.8(f)(1)(B)(4)	§ 5.2A(4)		XX		\$28-29-2.4	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B o the Model SUO.]</i>		403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)			X	Not Applicable	
i. Statement of Applicable Civil and Criminal Penalties		403.8(f)(1)(B)(5)	§ 5.2A(6)		X		\$28-29-2.4	May Change
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>		403.8(f)(1)(B)(6)	§ 5.2A(7)		XX		\$28-29-2.4	

	NONE = No Provision necessary	REQ = Required Provision	REC = Recommended Provision	PROVISIONS			POTW Ordinance Section	Comments / Notes	
				NONE	REQ	REC			
k. Specific waived pollutant <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>			403.8(F)(1)(B) (4)	§ 5.2A(9) 6.4B			X	Not Applicable	
l. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>				§§ 5.3 & 5.7			X	\$28-29-2.2	
m. Permit Modification <i>[Note: Optional permit provision]</i>				§ 5.4			X	\$28-29-2.3	
n. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>				§§ 5.6 & 10.8			X	\$28-30-2	
o. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>				§ 3.1			X	\$28-29-6	
p. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>				§ 10.7			X	\$28-30-1	
q. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>							X	Not Included	
3. General Control Mechanism to ensure compliance <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i> <i>- Permit Content</i>			403.8(F)(1)(iii) (A)	§ 4.2 & 4.6			X	Not Applicable	
a. Statement of Duration			403.8(F)(1)(B) (1)	§§ 5.1 & 5.2A(1)			X	Not Applicable	
b. Statement of Nontransferability			403.8(F)(1)(B) (2)	§ 5.2A(2)			X	Not Applicable	

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				PROVISIONS		POTW Ordinance Section	Comments / Notes	
				NONE	REQ	REC		
c. Effluent Limits		403.8(f)(1)(B) (3)	§ 5.2A(3)			X	Not Applicable	
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 24C).]</i>		403.8(f)(1)(B) (3)	§ 5.2A(3)		XXX*	X	Not Applicable	
e. Self-Monitoring Requirements		403.8(f)(1)(B) (4)	§ 5.2A(4)			X	Not Applicable	
f. Reporting & Notification Requirements		403.8(f)(1)(B) (4)	§ 5.2A(4)			X	Not Applicable	
g. Recordkeeping Requirements		403.8(f)(1)(B) (4)	§ 5.2A(4)			X	Not Applicable	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>		403.8(f)(1)(B) (4) & 403.12(e) (2)	§ 5.2A(5)			X	Not Applicable	
i. Statement of Applicable Civil and Criminal Penalties		403.8(f)(1)(B) (5)	§ 5.2A(6)			X	Not Applicable	

XXX\* Required provision if City elects to issue General permits for CIUs with BMP requirements or for other SIUs where the City has included the BMP provision.



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				NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i>		403.8(f)(1)(B)(6)	§ 5.2A(7)			X	Not Applicable	
k. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>			§§ 5.3 & 5.7			X	Not Applicable	
l. Permit Modification <i>[Note: Optional permit provision]</i>			§ 5.4			X	Not Applicable	
m. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>			§§ 5.6 & 10.8			X	Not Applicable	
n. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>			§ 3.1			X	Not Applicable	
o. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>			§ 10.7			X	Not Applicable	
p. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>						X	Not Applicable	
<b>D. Required Reports</b>								
1. Develop compliance schedule for installation of technology		403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4			X	\$28-29-2.2-i \$28-30-4.4	

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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
<b>2. Reporting Requirements [403.12]</b> <i>Types of Reports</i>							
a. Baseline monitoring report	403.12(b)	§ 6.1		X		\$28-29-3.0	May Change
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a		X			
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)		X		\$28-29-3.0	
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a		X		\$28-29-3.0	
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)		X		\$28-29-3.0	
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)		X		\$28-29-3.0	
(vi) Certification	403.12(b)(6)	§ 6.1B(3)		X		\$28-29-3.0	
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)		X		\$28-29-3.0	
b. Compliance schedule progress report	403.12(c)	§ 6.2		X		\$28-29-2.2(i)	
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3		X		\$28-29-3.1	
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A		XX		\$28-29-3.2	
- From significant non-categorical users	403.12(h)	§ 6.4A		X		\$28-29-3.4	
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6		X		\$28-27-9	

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f. Notification of changes affecting potential for a slug discharge <i>[NOTE: Required streamlining revision]</i>		403.8(f)(2)(vi)	§ § 6.5 & 6.6		XX		\$28-27-9	
g. Notice of violation/sampling requirement <i>[NOTE: Required streamlining revision]</i>		403.12(g)(2)	§ 6.8		X		\$28-29-3.5	This streamlining revision is not applicable
h. Requirement to conduct representative sampling		403.12(g)(3)	§ 6.4E		X		\$28-29-4	May Add
i. Notification of changed discharge		403.12(i)	§ 6.5		X		\$28-29-2.4.2	May Change
j. Notification of discharge of hazardous waste		403.12(p)	§ 6.9		X		\$ 28-29-1.1	May Change
<b>Other Reporting Requirements</b>								
k. Data accuracy certification & authorized signatory		403.6(a)(2)(ii) & 403.12(i)	§§ 6.4D & 6.14		X		\$ 28-29-3.3	
l. Recordkeeping Requirement (3 years or longer)		403.12(o)	§ 6.13		X		\$ 28-29-2.4.2	
- Including documentation associated with Best Management Practices <i>[NOTE: Required streamlining provision.]</i>		403.12(o)	§ 6.13		XX		\$ 28-29-2.4.2	
m. Submission of all monitoring data <i>[NOTE: Required streamlining revision]</i>		403.12(g)(6)	§ 6.4F		X		\$ 28-29-3.6	
n. Annual certification by Non-significant categorical Industrial Users <i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i>		403.3(v)(2)	§§ 4.7C & 6.14B			X	To be determined by the City	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present <i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i>	403.12(e)(2)(v)	§ 6.14C			X	Not Applicable	
<b>E. Test Procedures [40 CFR Part 136 &amp; 403.12(g)]</b>							
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	403.12(g)	§ 6.10		X		§ 28-29-3.6	May Change
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	403.12(g)(3) & (4)	§ 6.11 A&C		X X		§ 28-29-3.6	
<b>F. Inspection and Monitoring Procedures [403.8(f)]</b>							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1		X		§ 28-29-5.1	
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1		X		§ 28-29-5	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1		X		§ 28-29-5	
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1		X		§ 28-29-4	
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1		X		§ 28-29-5	
<b>G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]</b>							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1		X		§ 28-30-5	
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3		X		§ 28-31-2	

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				Model SUO Section	REVISIONS			
	Part 403 Citation			NONE	REQ	REC		
2. Emergency response								
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi)(B)		§ 10.7		X		§ 28-30-1	
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)		§ 11.4		X		§ 28-31-4	May Change
<b>H. Public Participation</b>								
1. Publish list of Industrial Users in Significant Noncompliance <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(viii)		§ 9		X X		§ 28-30-6	
2. Access to data [403.8(f)(1)(vii) & 403.14]								
a. Government	403.14(a) & (c)		§ 8		X		§ 28-29-7	
b. Public	403.14(b)		§ 8		X		§ 28-29-7	
<b>I. Optional Provisions</b>								
1. Net/Gross adjustments <i>[streamlining provision]</i>	403.15		§ 2.2 D			X	Not Applicable	
2. Equivalent mass limits for concentration Limits <i>[streamlining provision]</i>	403.6(c)		§ 2.2 E			X	Not Applicable	
3. Equivalent concentration limits for mass limits <i>[streamlining provision]</i>	403.6(c)		§ 2.2 F			X	Not Applicable	
4. Upset Notification	403.16		§ 13.1			X	Not Applicable	
5. Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>	403.12(e)(2)		§ 6.4B			X	Not Applicable	
6. Reduce periodic compliance reporting <i>[streamlining provision]</i>	403.12(e)(3)		§ 6.4C			X	Not Applicable	
7. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements)				X			Not Applicable	

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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4			X	Not Applicable	
9. Grease Interceptor Reporting/Requirements		§ 3.2 C			X	Not Applicable	
10. Authority to issue Notice of Violations (NOVs)		§ 10.1			X	§ 28-30-3	
11. Authority to issue Administrative Orders (AOs)		§ 10.4			X	§ 28-30-4.4	
12. Authority to issue Administrative Penalties		§ 10.6			X	§ 28-30-4	May Change
13. Authority to enforce again falsification or tempering					X	§ 28-31-3	
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan					X	To be determined later.	
						*****	
						*****	
15. Permit Appeals Procedures					X	§ 28-29-2.7	
16. Penalty or Enforcement Appeals Procedures					X	Not Applicable	
17. Bypass Notification	403.17	§ 13.3			X	Not Applicable	

Document(s) submitted for review:  
 "Searcy Code of Ordinances"

Name of Reviewers  
 Rufus Torrence

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§ 28-26-2-19 New Source. Any building, structure.....in accordance with that section as described in 40 CFR [REDACTED]

§ 28-26-2-22 pH. The logarithm (base 10) of the ...solution. pH is a measure of the acidity or alkalinity of a solution, expressed in standard units.

§ 28-26-2-27 Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial User. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**Comment:** By moving the phrase "imposed on a User", the City has altered the intended meaning.

§ 28-26-2-31 Significant Industrial User. The city defines....criteria per 40 CFR [REDACTED]

1. No Change
2. Any other industrial user that....by the Control Authority [REDACTED] on the basis....
3. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority 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.

**Comment:** The City may wish to preserve the option to designate IUs meeting the criteria in Subsection (2) as "Non-Significant IUs (NSIU)". The City does not have to permit or inspect "NSIUs"

§ 28-26-2-38 User or Industrial User. [REDACTED] A source of indirect discharge.

**Comment:** In accordance with 40 CFR 403.1 (b) (1), the General Pretreatment Regulations (categorical standards and local limits) apply to "non-domestic sources" only. "Person" includes individuals (domestic sources). The use of "Person" violates Federal and State law.

§ 28-26-2-45 Pass Through. A discharge which exits the POTW into waters of the [REDACTED] in quantities...

§ 28-26-2-46 Slug Load. Any pollutant in a discharge...which will cause has a reasonable potential to cause pass through or interference at the POTW.

§ 28-26-2-47 Best Management Practices or BMPs. These practices include (but not necessarily limited to) schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 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.

**Comment:** The City should include the definition of BMP

§ 28-26-3 Abbreviations. (Only additions or changes are shown below)

ADPC&E – Ark. Department of Pollution Control & Ecology  
ADEQ – Ark. Department of Environmental Quality  
BMP – Best Management Practice  
CIU – Categorical Industrial User  
SNC – Significant Noncompliance  
SIU – Significant Industrial User  
IU – Industrial User



§ 28-27-1 General Discharge Prohibitions. It shall be unlawful...will ~~cause Pass Through~~, interfere with the operation or performance of the POTW ~~(Interference)~~ or ~~which may~~ be otherwise harmful to it. These general prohibitions apply...or local Pretreatment Standards or Requirements.

§ 28-27-2 Specific Discharge Prohibitions. A user ~~may shall~~ not contribute the following substances to the POTW:

§ 28-27-3 ~~Federal National~~ Categorical Pretreatment Standards

§ 28-27-4 Modification (Removal Credits) of Federal National Categorical Pretreatment Standards.

If the City's wastewater treatment system achieves consistent removal...specific limits in the ~~Federal National Categorical~~ Pretreatment Standards. ...procedures set forth in Section ~~██████████~~ of (Title 40....

§ 28-27-5 Specific Pollutant Limitations (Local Limits)

(Strike all the language in this section and replace it with the language in Ordinance No. 2004-17 except as noted below:)

No ~~██████████~~ shall discharge any waters...or the "Industrial Pretreatment Program" ~~as required by the City's NPDES permit (AR0021601) and as developed by and issued by the Manager...or the Environmental Protection Agency. The most stringent requirement (federal, state or local rule) shall be applicable to the User's discharge.~~

§ 28-27-6 State Requirements

(The City may strike this entire section because (1) the City has already incorporated National Categorical Pretreatment Standards and (2) the State has also incorporated the National Categorical Pretreatment Standards in ADEQ's legal authority.)

§ 28-27-7 City's Right of Revision.

(The City may strike this entire section since the City elected to use the narrative in § 28-27-5 above in lieu of numerical local limits. This narrative reserves the City's Right of Revision.)

§ 28-27-8 Dilution

(The reviewer is confused why the City repeated the Right of Revision under Dilution. The correct language is shown in section 2.7 of Ord No. 96-15.

**Comment:** For consistency within the City codes and for National consistency replace "Federal" with "National" throughout the codes.

**Comment:** The Streamlining Rule Change for Removal Credits shall be implemented by the Approval Authority (ADEQ).

**Comment:** The decision on Local Limits is strictly at the discretion of the City; however, if the City elects to use the language in Ord #2004-17, then the City "must" make noted required corrections.

**Comment:** In accordance with 40 CFR 403.1 (b) (1), the General Pretreatment Regulations (categorical standards and local limits) apply to "non-domestic sources" only. "Person" includes individuals (domestic sources). The use of "Person" violates Federal and State law.

§ 28-27-9 Accidental Discharge/Slug Discharge Control Plans

(The City must add the following “Notification Requirement” to this section; this addition is a required “Streamlining” update).

Written Notice: Within five (5) days....

Notice to Employees: A notice shall be permanently posted...

[REDACTED]

**Comment:** Required Streamlining Rule change

§ 28-28-2-f. fees for consistent removal...subject to Federal National Categorical Pretreatment Standards;

§ 28-29-1

It shall be unlawful for Significant Industrial Users to discharge without a city permit...

§ 28-29-1.1 Notification of the Discharge of Hazardous Waste

In accordance with 40 CFR 403.12(p), 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).

§ 28-29-1.1 Prohibition of the Discharge of Hazardous Waste

**Comment:** The City may elect to prohibit the discharge of hazardous waste.

§ 28-29-2.1 [REDACTED]

**Comment:** The City has not elected to issue “General Permits” and must strike this heading.

All users who may... The Manager will then make a determination whether the applicant is a significant user. Significant Industrial User who must obtain a permit.

**Comment:** The term “significant user” has no meaning in this article.

All significant users Significant Industrial Users proposing to connect...

§ 28-29-2.2 Permit Application Contents.

Users required to apply for a ...and fees. Existing Significant Industrial Users have already...

§ 28-29-2.4 Permit Conditions.

§ 28-29-2.4.1 Optional Permit Conditions.

.....Permits may contain the following:

(paragraphs a thru o as shown except move paragraphs g, h, i, j & m to “shall” section and strike paragraph k & l)

§ 28-29-2.4.2 Required Permit Conditions.

Permits shall contain the following:

a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date.

[REDACTED]

**Comment:** Required Streamlining Rule change

c. Requirement for self monitoring and sampling.

d. Statements of applicable civil and criminal penalties for violations of Pretreatment Standards and Requirements (see Sections 28-30 and 28-31).

[REDACTED]

**Comment:** Moved here from "May" section above.

**Comment:** Required Streamlining Rule change.

f. *In reference to the "may" section above move paragraphs g, i and j here.*

h. Requirements for maintaining and retaining plant records relating to wastewater discharge [REDACTED] as specified by the City,...

**Comment:** Move paragraph and include the phrase "and BMPs". The phrase is a required Streamlining Rule change.

§ 28-29-2.6 Permit ~~Transfer~~ Nontransferability.

§ 28-29-3.0 Baseline Monitoring Reports

In accordance with 40 CFR 403.12 (b) 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 Manager the Baseline Monitoring Report. 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 also submit to the Manager the Baseline Monitoring Report. 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.

§ 28-29-3.2 Periodic Compliance Reports.

a. Any user subject to a Categorical Pretreatment Standard, ...and average flows during the reporting period [REDACTED]

[REDACTED]

**Comment:** Required Streamlining Rule change.

§ 28-29-3.3 Signatory and Certification Requirements.

Any report submitted in accordance...by an appropriate certification statement, the language of which will be dictated by 40 CFR 403.6(a)(2)(ii), reviewed by an authorized representative...

**Comment:** Move this phrase closer to the term which it modifies.

§ 28-29-3.6 Sample Collection.

All analysis shall be performed in accordance with procedures established by the approval authority...Sampling shall be performed in accordance with [redacted] and the techniques approved by the approval authority.

**Comment:** This section created by moving paragraphs from section 28-29-3.2. "Sample Collection" should pertain to all reports (BMR, Semi-Annual, etc).

**Comment:** Required Streamlining Rule change.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with alternate test procedures approved by the Approval Authority.

**Comment:** Remove the reference to the EPA 1977 publication.

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 Manager, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

§ 28-29-4 Monitoring Facilities.

The City shall require....

There shall be ample room in or near...

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.

**Comment:** This paragraph supports the Required Streamlining Rule Changes

Whether constructed on public....

§ 28-31-1 Administrative Fines.

Any User who fails...may be assessed an administrative fine of up to \$500.00 per violation per day by the Manager. The City Manager shall be entitled to recover costs...costs of achieving compliance, the City Manager may calculate...

**Comment:** If the City does not designate an official (Manager) who has the authority to impose administrative fines, then the City has voided its ability to assess administrative fines. If no single official has this authority, then the process in this section is similar to that in Section 28-31-2.

§ 28-31-4 Enforcement Provisions Cumulative.

All enforcement provisions, penalties and civil and criminal remedies...none shall limit the others. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. The City shall also...may be entitled at law or equity.

**Comment:** The City presently does not have the authority to enforce the ERP.

**ORDINANCE NO. 2002- 19**

**AN ORDINANCE AMENDING SECTION 28-27-2C OF THE CODE OF ORDINANCES OF THE CITY OF SEARCY WHICH ESTABLISHED UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTE WATER COLLECTION AND TREATMENT SYSTEM FOR THE CITY OF SEARCY, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Searcy, Arkansas, adopted Ordinance No. 96-15 on May 30, 1996, which established uniform requirements for direct and indirect contributors into the Wastewater Collection and Treatment System for the City of Searcy, Arkansas, enabling the City of Searcy, Arkansas, to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and its amendments, and

**WHEREAS**, Ordinance No. 96-15 did not establish an upper pH under Section 2.2.1 (c) of Ordinance No. 96-15, and

**WHEREAS**, the Searcy Board of Public Utilities which operates the Wastewater Collection and Treatment System for the City of Searcy, Arkansas, has experienced and documented at least two upsets at the Wastewater Treatment Plant for the City of Searcy, Arkansas, due to high pH levels, and

**WHEREAS**, it is necessary for the protection of the Wastewater Collection and Treatment System for the City of Searcy, Arkansas, and for the City of Searcy, Arkansas, to adhere to the requirements of the Clean Water Act of 1977 as amended to establish upper pH limits for any wastewater being deposited into the Wastewater Collection and Treatment System for the City of Searcy, Arkansas.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Searcy, Arkansas, to-wit:

**Section 1.**

Section 28-27-2C of the Code of Ordinances of the City of Searcy, Arkansas, is hereby amended and restated to read as follows:

Any wastewater having a pH less than 5.0 or more than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

**Section 2.** That all other provisions of Section 28-27-2C of the Code of Ordinances not hereby amended or altered by this Ordinance shall remain in full force and effect.

**Section 3.** This Ordinance being necessary for the protection of the public health and welfare of the citizens of the City of Searcy, Arkansas, shall be in full force and effect from and after its passage.

ADOPTED this 30<sup>th</sup> day of July, 2002.

  
MAYOR DAVID EVANS

ATTEST:

  
BELINDA LAFORCE, CITY CLERK

Publish by One Insertion

**ORDINANCE NO. 2004-17**

**AN ORDINANCE AMENDING ORDINANCE NO. 96-15 AND FOR OTHER PURPOSES**

Whereas, there now exists a need to amend Ordinance No. 96-15 commonly referred to as the Sewer Pretreatment Ordinance which established uniform requirements for direct and indirect discharge of wastewater into the sewer system in the City of Searcy, Arkansas, and

Whereas, the needed amendment is in reference to the specific pollutant limitations which are set by either the Environmental Protection Agency (EPA) or the Arkansas Department of Environmental Quality (DEQ) and are regularly changed or altered by said regulatory agencies, and

Whereas, the need to amend the Searcy Sewer Pretreatment Program in order to continue for the Searcy Board of Public Utilities to meet the mandated limitations for discharge into the sewer system of the City of Searcy, Arkansas, will allow the Searcy Board of Public Utilities to meet the limitations for such discharge by either the EPA or the DEQ in order to maintain the Searcy wastewater system and keep said system in compliance with the regulatory requirements which are ever changing so the Searcy Board of Public Utilities and the City of Searcy, Arkansas, may maintain the quality of living now found to exist in Searcy, Arkansas, and to provide adequate wastewater treatment service.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEARCY, ARKANSAS, to-wit:

SECTION 1: That Section 2.4 of Ordinance No. 96-15 is amended to read as following:

2.4 Specific Pollutant Limitations (Local Limits)

No ~~person~~<sup>user</sup> shall discharge any waters or wastes into the wastewater system of the City of Searcy, Arkansas, 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 Manager of the Searcy Board of Public Utilities, 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 most stringent~~

The Manager of the Searcy Board of Public Utilities, hereinafter referred to as the 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

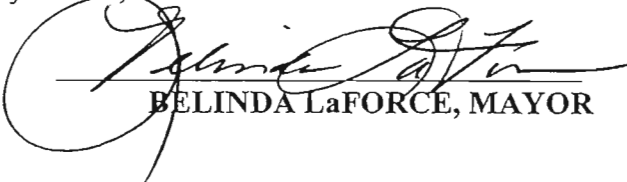
its national pollution discharge elimination system (NPDES) permitted discharge. All Local Limits shall apply to the total flow or total discharge from Industrial Users. In developing specific permit levels, the Manager may impose mass limitations in addition to or in the place of specific concentration-based limits. In addition, the Manager may develop specific discharge limitations for any other toxic pollutants which the Manger 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.

For some non-domestic dischargers, and in particularly those with small daily wastewater flow contributions, the Manager may require such users to abide by the Best Management Practices (BMP) in lieu of permits with specific limitations. The BMPs will enable such users to utilize pollution prevention, conservation and other techniques designed to reduce their contribution of specific pollutants without the burden of the permitting process. Application of the BMPs will be solely at the discretion of the Manager.

Users discharging waters or waste into the wastewater system of the City of Searcy, Arkansas, at a concentration which exceeds the concentration of pollutants as established herein shall be assigned specific limits by the Manager to insure that the POTW influent limits are not exceeded. This section is cumulative to other restrictions on discharge and shall not be interpreted to relax the requirements of any other section.

SECTION 2: All ordinances in effect not herein altered, amended or changed shall remain in full force and effect.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2004.

  
BELINDA LaFORCE, MAYOR

ATTEST:

  
TAMMY GOWEN, CITY CLERK



**CHAPTER 28  
WATER AND SEWER**

- Art. I. In General, §§ 28-1-28-17  
 Art. II. Sewage Disposal, §§ 28-18--28-25  
 Art. III. Sewage Pretreatment §§ 28-26--28-31  
 Art. IV. Backflow and Cross Connection Restrictions §§28-32 — 28-38

**ARTICLE I. In General**

**Sec. 28-1. Water Rate and Charges.**

- a. **Water rates.** The water usage of each customer that is connected to the municipal water system shall be determined each month by meter measurement, and the amount to be paid for water usage by each customer or user shall be computed on the basis of the following schedule of rates:

		<i>Charge per Month</i>	<i>Total Gallons Used</i>
First	2,000 gallons, minimum.....	\$3.00	2,000
Next	98,000 gallons, per 1,000 gallons.....	0.85	100,000
Next	400,000 gallons, per 1,000 gallons.....	0.70	500,000
All Over	500,000 gallons, per 1,000 gallons.....	0.65	

- b. **Minimum meter charges.** The minimum monthly water charge based on meter size shall be determined in accordance with the following schedule:

5/8" meter.....	\$ 3.00
3/4" meter.....	3.00
1 " meter.....	5.00
1 ½ "meter.....	10.00
2 " meter.....	16.00
3 " meter.....	30.00
4 " meter.....	50.00
6 " meter.....	100.00

- c. **Hydrant rental.** Customers maintaining fire hydrants on their premises shall be charged forty-four dollars and four cents (\$44.04) per annum (or three dollars and sixty-seven cents (\$3.67) per month) for each hydrant maintained for use of City fire equipment. This charge also subject to provisions of paragraph (d).

- d. **Sprinkler system.** Any customer maintaining a sprinkler system for fire protection shall, in addition to the regular monthly water charge, pay the following additional charge:

<i>Main Connection</i>	<i>Charge per Year</i>	<i>or</i>	<i>Charge per Month</i>
4 inches	\$ 65.04		\$ 5.42
6 inches	82.08		6.84
8 inches	108.00		9.00
10 inches	150.00		12.50

Additional heads over the minimum allowed at eight cents (\$0.08) each.

These charges will be billed on a monthly base of one-twelfth (1/12) of the annual fee per month.

For the customers with both the sprinkler system and the fire hydrants, there will be no dual charge but the annual (or monthly) charge will be based on the greater of the two (2), to-wit: The sprinkler rate as opposed to the charge per hydrant time the hydrants located on private property.

- e. **Connection charge.** (A) For each customer connection to the water system situated within the Searcy City limits there shall be charged:

5/8" meter.....	\$200.00
1" meter.....	300.00

All larger than 1" meter - Actual cost, material, labor and overhead, but not less than \$300.00.

(B) For each customer connection to the water system situated outside the Searcy City limits, there shall be charged:

5/8" meter.....	\$400.00
1" meter.....	600.00

All larger than 1" meter - Actual cost, material, labor and overhead, but not less than \$600.00.

- f. **Apartments and separate dwelling units.** Each family or business shall be considered as a separate customer or user. Each apartment in an apartment house or dwelling and each separate dwelling unit, including trailers, shall be considered as a separate unit, provided this subsection shall not apply to motels or hotels operated as such.

- g. ***Multiple user unit billing.*** Except in the case of fire hydrants, and except where multiple user units are connected to one supply line, separate meters shall be installed for each consumer and/or user, both public and private. In the case of multiple user units connected to one supply line, one meter may be installed but the owner, landlord, and/or operator shall be billed by dividing the amount of water consumed by the number of units and then applying the present rate. Any unit of a multiple unit not occupied for a full period covered by a monthly billing may be eliminated and not paid for if notice, prior to billing, is given the Board of Public Utilities. Occupancy will be assumed unless such notice is given prior to each monthly billing.
  
- h. ***Advance deposits.*** The Searcy Board of Public Utilities (Utility) shall require a deposit from any applicant for water and/or sewer service to guarantee payment for the service. The amounts of deposits shall be as follows: (1) \$40.00 for new residential customers, (2) Apartment complexes and trailer parks: A deposit equal to \$40.00 per apartment or trailer space within the park, (3) Other commercial: A deposit equal to but not limited to the water and sewer connection fee. Commercial customers which can show the water and sewer bill for two months to be less than the connection fees may request that the deposit be reduced. The Utility may require additional deposit from customers to guarantee payment for the services for the following reasons: service to the customer has been discontinued for failure to pay a delinquent account; the customer has rendered two insufficient fund checks to the Utility in the preceding twelve months; the customer has misrepresented his identity for the purpose of obtaining service; the customer has engaged in unauthorized or fraudulent use of procurement of service or tampering with pipes, meters or other utility equipment; the customer has failed to make payment of amounts due for 2 consecutive months.

The amount of such additional deposit requirement shall be set by the Searcy Board of Public Utilities or its system manager. Nothing in this provision shall restrict the right of the Utility to discontinue service in lieu of requiring additional deposit. Upon final discontinuation of service, the Utility shall apply the existing deposit to any amount due. Any balance due the customer shall be promptly refunded. When a customer requests transfer of service to a new location, and the new service is commenced within 180 days of the request, the customer shall not be required to make an additional deposit, except as may be required above due to the customer's improper handling of the customer's account.

- i. ***Rates for colleges and institutions.*** All non-residential college or institutional buildings belonging to one institution may be put on one meter and billed as one consumer, where it is feasible to so connect such buildings; otherwise, however, the buildings shall be metered separately. Each dormitory shall be put on a separate meter and billed as one consumer.

- j. **Monthly billings.** Bills for water service shall be rendered monthly and if not paid before the tenth day following the original date of billing, a ten percent (10%) penalty shall be added to the bill. If the bill is not paid within thirty (30) days from the original date of billing, service shall be discontinued and the premises shall be disconnected from the waterworks system. The meter shall be read and billings made upon a period of thirty (30) days, the same to be determined by the Board of Public Utilities at any date of the calendar month. A charge of three dollars (\$3.00) shall be made for reconnecting a delinquent premise. (Ord. No. 432, §1, 12-2-60; Ord. No. 641, § 1-3, 6-9-81; Ord. No. 667, 7-17-84; Ord. No. 91-21, 11-26-91)

**Sec. 28-2. Sewer Rates.**

- a. **Sewer rates.** All monthly sewer charges shall be based upon the water consumption of each customer or user. In the event that the water user is a tenant or lessee, the water used for consumption by said tenant and lessee shall be the basis for the sewer bill to be rendered. The rates to be charged for the services rendered by the City of Searcy through its Board of Public Utilities shall be as follows:

<i>Water Consumption</i>	<i>Sewer Charge Per Month</i>
First 2,000 gallons, (minimum charge per mo).....	\$ 6.80
Next 498,000 gallons, per 1,000 gallons.....	1.57 per 1,000 gallons
All over 500,000 gallons, per 1,000 gallons.....	1.51 per 1,000 gallons

- b. **Customer classification.** All customers shall be classified as either residential, commercial or industrial customers.
- c. **Minimum charges.** The following minimum charges shall be made:
  - i. Residential customers.....\$ 6.80
  - ii. Commercial and Industrial..... 16.50
- d. **Connection charge, commercial and industrial.** All commercial and industrial customers shall be charged a sewer connection fee based upon actual cost of investigation by the Board of Public Utilities of the customers proposed effluent or waste that will be discharged into the system.
- e. **Apartments and separate dwelling units.** Each family or business shall be considered as one customer or user. Each apartment in an apartment house,

and each separate dwelling unit, including trailers, shall likewise be considered as a separate residential customer or user.

- f. **Monthly billings and delinquencies.** If the charges for sewer services are not paid by the tenth of the month following the month in which service is rendered, a penalty of ten percent (10%) shall be added. All rates or charges, if not paid when due, shall constitute a lien upon the premises served by the sewer system, said charges to constitute a lien upon the fee title to the land and permanent improvements, even though the occupant receiving the benefit of the service for which the charge was due may have less than a freehold interest in the premises. If any service charge so established be not paid within thirty (30) days after the same is due, the water service to said delinquent premises shall be discontinued, and the amount of such payment in arrears, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the Board of Public Utilities in a suit filed in the Chancery Court of white County in the name of the City, in which suit said lien may be foreclosed against such lot, parcel of land, or building.
- g. **Nonuse of sewer.** Commercial and industrial customers, whose water use is such that an appreciable percentage does not reach the sanitary sewer system, may make written application to the Board of Public Utilities for reduction in their sewer charge. Upon receipt of a proper application, the board shall determine a fair percentage of the total water usage that does reach the sanitary sewer system, and the monthly charge for sewer service thereafter shall be based upon such percentage of total water use. In no event, however, shall such percentage be less than fifty percent (50%) of the metered water used by such customers.
- h. **Excess use of sewer.** For customers obtaining water from sources other than the municipal waterworks system, the Board of Public Utilities shall determine the amount of water obtained by such customer from other sources, and the amount so determined shall be used, together with the amount reflected by the metered use of water from the municipal waterworks, to compute the total sewer charge to be paid by such customer.
- i. **Residential rate; summer months.** The residential summer sewer charge shall be determined by the Searcy Board of Public Utilities by calculating the average monthly sewer consumption rate for each residential customer during a previous "non-lawn-watering" six month period, and that average monthly consumption sewer rate be utilized and charged during the months of June through October, both inclusive, for all residential sewer services in the City of Searcy, Arkansas. For those customers of the sewer system who do not have a six month "non- lawn-watering" history of prior sewer service at the

time the aforesaid summer sewer rates are charged, the average city wide six month residential sewer consumption rate calculation will be utilized for that particular sewer customer. The Searcy Board of Public Utilities is authorized to alter from time to time the six month averaging period if in the opinion of the Searcy Board of Public Utilities due to ambient weather conditions a different six month period would represent a more fair calculation method for the summer sewer rate charge. The Searcy Board of Public Utilities in no event is authorized to alter the calculation to determine the summer residential sewer rate and charge a rate which would exceed the rates established by the Searcy City Council under any existing sewer rate ordinance or ordinance adopted in the future. (*Ord. No. 432, § 2, 12-2-60; Ord. No. 562, § 2, 10-9-73; Ord. No. 628, §§ 1,2, 6-10-80; Ord. No. 93.08, §§ 1-4, 2-9-93; Ord. No. 663, 10-11-83; Ord. No. 682, 3-12-85; Ord. No. 91-22, 12-5-91*)

**Section 28-2A:**

- a. In addition to the regular rates in effect, the following charges shall be imposed on all commercial and industrial users of the Wastewater Collection System of the City of Searcy, Arkansas:
  - i. There shall be a surcharge of \$0.05 per pound for discharge with concentrations of BOD5 in excess of 225 mg/l (milligrams per liter) to be computed by use of the following formula:

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

Where:

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

V = Volume in 1000 gallons per month

CB = Concentration of BOD5 in mg/l

BOD5 (Biochemical Oxygen Demand) is defined as:

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

- ii. 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:

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

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

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

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

Where:

SO&G = Surcharge for oil and grease in excess of 100 mg/l

V = Volume in 1000 gallons per month

CO&& = Concentrations of oil and grease in mg/l

- b. 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.
- c. Discharges of such pollutants and concentrations of such pollutants shall be monitored as set forth in Sections 28-26 et seq. dealing with Sewage Pretreatment.

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

- d. The City reserves the right to make any necessary changes in the levels of concentration which will lead to imposition of a surcharge and to the surcharge to be imposed for specific concentrations. (*Ord. No. 679, §§ 1-4, 11-13-84*)

**Sec. 28-3. Bond Revenue.**

Nothing herein is intended to reduce the total revenue to be derived from the water and sewer system from that which would be collectible under the rates established for water and sewer service at the time of the passage of Ordinance No. 305, Ordinance No. 337, and Ordinance No. 385 (water and sewer bond ordinances), it being the intention of the City in the adoption of this article to equalize its water and sewer rates to the end that an equal or greater amount of revenue will be derived by the use of such rates. *(Ord. No. 432, § 3, 12-2-60; Ord. No. 562, § 3, 10-9-73)*

**Sec. 28-4. Sales Taxes Added.**

All taxes under the Arkansas Gross Receipts Law or any taxes levied by the United States Government upon the charges herein provided for shall be added to the total billing each month. *(Ord. No. 432, § 4, 12-2-60; Ord. No. 562, § 6, 10-9-73)*

**Sec. 28-5. Additional Charge for Elevated Area; Water and Usage.**

- a. The Board of Public Utilities may charge in addition to the basic water and sewer rates provided, an additional charge sufficient to defray the actual costs that result from pumping water to elevated areas where sufficient pressure cannot be otherwise maintained. Likewise, for providing pumps and pressure lines for sewage in areas that cannot be served by gravity flow. Such charges shall be based on actual operating cost, plus depreciation and estimated repairs on pumping equipment. In the event elevated storage tanks are required, such additional charge shall be on a basis of the annual cost of the additional pumping cost plus amortization of any indebtedness incurred in the construction of such tanks. *(Ord. No. 562, § 4, 10-9-73)*

**Sec. 28-6. Additional Charge for Industrial Waste Treatment.**

- a. Where the Board of Public Utilities takes action to require payment under section 29-22(e), the following cost recovery formula may be used.
- b. The following formula will be used to determine monthly sewer charges for industries in the City:

$$I.C. = jV + V/a$$

- I.C. = Industrial charge per month
- V = Volume of water used by industry in thousands of gallons per month
- j = Basic rate in dollars per thousand gallons
- a = Monthly cost of operation and maintenance of treatment facility



V: = Total volume of water used by the City in thousands of gallons per month  
The basic sewer rate, "j", will be as per rate schedule otherwise adopted by the City.

The value for "a" will be determined by the City based on their anticipated annual operation and maintenance costs.

- c. In the event an industry refuses to pay charges as defined in paragraph (b), the City shall have the authority to stop the flow of that industry's waste from entering into the principal sewer system. (*Ord. No. 562, § 7, 10-9-73*)

#### **Sec. 28-7. Water Conservation and Rationing Measures Authorized.**

That it is hereby determined that in order for the Searcy Board of Public Utilities to provide and maintain a sufficient and manageable water supply and distribution system for human consumption, sanitation, and fire protection, and to insure the safety and well-being of the users of water provided by the water system of the city of Searcy, it is necessary to manage water service demands on the water supply, transmission and distribution system of the Searcy Water System by limiting water consumption through restrictions and prohibitions on the use of water during certain times as set out below.

That this Section 28.7 and the conservation and rationing measures authorized under Conservation Situation (Phase I) and Advanced Conservation Situation (Phase II) shall apply to the following water users of the Searcy water system if so designated by the Manager of the Searcy Water System, or his designated agent, the water users being as follows, to-wit:

- a. All residential water users of the Searcy Water System.
- b. Conservation Situation (Phase I) shall apply to all commercial and industrial users, but only to restrict outside watering of lawns, shrubs, plants and trees in accordance with Section 3 hereinafter.
- c. All commercial and industrial water users of the Searcy Water System shall be subject to the conservation measures under an Advanced Conservation Situation (Phase II) as set forth in Section 4 hereinafter.
- d. All wholesale water users supplied by the Searcy Board of Public Utilities shall not be subject to the terms and provisions of this Article, but in the event an Advanced Conservation Situation (Phase II) is declared to exist, the Searcy Board of Public Utilities shall implement the water restriction provisions contained in the wholesale water contracts between the Searcy Board of Public Utilities and the aforesaid wholesale water purchasers.

That this Section 28-7 shall become effective to the users as defined above and as to the water provided for by the Searcy Water System as determined by the Manager of the Searcy Water System, or his designated agent, when, in the opinion of the Manager of the Searcy Water System, or his designated agent, the ability of the Searcy Water System has been impaired and it cannot provide adequate or safe water to the water system users due to water availability, water treatment ability, storage capacity, transmission or distribution problems.

In the event the Manager of the Searcy Water System, or his designated agent, determines that this Section 28-7 should become effective to any of the aforesaid users of the water system, a Conservation Situation (Phase I) shall be declared to exist and any of the aforesaid users so designated and in the designated area or areas shall be restricted to outside watering of lawns, shrubs, plants, trees and gardens by hand-held hose while the user is physically present. Residential users with even-numbered addresses or box numbers may water with hand-held hose on even-numbered days. Residential users of water with odd-numbered addresses or box numbers may water with hand-held hose on odd-numbered days. No watering is permitted between 9:00 a.m. and 6:00 p.m.

In the event the aforesaid Conservation Situation (Phase I) declaration does not cure or allow the Searcy Water System to eliminate the adequacy or safety problem which exists with the water system, or whenever any other emergency exists as determined by the Manager of the Searcy Water System, or his designated agent, an Advanced Conservation Situation (Phase II) shall be declared to exist and go into effect. During Phase II, any of the aforesaid users so designated in the area or areas designated by the Manager of the Searcy Water System, or his designated agent, shall be prohibited from any outside water use and any other restrictions as directed by the Manager of the Searcy Water System, or his designated agent, until further notice. Notification to the aforesaid users in the designated area or areas shall be by any reasonable means, which may include, but are not limited to, media coverage, hand-delivered printed notices, telephone calls, or door-to-door notices.

That this Section 28-7 shall apply to any of the aforesaid users of water, if so designated, provided by the Searcy Water System in the designated area or areas as determined by the Manager of the Searcy Water System, or his designated agent. Whenever an emergency exists as determined by the Manager of the Searcy Water System, or his designated agent, by reason of a shortage of water, limited distribution facilities or any other circumstances which make it necessary to immediately conserve water, there is hereby delegated to the Manager of the Searcy Water System, or his designated agent, the authority to implement the conservation measures of Phase I and/or Phase II and any other conservation measures which are necessary to maintain potable water for essential public health and safety functions.

These emergency measures shall remain in effect until the next regularly-scheduled meeting or special meeting of the Searcy Board of Public Utilities for the Searcy Water System, at which time the Board shall decide whether it is necessary to continue the said measures.

The failure to comply with or a violation of any requirements contained in this Section 28-7 by any user of water from the Searcy Water System is hereby declared to be unlawful, and any user

of water subject to the jurisdiction of the City, upon being convicted of such unlawful act, shall be deemed guilty of a misdemeanor and shall be fined in accordance with the following schedule:

<b>First Violation</b>	<b>not more than \$200.00</b>
<b>Section Violation</b>	<b>not less than \$250.00 nor more than \$500.00</b>
<b>Third Violation and each Subsequent Violation</b>	<b>not less than \$500.00 nor more than \$1,000.00</b>

Provided, however, that before any criminal action is prosecuted, the Searcy Board of Public Utilities shall notify the alleged violator and afford the alleged violator the opportunity to present any information or defense to the alleged violation to the Searcy Board of Public Utilities in writing or in a meeting with the Searcy Board of Public Utilities. It is further authorized that in the prosecution for a first violation only, any and all Court costs can be waived. (*Ord. No. 94-04, 3-8-94*)

**Sec. 28-8. - 28-17. Reserved.**

### **ARTICLE 11. Sewage Disposal.**

**Sec. 28-18. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. *BOD* (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
2. *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
4. *Combined sewer* shall mean a sewer receiving both surface run-off and sewage.
5. *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

6. *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, of business as distinct from sanitary sewage.
7. *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
8. *Person* shall mean any individual, firm, company, association, society, corporation or group.
9. *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. *Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.
11. *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
13. *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm waters as may be present.
14. *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.
15. *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. *Sewer* shall mean a pipe or conduit for carrying sewage.
17. *Shall* is mandatory; *may* is permissive.
18. *Slug* shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

19. *Storm drain* (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. *Superintendent* shall mean the superintendent of sewage works of the City of Searcy, Arkansas or his authorized deputy, agent or representative.
21. *Suspended solids* shall mean solids that float on the surface of; or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
22. *Watercourse* shall mean a channel in which the flow of water occurs, either continuously or intermittently. (*Ord. No. 557, Art. I, §§ 1-22, 1-8-73*)

**Sec. 28-19. Use of Public Sewers Required.**

- a. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Searcy, Arkansas, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- b. It shall be unlawful to discharge to any natural outlet within the City of Searcy, Arkansas, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- d. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (*Ord. No. 557, Art. II, §§ 1-4, 1-8-73*)

**Sec. 28-20. Private Sewage Disposal.**

- a. Where a public sanitary sewer is not available under the provisions of Section 28-19, the building sewers shall be connected to a sewage disposal system

approved by the Arkansas State Board of Health and, in particular, the rules and regulations pertaining to sewage disposal systems promulgated by the Arkansas State Board of Health.

- b. That at such time as a public sanitary sewer becomes available to service any property utilizing a private sewage disposal system, such property shall be connected to the public sanitary sewer system as provided in Section 28-19, and any private sewage disposal system shall be abandoned, cleaned of sludge and other debris and filled with suitable material within ninety (90) days of the public sanitary sewer system becoming available for service to the property. (*Ord. No. 557, Art. III, §§ 1-8, 1-8-73; Ord. No. 94-08, 4-12-94*)

**Sec. 28-21. Building Sewers and Connection.**

- a. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the superintendent.
- b. All costs and expense incident to the installation and connection of the building sewer shall be done by the owner. The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- c. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- d. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.
- e. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- f. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- g. No person shall make connection of roof downspout, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- h. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- i. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.
- j. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (*Ord. No. 557, Art. IV, §§ 1-10, 1-8-73*)

**Sec. 28-22. Use of the Public Sewers.**

- a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- i. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - ii. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
  - iii. Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - iv. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- d. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- i. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade).
  - ii. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at



temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Centigrade)

- iii. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- iv. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- v. Any waters or waste containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting and excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- vi. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other agencies of jurisdiction for such discharge to the receiving waters.
- vii. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- viii. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).

- (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- ix. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- e. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in paragraph (d) of this section, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:
    - i. Reject the wastes.
    - ii. Require pretreatment to an acceptable condition for discharge to the public sewers.
    - iii. Require control over the quantities and rates of discharge and/or;
    - iv. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of paragraph (j) of this article.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- f. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

- g. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- h. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes, shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- i. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
- j. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern. *(Ord. No. 557, Art. V, §§ 1-10, 1-8-73)*

**Sec. 28-23. Unauthorized Tampering with Equipment.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. *(Ord. No. 557, Art. VI, § 1, 1-8-73)*

**Sec. 28-24. Powers and Authority of Inspectors.**

- a. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties

for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- b. While performing the necessary work on private properties referred to in paragraph (a) above, the superintendent or fully authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 28-22(h).
- c. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of; but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, which work shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. *(Ord. No. 557, Art. VII, §§ 1-3, 1-8-73)*

**Sec. 28-25. Penalties.**

- a. Any person found to be violating any provision of this article, except Section 28- 23, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof The offender shall within the period of time stated in such notice, permanently cease all violations.
- b. Any person who shall continue any violation beyond the time limit provided for in paragraph (a) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty-five dollars (\$25.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Color Code **Red** ⇒ Required Changes Green ⇒ Recommendation changes & Yellow ⇒ Attention Only

- c. Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (*Ord. No. 557, Art. VIII, §§ 1-3, 1-8-73*)

### ARTICLE III. Sewage Pretreatment.

#### Section 28-26. General Provisions.

##### Sec. 28-26-1 Purpose and Policy.

✓ This Article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Searcy and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

✓ The objectives of this Article are:

- ✓ a. To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- ✓ b. To prevent the introduction of pollutants into the municipality wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- ✓ c. To improve the opportunity to recycle and reclaim waste waters and sludges from the system;
- ✓ d. To encourage pollution prevention in waste reduction prior to recycling, treatment, or disposal;
- ✓ e. To provide for equitable distribution of the cost of the municipal wastewater system; and
- ✓ f. To prevent any violation of the City's NPDES (National Pollutant Discharge Elimination System) permit.

✓ This Article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted,

and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Article shall apply to persons within the City of Searcy and to persons outside the City who are, by contract or agreement with the City, or physical connection to the sewer system, Users of the City Publicly Owned Treatment Works (POTW). Users so defined are deemed to consent to the provisions of this Article. This Article is a supplement to Article II of Chapter 28 of the Code of Ordinances and repeals Searcy Ordinances No. 678, No. 701, and No. 87-15, as amended, and repeals any previous Ordinances in conflict herewith. Except as otherwise provided herein, the Manager of the Searcy Water and Sewer System shall administer, implement, and enforce the provisions of this Article.

**Sec. 28-26-2 Definitions.**

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

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority. The ~~Arkansas Department of Pollution Control and Ecology~~ **(ADPC&E)**.
3. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative or other individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; (4) The Plant Manager of the Industrial User.
4. Biochemical Oxygen Demand (BOD). <sup>Maximum oxygen</sup> 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 (milligrams per liter (mg/l)).
5. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
6. Categorical Standards. National Categorical Pretreatment Standards developed under 33 U.S.C. 1317 of the Act.
7. City. The Searcy Board of Public Utilities d/b/a the Searcy Water and Sewer System.

- ✓ 8. Cooling Water. The water discharged from any use such as air conditioning cooling or refrigeration, or to which the only pollutant added is heat.
- ✓ 9. Control Authority. ~~Under the provisions of 40 CFR 403.12(a), the "Control Authority" shall be the "Manager."~~
- ✓ 10. Direct Discharge. <sup>introduction</sup> The discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.
- ✓ 11. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- ✓ 12. Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and in less than a 15-minute period of time {see 40 CFR 403, Appendix E).
- ✓ 13. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- ✓ 14. Indirect Discharge. The ~~discharge~~ or the introduction of non-domestic pollutants from any source ~~regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317)~~, into the POTW (including holding tank waste discharged into the system).
- ✓ 15. Industrial User. <sup>User</sup> ~~Any business User discharging any material other than normal domestic sanitary wastewater.~~ *Not Appropriate*
- ✓ 16. Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit or causes harm to the system. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- X 17. National Categorical Pretreatment Standard or Pretreatment Standard. ~~Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR 403.5 (see 40 CFR 403.3(j)).~~

18. ~~National Prohibitive Discharger Standard or Prohibitive Discharge Standard.~~ Any regulation developed under the authority of 307 (b) and (c) of the Act and 40 CFR, Section 403.5.

19. New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section (40 CFR 403.300). *as described in [scribble]*

20. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

21. Person. Any individual, partnership, co-partnership, firm company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*extra period*

22. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in gram equivalents per liter of solution. *pH is a measure...*

23. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

24. Pollution Prevention. A preventive approach to environmental protection which reduces harmful pollutants at the source and involves the reduction of wastes prior to recycling, treatment, or disposal.

25. Pollutant. Any dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

26. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6 (d).



X 27. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a ~~National Pretreatment Standard imposed on an industrial user~~.

✓ 28. Publicly Owned Treatment Works (POTW). A treatment works defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipe, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

✓ 29. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

✓ 30. Shall is mandatory: May is permissive

X 31. Significant Industrial User. The city defines an Significant Industrial User as one which meets the following criteria per 40 CFR 403.3(t):

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority ~~as defined in 40 CFR 403.12(a)~~, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f) (6)).

✓ 32. 3. Upon finding that a User meeting the criteria, State. State of Arkansas.

✓ 33. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

- ✓ 34. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- ✓ 35. 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 filtering.
- ✓ 36. Manager. The person designated by the Searcy Board of Public Utilities to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Article, or his duly authorized representative.
- ✓ 37. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other acts.
- ✗ 38. User <sup>Industrial User</sup>. Any person who, directly or indirectly, contributes, causes or permits the contribution of wastewater into <sup>the</sup> City's POTW.
- ✓ 39. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial building, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- ✓ 40. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- ✓ 41. Wastewater Contribution Permit. As set forth in Section 28-29-2 of this Article.
- ✓ 42. Significant Noncompliance. An Industrial User is significantly noncompliant when its violations are of such consequence to meet the definition as described in 40 CFR 403.8(f)(2)(viii).
- ✓ 43. Composite Sample. A combination of individual samples of water or wastewater taken at selected intervals to minimize the effect of the variability of the individual samples (40 CFR 403, Appendix E).
- ✓ 44. Maximum Allowable Discharge Limit. The highest allowable discharge, measured in pounds per day (lbs/day) or milligrams per liter (mg/L).

✓ 45. Pass Through. A discharge which exits the POTW into waters of the ~~United States~~ in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

✓ 46. Slug Load. Any pollutant in a discharge at a flow rate and/or pollutant concentration which will cause interference at the POTW.

Added Para<sup>n</sup> 47 ~~BMP~~

Sec. 28-26-3 Abbreviations.

The following abbreviations shall have the designated meanings:

- ADPC&E - Ark. Department of Pollution Control & Ecology
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - Environmental Protection Agency
- L - Liter
- mG - Milligrams
- mg/L - Milligrams per Liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- SIC - Standard Industrial Classification
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- USC - United States Code
- TSS - Total Suspended Solids
- SBPU - Searcy Board of Public Utilities

Section 28-27 - Regulations.

Sec. 28-27-1 General Discharge Prohibitions.

It shall be unlawful to and no User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, or which may be otherwise harmful to it. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

Sec. 28-27-2 Specific Discharge Prohibitions.

A user ~~may~~ shall not contribute the following substances to the POTW:

- V
- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM standard method D-93-79 or D-93-80 or a Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78 and pollutants which cause an exceedence of 10% of the Lower Explosive Limit (LEL) at any point within the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has deemed to be a fire hazard or a hazard to the system.
- V
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- V
- c. Any wastewater having a pH less than 5.0 or more than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- J
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- V
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, or pollutants which result in the presence of toxic

gases, vapors, or fumes within the POTW in a quantity that may cause acute workers health and safety problems.

f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Water Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

g. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F).

j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.

l. Any wastewater which causes a hazard to human life or creates a public nuisance.

m. Any trucked and/or hauled wastes except as described in Section 28-29-1 of this Article. (Ord. No. 2002-19, 7-30-02)

When the Manager determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, or to cause the City to be in violation of any applicable statute or regulation, the Manger shall: 1) Advise the User(s) of the impact of the contribution on the POTW; 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW or violation; and 3) Take any enforcement measures necessary and appropriate under the circumstances, as described in Sections 28-30 and 28-32 of this Article.

**Sec. 28-27-3 <sup>National</sup> Federal Categorical Pretreatment Standards.**

Upon the promulgation of the <sup>National</sup> Federal Categorical Pretreatment Standards for a particular industrial subcategory, the <sup>National</sup> Federal Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR Section 403.12, and its amendments. Failure of the Manager to notify affected Users does not relieve the Users of the above applicable reporting requirement.

**Sec. 28-27-4 <sup>National</sup> Modification of Federal Categorical Pretreatment Standards.**

If the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the <sup>National</sup> Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant or alterations of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the <sup>National</sup> Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

**Sec. 28-27-5 Specific Pollutant Limitations.**

It shall be unlawful to and no User shall discharge wastewater into the City's wastewater treatment system such that the INFLUENT to the wastewater treatment plant exceeds the following:

Pollutant	Maximum Allowable Headworks Loading (MAHL) per MGD of WWTP flow (lbs/day)
Arsenic	0.83
Cadmium	1.02
Copper	4.33

Chromium	114.24
Cyanide	1.14
Lead	0.98
Mercury	0.006
Molybdenum	4.36
Nickel	9.70
Selenium	0.87
Silver	0.21
Zinc	21.81

Users discharging wastewaters in excess of the local limits developed from the above MAHL values shall be assigned specific limits by the Manager to insure that the treatment system influent limits are not exceeded. This section is cumulative to other restrictions on discharge and shall not be interpreted to relax the requirements of any other section of this Article.

**Sec. 28-27-6 State Requirements.**

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

**Sec. 28-27-7 City's Right of Revision.**

The City reserves the right to establish by Article more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 28-26-1 of this Article.

**Sec. 28-27-8 Dilution.**

The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 28-26-1 of this Article.

**Sec. 28-27-9 Accidental Discharges/Slug Discharge Control Plans**

Each User shall provide protection from slug loads/accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent slug loads/accidental discharge of prohibited materials shall be provided and maintained at the owners or user's own cost and expense. All existing Users that are determined by the city to need a slug load control plan shall complete such a plan within one year of the effective date of this Article. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. IN THE CASE OF AN ACCIDENTAL

DISCHARGE IT IS THE RESPONSIBILITY OF THE USER TO IMMEDIATELY TELEPHONE AND NOTIFY THE POTW OF THE INCIDENT. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions, when required by the Permit Compliance Schedule.

Written Notice: Within five (5) days following an accidental discharge; the User shall submit to the Manager a detailed written report describing the cause of the discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees: A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Employers shall insure that all employees who may cause or suffer such a dangerous accidental discharge to occur are advised of the emergency notification procedure.

~~Add Notification Requirement here~~  
**SECTION 28-28- FEES**

**Sec. 28-28-1 \_\_\_\_\_ Purpose.**

It is the purpose of this section to provide for the recovery of costs from Users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

**Sec. 28-28-2 \_\_\_\_\_ Charges and Fees.**

The City may adopt charges and fees which may include:

- a. fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- b. fees for monitoring, inspections and surveillance procedures;
- c. fees for reviewing accidental discharge procedures and construction;
- d. fees for permit applications
- e. fees for filing appeals;



- ✓
- f. fees for consistent removal by the City of pollutants otherwise subject to ~~Federal Pretreatment Standards;~~ *National Categorical*
  - g. other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the City.

## SECTION 28-29- ADMINISTRATION.

### Sec. 28-29-1 Wastewater Discharges.

✓ When requested by the Manager, or his designee, a user must submit information on the nature and characteristics of its wastewater within a time that will be specified in such request. The Manager, or his designee, is authorized to prepare a form for this purpose and may periodically require users to update this information.

X It shall be unlawful to discharge without a city permit into the wastewater collection system or into the POTW of the City of Searcy, any wastewater except as authorized by the Manager in accordance with the provisions of this Article. Permits for the discharge of industrial wastewater shall be obtained by all *or Significant Ind Users* Significant Industrial Users of the Searcy POTW. Other users of the system may be required to obtain permits, as well.

✓ Discharges of holding tank or other trucked or hauled wastes into the wastewater collection system or into the POTW of the City of Searcy, are strictly prohibited except where specifically designated by the Manager. Permits for holding tank, trucked, or hauled wastes shall be obtained from the Manager prior to any such discharge to the Searcy system. Dischargers shall meet minimum requirements and will pay appropriate fees for the service, as established by the City under the authority of Section 28-28 of this Article.

✓ Discharge of trucked wastes without a permit, or in a location other than one designated by the Manager, is subject to enforcement and penalties as outlined in Sections 28-30 and 28-31 of this Article. The Searcy Board of Public Utilities or Manager may promulgate regulations concerning issuance of permits for discharge of holding tank, trucked, or hauled wastes, fees, designated discharge points and other requirements or procedures.

### Sec. 28-29-2 WASTEWATER CONTRIBUTION PERMITS.

#### Sec. 28-29-2.1

~~General Permits.~~

*\* Permit Requirement*

*\* Misnomer*  
28-33

X  
+  
All users who may discharge anything other than normal domestic sanitary wastewater must make application for a wastewater discharge permit. The Manager will then make a determination whether the applicant is a significant user who must obtain a permit.

SIU  
All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

Sec. 28-29-2.2 Permit Application. contents

X  
Users required to apply for or obtain a Wastewater Contribution Permit shall complete and file with the City an application in the form prescribed by the City and accompanied by a fee outlined in the City's schedule of charges and fees. Existing Significant Users have already been issued permits under City of Searcy Ordinance No. 678. New users of the Searcy POTW shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information, unless deemed inapplicable by the Manager.

- ✓ a. Name, address, and location, (if different from the address);
- ✓ b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- ✓ c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Article 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;
- ✓ d. Time and duration of contribution;
- ✓ e. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- ✓ f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- ✓ g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharges;
- ✓ h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or <sup>National</sup> Federal Pretreatment Standard, and a statement regarding whether or not the pretreatment standards are being met

✓ on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

✓ i. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

✓ i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring art engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

✓ ii. No increment referred to in paragraph (I) above shall exceed 9 months.

✓ iii. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not; the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Manager.

✓ j. Each product produced by type, amount, process or processes and rate of production;

✓ k. Type and amount of raw materials processed (average and maximum per day);

✓ l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

✓ m. A statement, reviewed by an authorized representative of the industrial user 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 and/or additional pretreatment is required for the industrial user to meet the Pretreatment Standard and requirements. The certification statement shall take the form of 40 CFR 403.6(a) (2) (ii).

n. Any other information as may be deemed by the City to be necessary to evaluate the permit application, such as the submission of a Pollution Prevention Plan.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

**Sec. 28-29-2.3 Permit Modifications.**

Within 9 months of the promulgation of a National categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 28-29-2.2, the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) of Section 28-29-2.2.

**Sec. 28-29-2.4 Permit Conditions.**

Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the City, and all applicable provisions of the General Pretreatment Regulations, 40 CFR Part 403 and its amendments. Permits may contain the following:

- 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 (see 28-29-3);
- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto for a period of not less than 3 years;
- 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 (see 28-29-2.5).~~
- ~~l. Requirements in regard to transferability (see 28-29-2.6).~~
- ~~m. Statements of applicable civil and criminal penalties for violations of pretreatment standards and requirements (see Sections 28-30 and 28-31).~~
- ✓ n. Other conditions as deemed appropriate by the City to ensure compliance with this Article.
- ✓ o. Requirements for submission of Pollution Prevention Plans in accordance with the Pollution Prevention Act of 1990.

MOVE

~~Not optional~~

~~Strike~~

~~Add required contents~~

**Sec. 28-29-2.5**

**Permits Duration.**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 28-27 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**Sec. 28-29-2.6**

**Permit Transfer.** Nontransferability

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

**Sec. 28-29-2.7 Permit Appeal.**

Any User who is denied a permit, the right to transfer a permit, or is issued a permit with conditions, may appeal the denial or any of the permit conditions to the City. The appeal shall be filed with the City within 30 days from the date of the denial or within 30 days of the date of any conditional permit. The City shall provide the appeal forms to any User upon request. The City shall hear any such appeal within 30 days of its filing.

**Sec. 28-29-3 REPORTING REQUIREMENTS FOR PERMITTEE.**

\* ~~Add Requirement to submit Baseline Monitoring Report~~  
**Sec. 28-29-3.1 Compliance Date Report.**

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements.

**Sec. 28-29-3.2 Periodic Compliance Reports.**

- a. Any user subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Manager at the end of the months of June and December, unless required more frequently in the Pretreatment Standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. This report shall include a record of maximum daily and average flows during the reporting period.
- b. The Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass

\* No BMR language included, the City has included the "Ninety-Day Report" language

of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the approval authority. Sampling shall be performed in accordance with the techniques approved by the approval authority.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedure approved by the approval authority.

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Section  
28-29-3.6

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reference to  
EPA publication.

**Sec. 28-29-3.3 Signatory and Certification Requirements.**

Any report submitted in accordance with 28-29-3.1 and 28-29-3.2 above shall be accompanied by an appropriate certification statement reviewed by an authorized representative of the industrial user. Signatory requirements shall be in accordance with 40 CFR 403.12(1), the language of which will be dictated by 40 CFR 403.6(a)(2)(ii), and said report shall be signed accordingly.

**Sec. 28-29-3.4 Non-Categorical Significant Industrial Users.**

In accordance with 40 CFR 403.12(h), the Control Authority shall require appropriate reporting from all significant industrial users, regardless of whether or not they are subject to any Categorical Pretreatment Standards. Such reporting shall include, but not be limited to, sampling and analysis of the discharge wastestream at least once every six months.

Said monitoring and reporting by the significant industrial users shall be at the frequency as specified in the significant industrial user's Wastewater Contribution Permit. The reports shall include a description of the nature, concentration, and flow of the pollutants required to be monitored as specified in the user's Permit, and will be based on sampling and analysis performed in the period covered by the report. All sampling and analysis shall be performed in accordance with the techniques described in 40 CFR 136 and amendments thereto.

All reports submitted to the Control Authority under this subparagraph shall be signed by the industrial user's authorized representative.

**Sec. 28-29-3.5**      **IU Notice of Violation/Repeat Sampling.**

If sampling performed by an industrial user indicates a violation, the user must notify the Manager, or his designee, 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 -Manager, or his designee, within thirty (30) days after becoming aware of the violation. The use is not required to resample if the user monitors at the user's facility at least once a month, or if the Manager, or his designee, samples between the user's initial sampling and when the user receives the results of the sampling.

**Sec. 28-29-4**      **Monitoring Facilities.**

The City shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

May add "representative sampling" requirement here  
Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

**Sec. 28-29-5**      **Inspection and Sampling.**

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



**Sec. 28-29-5.1 Right of Entry.**

In the event the City or their representative are denied access for the purpose of inspection, sampling, or records examination by any User as authorized by the preceding section, and the City has reasonable cause to believe the User is in violation of this Article or any other applicable City, State, or Federal law, regulation, or directive, the City may apply to any court of competent jurisdiction for the issuance of a search warrant in order to gain access to the User's premises to accomplish the authorized inspection, sampling, or records examination.

**Sec. 28-29-6 Pretreatment.**

Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes. The City shall annually publish in the local newspaper a list of the Users which were significantly noncompliant with any Pretreatment Requirements or Standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or approval authority upon request.

**Sec. 28-29-7 Confidential Information.**

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

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 Article, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person

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furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. ✓

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

## **SECTION 28-30- ENFORCEMENT**

### **Sec. 28-30-1 Emergency Suspension of Service Due to Harmful Contributions.**

The City may suspend the wastewater treatment service and/or Wastewater Contribution Permit of any person when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, cause interference or damage to the POTW or cause the City to violate any condition of its NPDES permit or any other applicable statute or regulation. Any ~~person~~<sup>User</sup> notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the noncompliant discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence. ✓

### **Sec. 28-30-2 Revocation of Permit.**

Any User who violates any of the conditions or requirements of this Article, or applicable state and federal laws or regulations or any provisions of the permit is subject to having his permit revoked in accordance with the procedures of Section 28-30 of this Article. ✓

### **Sec. 28-30-3 Notice of Violation.**

Whenever the City finds that any User has violated or is violating this Article, wastewater contribution permit, or any prohibition, limitation or requirements contained herein or applicable state or Federal laws or regulations, the City may serve upon such person a written notice stating the nature of the violation and set forth the required actions to correct the violations and a schedule to accomplish the corrective actions. Within 30 days of the date of the order, a plan for the satisfactory correction thereof shall be submitted to the City by the User, as well as evidence that appropriate resampling has taken place in accordance with 40 CFR 403.12(g)(2). This 30 day response period does not absolve the User of its responsibilities to comply with any pretreatment standards, and failure to do so may subject the User to the provisions of Sections 28-30 and 28-31 of this Article: ✓

**Sec. 28-30-4** Show Cause Hearing.

**Sec. 28-30-4.1** Issuance of Show Cause Order

The City may order any User who causes or allows an unauthorized discharge to enter the POTW or who violates any of the conditions of this Article, the permit, or applicable state or Federal laws or regulations to show cause before the City why the proposed compliance order corrective action should not be undertaken. A show cause order shall be served on the User specifying the time and place of a hearing to be held by the City regarding the violation, the reasons why the action is to be taken, and the proposed corrective action, and shall direct the User to show cause before the City why the proposed corrective action should not be taken. The show cause order for the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation, or other legal organization. ✓

**Sec. 28-30-4.2** Hearings

The City shall conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to: ✓

1. Issue in the name of the City notices of hearings and/or subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings; ✓
2. Take the evidence; and ✓
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon. ✓

**Sec. 28-30-4.3** Hearing Transcript

At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. ✓

**Sec. 28-30-4.4** Corrective Orders/Compliance Schedules

After the City has reviewed the evidence, it may issue a corrective order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. The schedule of activities for the completion of the installation of such facilities may follow the guidelines as noted in Section 28-29-2.2 (i) of this Article. Other orders and directives as are ✓

necessary and appropriate may be issued, such as the development of Pollution Prevention Plans, and the imposition of an administrative fine or civil or criminal penalty authorized under the provisions of this Article or state and Federal law. ✓

**Sec. 28-30-5. Injunctive Relief.**

If any ~~person~~<sup>User</sup> discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Article, any other applicable Ordinance, Federal or State Pretreatment Requirements, or any ordinance, permit, or applicable laws and regulations, the City may commence an action for appropriate legal and/or equitable relief in the Circuit or Chancery Court of White County, Arkansas. The City shall not be required to proceed under 28-30-3 or 28-30-4 prior to undertaking a proceeding under this section. ✓

**Sec. 28-30-6. Publication of SIU's Significantly Noncompliant.**

The City shall publish annually in the local newspaper of largest local circulation a list of significant industrial users whose activities have met the definition for significant noncompliance during the previous 12 month pretreatment reporting period. ✓

**SECTION 28-31- PENALTY COSTS**

**Sec. 28-31-1. Administrative Fines.**

Any User who fails or refuses to comply with any Compliance Order, Show Cause Order or Corrective Order may be assessed an administrative fine of up to \$500.00 per violation per day. The City shall be entitled to recover any costs incurred by the City because of the violation and the User's noncompliance. In the event any User deliberately fails to comply with the provisions of this Article because the fines or penalties of noncompliance are less than the costs of achieving compliance, the City may calculate the appropriate administrative fine using the U. S. EPA Guidance Manual for Calculation of Economic Benefit of Noncompliance with Pretreatment Standards (1989) as amended in the future. ✓

**Sec. 28-31-2. Civil and Criminal Penalties.**

Any Industrial User who is found to have violated an Order of the City or who willfully or negligently failed to comply with any provision of this Article or any other applicable ordinance, and the orders, rules, regulations and permits issued hereunder, or applicable Federal or state laws or regulations, may be assessed a civil or criminal penalty of One Thousand Dollars (\$1,000.00) for each offense. The initiation of such criminal or civil action may be commenced only after a majority vote of the Searcy Board of Public Utilities resolves to pursue such action. Jurisdiction to determine such penalties shall be in the Searcy Municipal Court, or other court of competent jurisdiction. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. ✓

\* Enforcement & the GPR apply to  
Codc.28 "Users" only 28-44

\* The City should designate an official (Manager);

In addition to the penalties provided herein, the City may recover in a court of appropriate jurisdiction any damages suffered, reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law or equity against the User or person found to have violated this Article or the orders, rules, regulations, and permits issued hereunder or to have otherwise harmed or interfered with the operation of the POTW.

**Sec. 28-31-3. Falsifying Information.**

Any ~~person~~<sup>User\*</sup> who knowingly makes any false statement, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, be guilty of a misdemeanor and shall upon conviction, be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both.

**Sec. 28-31-4. Enforcement Provisions Cumulative.**

All the enforcement provisions, penalties and civil and criminal remedies set forth in this Article shall be considered cumulative and none shall limit the others. The City shall also be entitled to all other remedies to which it may be entitled at law or in equity.

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**Sec. 28-31-5. Conflict.**

In case of conflict between Article II of the Chapter 28 and this Article III of Chapter 28, the more stringent provision shall be effective. All parts of Article II of Chapter 28, not modified in this Article III shall remain in full force. (Ord. No. 678, §§ 1-5.5, 11-13-84; Ord. No. 701, §§ 6.1 - 6.4, 10-14-86; Ord. No. 96-15, 5-3-96; Ord. No. 87-15, 10-13-87)

**ARTICLE IV. Backflow and Cross Connection Restrictions**

**Sec. 28-32. Cross Connection Control - General Policy**

1. Purpose. The purpose of this Article is as follows:
  - a. To protect the public potable water supply of Searcy, Arkansas, from the possibility of contamination or pollution due to backflow into the public potable water system.
  - b. To promote the elimination or control of existing cross-connections, actual or potential, between the owner's or customer's potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.

- c. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of the potable water system of Searcy, Arkansas.

2. Applicability.

The provisions of this Article shall apply to all owners or customers of the Searcy Water and Sewer System operated by the Searcy Board of Public Utilities, which are required or mandated by the Arkansas Department of Health to be subject to the backflow and cross-connection program, or any owner or customer whose facilities, in the judgment of the Searcy Board of Public Utilities, pose a hazard to the Searcy Water System facilities from backflow contamination.

**Sec. 28-33. Definitions**

When used in this Article, the following terms shall have the stated meanings.

1. Approved. Accepted by the Board as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

2. Auxiliary Water Supply. Any water supply on or available to the property, other than the owner's or customer's approved public water supply. These auxiliary waters may include water from another owner's or customer's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These water supplies may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the owner or water customer does not have sanitary control.

3. Backflow. The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended sources.

4. Backpressure. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

5. Backsiphonage. The flowing back of a contaminated or polluted water from a plumbing fixture, vessel or other source into a water supply pipe due to a negative pressure in such pipe.

6. Backflow Prevention Assembly. A mechanical backflow prevention assembly constructed with shut-off valves, and provided as a complete assembly by a single manufacturer, used to prevent the flow of contaminants or pollutants into the public potable water system. The assembly must have the approval of the Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California, State of Arkansas Department of Health, and the Board. Types of assemblies include Reduced Pressure Zone Assemblies (RPZ), Double Check Valve Assemblies, and others.

7. Backflow Prevention Device. A mechanical backflow preventer without the shut-off valves on either side of the backflow prevention mechanism. Any backflow prevention assembly which does not have the shut-off valves is called a “device.”
8. Board. The Searcy Board of Public Utilities or its designated agent or representative.
9. Bypass. Any arrangement of pipes, plumbing, or hoses designed to divert the flow of water around an installed backflow prevention device or assembly.
10. Certified Assembly Testing Technician (Tester). A person certified by the Arkansas Department of Health as an assembly testing technician.
11. Certified Assembly Repairman Technician. A person certified by the Arkansas Department of Health as an assembly repairman technician.
12. City. The City of Searcy, Arkansas.
13. Containment. A method of cross-connection control requiring a backflow prevention assembly at the point of service connection to the public potable water system.
14. Contaminant. A substance that will impair the quality of the water to a degree that it creates a health hazard.
15. Cross-Connection. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
16. Cross-Connection Control. The use of backflow prevention assemblies, methods and procedures to prevent contamination or pollution of a potable water supply through cross-connections.
17. Customer. Any person, owner, or entity which obtains potable water service from the Board.
18. Degree of Hazard. The danger posed by a particular substance or set of circumstances.
19. Fire Protection System. A fire protection system consisting of pipes, sprinklers, valves, fixtures, fittings, ponds, tanks, water storage vessels, and fire hydrants that are intended and used exclusively for fire protection.

20. Inspector. A person authorized by the Board to perform inspections of an owner's or customer's facilities for the purpose of determining compliance with the City of Searcy Cross-Connection Control Program.

21. Isolation. A method to confine a potential source of contamination to the non-potable system being served; to provide a backflow prevention mechanism at each actual or potential cross-connection.

22. New Construction. Construction of a new facility, alteration or addition to an existing facility, or modification or addition to existing plumbing and fire protection systems.

23. Owner. The person or persons who possess any interest in the structure or property to which such ownership relates.

24. Person. Any individual, partnership, company, public or private corporation, political subdivision, or agency of the United States or any other legal entity.

25. Pollutant. A foreign substance that, if permitted to enter the public potable water system, will degrade its quality so as to constitute a hazard.

26. Potable Water. Water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the State Department of Health.

27. Program. The City of Searcy Cross-Connection Control Program.

28. Retrofit. Replacement of an existing device or backflow prevention assembly when the specifications or condition of the device or assembly are not adequate for the degree of hazard found on the property as defined by this program.

29. Shall. Mandatory; "may" is permissive.

30. Service Connection. A piping connection between the public potable water system and a private property owner's or customer's system.

31. System. Searcy Water and Sewer System operated by the Board.

**Sec. 28-34. Requirements.**

1. Board Responsibilities.

- a. The Board shall be responsible for the implementation of the program. If, in the judgment of the Board, an approved backflow prevention assembly is



required at the owner's or customer's water service connection for the safety of the public water system, the Board shall give notice in writing to the owner or customer to install such an approved backflow prevention assembly(s) at specific locations on the owner's or customer's premises.

- b. The determination of the need for a backflow prevention assembly or device shall be made by the Board in accordance with local and state regulations and recommendations made by the State of Arkansas, Department of Health. A review of plans and/or an inspection of the property may be included in making this determination. Once this determination has been made the following actions shall be taken:
  - i. For new property, a review of plans will be made prior to any water service connection. Water service shall not be permitted until the owner or customer has removed, or protected by installation of approved backflow prevention devices or assemblies, all actual or potential cross-connections.
  - ii. For property with backflow prevention assemblies existing prior to the adoption of this Article, the Board will inform the owner or customer in writing of any retrofit required, the method of achieving the retrofit, and the time allowed for the retrofit to be made.
  - iii. For property built prior to the adoption of this Article with actual or potential cross-connections which are not protected by a backflow prevention device or assembly, the Board shall inform the owner or customer in writing of the requirement to install a backflow prevention device or assembly, the proper method of installation, and the time allowed for the installation.
  - iv. The Board shall inform the owner or customer, in writing, of any failure to comply. In the event the owner or customer fails to comply with the necessary correction, the Board shall inform the owner or customer in writing, that the water service to the owner's or customer's property will be terminated. In the event that the owner or customer informs the Board of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Board.
  - v. If the Board determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.
- c. A program for routine inspection shall be administered by the Board. Routine inspections shall be made on properties that the Board determines

pose a significant threat to the public and to the public potable water supply. A record of each inspection shall be maintained by the Board.

- d. A program for tracking all cross-connections and the installation, maintenance, and testing of all backflow prevention devices and assemblies shall be administered by the Board. All appropriate records shall be maintained by the Board.

2. Owner's or Customer's Responsibilities.

The owner or customer shall be responsible to:

- a. Eliminate all cross-connections or install an approved backflow prevention assembly on the property.
- b. Retrofit any unapproved existing backflow preventers should they be relocated; require more than minimal maintenance, or the operation or maintenance of the device/assembly constitutes a hazard to public health.
- c. Correct any malfunction of the backflow prevention assembly or device.
- d. Inform the Board of any proposed or modified cross-connections and also any existing cross-connections of which the owner or customer is aware but has not been identified by the Board.
- e. Not install a by-pass around any backflow prevention device or assembly unless there is a backflow prevention assembly/device of the same type in the by-pass.
- f. Insure that the type of backflow prevention assembly/device and manner of installation is approved by the Board.
- g. Pay all fees for installation, maintenance, and testing of backflow prevention assemblies and devices.
- h. Have all backflow prevention assemblies tested at a minimum rate of once per year. In those instances where the Board deems the hazards to be great enough that tests of said assemblies be conducted more often than once per year, the owner or customer shall have said assemblies tested at a frequency no less than the frequency required by the Board.
- i. Install two (2) backflow prevention assemblies in parallel if uninterrupted water service is desired during testing or repair.

- j. After having been notified by the Board of a requirement for a backflow prevention assembly, shall submit, within the time specified by the Board, installation plans for approval and install an approved backflow prevention assembly at their expense. Failure, refusal, or inability on the part of the owner or customer to install, maintain, and have tested, any and all backflow prevention assemblies on their property shall constitute grounds for discontinuing water service until such requirements have been satisfactorily met.
- k. Insure that only individuals licensed by the state as Certified Assembly Repairman Technicians accomplish repairs, installation and maintenance on backflow prevention assemblies.
- l. Insure that only Assembly Testing Technicians certified by the state do testing on backflow prevention assemblies.
- m. Provide the Board with copies of all test and maintenance reports of backflow prevention assemblies as soon as reasonably possible following the testing or maintenance of the backflow prevention assembly.
- n. Insure that backflow prevention assemblies are tested within ten (10) working days after installation and immediately after repair and/or maintenance.

3. Retrofit of Backflow Preventers.

All presently installed backflow prevention assemblies and devices which do not meet the requirements of this Article, but were approved assemblies for the purposes described herein at the time of installation and which do not require more than minimum maintenance, will not require replacement; however, an assembly or device that requires more than minimum maintenance or that the Board finds to be a hazard to health, shall be replaced by an approved backflow prevention assembly. All presently installed backflow prevention assemblies shall be tested in accordance with Section 5 of this Article.

4. Approved Backflow Prevention Assembly.

Any backflow prevention assembly required shall be a model and size approved by the Arkansas State Health Department and the Board.

5. Periodic Testing of Backflow Prevention Assemblies.

- a. All backflow prevention assemblies shall be tested at least once annually. Testing shall be performed by a Certified Assembly Testing Technician.

- b. Any backflow prevention assembly which fails a performance test shall be repaired or replaced. Upon completion of any necessary repairs the assembly shall be retested to insure correct operation. Copies of all repair, maintenance, testing and retesting reports shall be submitted to the Board as soon as reasonably possible following testing or retesting.
- c. Backflow prevention assemblies will be tested more frequently than once annually in cases where there is a history of test failures and the Board determines that due to the degree of hazard involved, additional testing is warranted. The owner or customer shall initiate testing and bear the cost of the additional tests.

6. Reporting Requirements and Records.

- a. The owner or customer shall be responsible for properly filing reports with the Board for each required backflow prevention assembly. In addition, any failure, removal, modification or replacement of an assembly shall be reported immediately by telephone to the Board.
- b. The owner or customer shall keep records for each assembly. Installation drawings, manufacturer, model, serial number, date installed, and technical data are the minimum record requirements.

**Sec. 28-35. Protection of Backflow Prevention Devices.**

- 1. No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface or tamper with any structure, accessory or equipment which is part of a backflow prevention assembly or device.
- 2. No person, without first obtaining written consent from the Board, shall cover a backflow prevention assembly or assembly vault with earth or pavement, or otherwise render it inaccessible.

**Sec. 28-36. Powers and Authorities of Inspectors.**

- 1. The Board, or its duly authorized agent(s) or representative(s) bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation and testing to verify adherence to the provisions of the Article. The Board, or its agent or representative, shall have no authority to inquire into any processes beyond that point having a direct bearing on the determination of the degree of hazard. The Board shall have authority to inspect and copy records pertaining to the threat of a hazard to the public potable water system.

2. An owner or customer may request that specific information which must be submitted to the Board be kept confidential. The Board will follow the requirements of 40 CFR 2 in its evaluation and approval or denial of each owner's or customer's request for confidentiality. Generally, to be considered confidential, the information would have to meet one or more of the following:
  - a. It would have to divulge substances, devices, or processes that are patented or for which patents are being sought; or
  - b. It would have to divulge financial data; or
  - c. The owner or customer would have to employ processes or produce substances that the nature of which is "Classified" (for military, Federal Intelligence, nuclear power, and some space exploration industries).
3. Where confidentiality is granted, confidential material shall be removed from the files available for public inspection and kept under control of the Board.
4. The owner's or customer's property shall be available for inspection at all reasonable times to the Board to determine whether cross-connections or other structural or sanitary hazards exist, including violations of this Article.

**Sec. 28-37. Variance.**

1. Requests for deviation or relief from any of the provisions of this Article shall be submitted in writing to the Board. The Board shall not deviate from the provisions of this Article, but may grant a variance in areas not addressed by this Article if not in conflict with the spirit and intent of the Cross-Connection Control Program. Requests for use of other than approved backflow prevention assemblies shall be accompanied by technical data.
2. No action shall be taken on the part of the owner or customer to proceed with any construction or installation of which a request for deviation has been submitted, without the written permission of the Board.

**Sec. 28-38. Violations and Penalties.**

1. Notification of Violation (NOV).

The Board, or its designated agent or representative, shall notify the owner of the property or the customer, or an authorized agent thereof, of any violation of this Article. The notification shall include the specific reason for the notification and set a reasonable time for the owner or customer to have the violation removed or corrected. On failure of the owner or customer to have the violation corrected by the end of the specified time interval, the Board, or designated agent thereof, may, if an imminent health hazard exists, cause the water service to the property to be immediately terminated, and/or recommend such additional fines or penalties to be invoked as herein may be provided.

2. Fines.

The owner or customer of a property in which a violation has occurred and who knowingly permits a violation to remain uncorrected after the expiration of time set by the Board, or designated agent thereof, shall, on conviction thereof by the court, be required to pay a fine of not more than \$500.00 for each violation. Each day of failure to comply with the requirements of this Article, after the specified time provided under this Article, shall constitute a separate violation.

3. Any person violating the provisions of this Article shall be liable to the Board for any expense, loss or damage caused by the Board by reason of such violation. *(Ord. No. 97-20, §§ 1-7, 6-13-97)*

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