CITY CORPORATION
Russellville Water and Sewer System
205 West 3rd Place PO Box 3186 Russellville, AR 72811-3186
Phone (479) 968-2105
FAX (479) 968-3265

April 5, 2012

Mr. Rufus J. Torrence
Water Division Engineer
Arkansas Department of Environmental Quality
5301 Northshore Dr
North Little Rock, Arkansas 72118

RE: NPDES Permit No. AR0021768, AFIN 58-00105) Pretreatment Program Narrative submittal

Dear Mr. Torrence:

Enclosed you will find the completed Pretreatment Program Narrative and supportive documents. Please let me know if there is any other information you need. I look forward to your approval of this submittal.

Should you have any questions concerning this notice, please contact me at 479-968-5797.

Sincerely,

Randy Bradley
Pretreatment Coordinator

City Corporation – Industrial Pretreatment Program

Table of Content

1.0 **Introduction**

The goal of the U.S. Environmental Protection Agency's (EPA) National Pretreatment Program is to protect municipal treatment plants and the environment from the adverse impact that may occur when hazardous or toxic wastes are discharged into a publicly owned treatment works (POTW). This protection is achieved mainly by regulating nondomestic Users of POTWs that discharge toxic wastes or unusually strong conventional wastes. There are four major problems that can be prevented through a properly operated local Pretreatment Program.

(1) Interference with POTW operations. Since municipal treatment systems are designed primarily to treat domestic wastes, the introduction of nondomestic wastes may affect these systems.

(2) Pass through of pollutants. Even if pollutants do not interfere with the treatment systems, they often pass through POTWs without being removed because the systems are not designed to remove them.

(3). Municipal Sludge contamination. The removal of certain pollutants by the POTW's treatment system is likely to result in contamination of its sludge.

(4) Exposure of POTW workers to chemical hazards. When combined with domestic waste, industrial waste can produce poisonous gases and compounds which may be hazardous to POTW personnel.

EPA first issued regulations for the National Pretreatment Program on June 26, 1978. The General Pretreatment Regulations for Existing and New Sources of pollution (40 CFR 403) require that any POTW with a design flow greater than 5 million gallon per day (mgd) must establish a Pretreatment Program as a condition of its National Pollutant Discharge Elimination System (NPDES) permit.

The General Pretreatment Regulation establishes prohibited discharge standards and categorical pretreatment standards to control pollutant discharges into treatment plants. Prohibited discharge standards apply to all industrial and commercial establishments connected to POTWs. Categorical pretreatment standards apply to industrial and commercial discharges in specific industrial categories determined to be the most significant sources of toxic pollutants.

Prohibited discharge standards protect the POTWs plant and operations by prohibiting the discharge of pollutants that:

(1) Any liquid, solid or gas which creates singly or by interaction with other substances a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH lower than 5.0 S.U. or greater than 12.0 S.U. or having any other corrosive property capable of causing corrosive structural damage or a hazard to the structures, equipment and personnel of the POTW. In no case shall waters or wastes be discharged at such a flow rate and/or pH which will cause the influent at the POTW to be lower than 6.0 or greater than 9.0.

(3) Any solid or viscous substance in amounts which will cause obstruction to the flow in the POTW or will result in Interference to the POTW.

(4) Any substance or substances, including oxygen demanding pollutants, directly or indirectly discharged at a flow rate or concentration level which will cause Interference, upset, or loss of efficiency at the POTW.

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F). Any liquid or vapor having a temperature higher than 54.4 degree C (130 degree F).

(6) Any wastewater containing concentration levels or flow rates of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

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

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

(9) Any wastewater containing toxic substances in sufficient quantity, either singularly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic substance shall include but not be limited to those identified under Section 307(a) of the Act.

(10) Any substance which may cause the POTWs 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 State or Federal disposal criteria.

(11) Any substance containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State and Federal regulations.

(12) Any substance which will cause the POTW to violate its NPDES permit or the receiving waters water quality standards.

(13) Any wastewater which may cause a hazard to human health or create a public nuisance.

(14) Storm water, surface water, ground water, artesian well water, roof runoff, sub-surface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Control Authority.

(15) Medical Wastes, no discharge of any pharmaceutical medications, prescription or "over the counter", unused or expired.

Each categorical pretreatment standard is published by EPA as a separate regulation. The standard contains limits for pollutants commonly discharged by the specific industrial category. All firms regulated by a particular category are required to comply with these standards, no matter where they are located in the country.

Municipalities must use these national standards, as well as locally developed regulations, to control nondomestic Users discharging to their wastewater collection and treatment systems. The local Pretreatment Program is the legal, technical, and administrative frame work for achieving effective control of such discharges. States participate in the National Pretreatment Program because the Federal pretreatment regulations require all States that administer NPDES programs to develop and administer state pretreatment programs. The State of Arkansas administers the NPDES program through the Arkansas Department of Environmental Quality (ADEQ). ADEQ serves as the approval authority for pretreatment programs and has the responsibility of overseeing and coordination the development of local pretreatment programs, and approving or disapproving local pretreatment program submissions or revisions.

The Pretreatment Program includes the following six general elements.

(1) Industrial Waste Survey: Identification and evaluation of the nondomestic discharges to the treatment system.

(2) Legal Authority: Operate under a legal authority that will enable the local Control Authority to apply and enforce the requirements of the General Pretreatment Regulations and any other State or local rules needed to control nondomestic discharges.

(3) Technical Elements/Local Limits: Characterize discharges to the treatment system and establish local effluent limits to protect the operation of the treatment plant, the quality of the receiving water, and the quality of the sludge.

(4) Compliance Monitoring: Procedures for monitoring the industrial Users to determine compliance and noncompliance.

(5) Procedures: Administrative procedures to implement and operate the pretreatment program.

(6) Resources: Sufficient resources (funds, equipment and personnel) to operate an effective and ongoing program.

This document outlines various pretreatment program requirements and serves as an instrument to carry on an industrial pretreatment program for the City of Russellville. Currently City Corporation is the utility that operates the Russellville Water and Sewer System and is the Control Authority charged with the administration, operation and maintenance of the POTW and enforcement of provision of the Sewer Use Ordinance and the Pretreatment Ordinance. Enforcement provisions are outlined in the Pretreatment Ordinance and Appendix D, the Enforcement Response Plan.

This document and attached Appendices serves as a total replacement of the previous Approved Pretreatment Program approved and implemented in November 1990 and revised in October 1991.

Refer to the above ordinances for definitions of terms and phrases used in the Pretreatment Program.

City Corporation serves as the treatment source for the City of Dover's wastewater. A Sewer Service Agreement and Resolution (Appendix N) between the City of Russellville and the City of Dover was signed by both parties in 1979, this agreement requires the City of Dover to enact, adopt and strictly enforce all such resolutions, ordinances or regulations as needed to be in compliance with the Agreement. The Agreement also requires the City of Dover to construct and operator any pretreatment requirements for sources of sewage with strength greater than normal domestic strength.

4.7 Chain-of-Custody Procedures

It is an essential portion of the Pretreatment Program that the Control Authority sampling personnel properly document the methods used to collect the sample, as well as the chain of possession of the sample from collection to analysis. It should be assumed that all data generated from sampling will be used in court. The sampling results will only be admissible in court if the Control Authority personnel can prove that a sample has been properly collected, preserved, analyzed, and has not been tampered with or mishandled.

Refer to Appendix K for chain-of-custody sampling record forms. At a minimum the following record of information will be necessary to adequately address chain-of-custody concerns for each sample collected and analyzed.

(1) Name of person collecting the sample

(2) Date and time of sample collection

(3) Location of sample collection

(4) Type of sample collected

(5) Preservation used for each sample

(6) Names and signatures of any person handling the samples, in the field, during transportation, and at the laboratory

5.0 Program Procedures

Section 403.8 of the General Pretreatment Regulations (40 CFR 403) describes the procedures required for an effective ongoing pretreatment program. Specifically the Control Authority must have procedures to:

(1) Identify and locate all possible IUs that might be subject to the Pretreatment Program

(2) Obtain information describing the character and volume of waste discharges by IUs

(3) Notify industrial discharges of any applicable pretreatment standards or other applicable State or Federal Standards or requirements

(4) Review self-monitoring reports and other notices submitted by IUs

(5) Randomly sample and analyze the effluent from IUs

(6) Investigate instances of noncompliance with pretreatment standards and requirements

5.1 Updating Industrial Waste Survey

Since the Control Authority also operates the City owned water treatment and distribution system, identification of new IUs and the updating of the industrial waste survey shall be facilitated by in-house review of water and sewer connection application activities and by review of the commercial and industrial sewer users customer's master files. In addition, the Industrial Waste Survey shall be updated through the following activities:

(1) Permits issued to SIUs shall require notification of changes in industrial processes, wastewater discharges, and/or industrial ownership

(2) Ongoing inspection and monitoring activities

(3) Periodic expiration of permits and subsequent reapplication by permit holders

(4) Annual request for updates of information concerning industrial processes, wastewater discharges, and/or industrial ownership from SIUs.

5.2 Notification of Industrial Users of Applicable Standards and Requirements

The Control Authority is responsible for being up-to-date on all Federal pretreatment standards and applicable requirements under the Clean Water Act and Resource Conservation and Recovery Act. Such standards include Federal Categorical Standards, State standards, local standards and limitations, User charges and surcharges, etc. The Control Authority is also responsible for notifying any IU that may be affected by existing or newly promulgated standards and requirements. The Control Authority pretreatment coordinator shall be responsible to obtain current information on the status of national categorical standards and other applicable standards and regulations. The pretreatment coordinator shall consult the Federal Register, Control Authority Attorney and Engineer, Arkansas State pretreatment coordinator, and EPA Region VI pretreatment coordinator and other State and Federal officials to stay abreast of existing or newly promulgated standard and requirements.

The Control Authority shall use any or all of the following mechanisms to notify IUs of pertinent standards and regulations:

(1) Individual letters to IUs

(2) Permit conditions

(3) Permit modifications

BMPs when deemed appropriate for any toxic or inhibiting pollutant which may be determined to be of sufficient quantity to cause POTW interference, Pass Through, endanger the health and safety of the POTW personnel or general public, produce environmental harm, cause a POTW permit violation or render the POTWs sludges unacceptable for economical reclamation, disposal, or use.

6.0 Program Organization, Cost and Revenue Sources

Currently the water and sewer departments for the City of Russellville are owned and operated by City Corporation, Inc. (City Corporation). The operation of the utilities is under the direct control of the Board of City Corporation. The Russellville City Council must approve Board appointments and rate increases proposed by the utility Board. The current organization of City Corporation is shown on the staffing diagram located in Appendix H. The organization chart is updated as needed to reflect the current staffing status of the water and sewer system.

The General Manager of the utilities is responsible for all administrative and management functions including all operation and maintenance responsibilities. Overall goals and objectives of the utilities are established by the Board of City Corporation with assistance from the Board's attorney and consulting engineer. The Administrative Manager, Safety Coordinator/NOC Manager and the Operations Manager report directly to the General Manager. The Administrative Manager is responsible for all day to day accounting, secretarial, meter reading, and office support actives. The Operations Manager is responsible for all activities associated with the construction department, water treatment plant, wastewater treatment plant, pretreatment plant and water distribution and wastewater collection systems. The Pretreatment Coordinator reports to the Operations Manager. The Pretreatment Coordinator has the day to day responsibility of carrying out the pretreatment program, responsible for all laboratory activities, sampling activities, and code enforcement associated with environment activities.

City Corporations operates its pretreatment program by sharing various program tasks among its staff. As stated above, the Pretreatment Coordinator is responsible for the day to day operation of the program and serves as the initial reviewer of permit applications. However, the General Manger is the final reviewer and the permits will be issued under the General Manager's signature. The Pretreatment Coordinator records and filing procedures, review of compliance reports, and initiating noncompliance actions against any IU not complying with its particular wastewater contribution permit. The final decision of enforcement is the decision of the General Manager with the concurrence of the Board of City Corporation.

(2) Simple composite samples – a timed sequential collection of equal volume grab samples combined in a single reservoir and analyzed.

(3) Flow-proportioned composite samples – collecting incremental samples with volumes proportional to flow and then combined in a single reservoir and analyzed

The following are to be considered in collection of industrial samples:

(1) Samples are to be collected in a location that is easily accessible and provides a well-mixed waste stream. Repetitive samples should always be taken in the same location. Sampling point is to be located where no discharge other than the discharge from the IU (or process) being monitored is present

(2) Composite samples are to be collected during the industry's regular working hours. Ideally, flow-proportioned samples should be taken. At a minimum, a composite samples should consist of equal-volume samples collected at two-hour intervals.

(3) All samples must be properly preserved from the time they are collected until they are analyzed

(4) Accurate records are to be maintained, indicating the time, date, location, type of sample, method of collection and preservation, name of person who collected the sample, and any pertinent comments

(5) The IUs should be encouraged to split scheduled monitoring samples with the Control Authority and have the samples analyzed by an independent laboratory qualified by the Arkansas Department of Environmental Quality. If the results of the two analyses differ, the need for further investigation, sampling, and analysis should be initiated.

4.6 Sample Analysis

All analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto or with other test procedures approved by the EPA or ADEQ. All self-monitoring analysis shall be performed by a laboratory of the SIUs choice which has been qualified by the Arkansas Department of Environment Quality to perform the necessary analysis. Analysis of the Control Authority samples shall be by contract commercial laboratory qualified by the Arkansas Department of Environmental Quality and/or the Control Authority's in-house laboratory depending upon the current qualifications and quality assurance and control program of the in-house laboratory.

A

ORDINANCE NO. 1075

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE CITY OF RUSSELLVILLE, COUNTY OF POPE, STATE OF ARKANSAS.

PREAMBLE

Whereas the City of Russellville, State of Arkansas wishes to provide for the maximum possible beneficial public use of the City's facilities through adequate regulation of sewer construction, sewer use and industrial waste water discharges, and to provide procedures for complying with requirements placed upon the City by other regulatory bodies, it is hereby ordained and enacted by the City Council of the City of Russellville, State of Arkansas, as follows:

ARTICLE I

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

Sec. 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 20°C, expressed in milligrams per liter.

Sec. 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.

Sec 3: "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4: "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 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.

Sec. 6: "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7: "Major Contributing Industry" shall mean a non-residential user that: (a) has a flow of 25,000 gallons or more per average work day; or (b) has a flow greater that 5 per cent of the flow carried by the sewer system; or (c) has in its waste, a toxic pollutant; or (d) discharges wastewater that is found by the Superintendent, or the NPDES permit issuance authority in connection with the issuance of a NPDES permit to the public wastewater treatment system receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system or upon the quality of effluent therefrom.

Sec. 8: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 9: "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, copartnership, joint stock company, trust, estate, governmental entity or any other legal

and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec 3: "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4: "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 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.

Sec. 6: "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7: "Major Contributing Industry" shall mean a non-residential user that: (a) has a flow of 25,000 gallons or more per average work day; or (b) has a flow greater that 5 per cent of the flow carried by the sewer system; or (c) has in its waste, a toxic pollutant; or (d) discharges wastewater that is found by the Superintendent, or the NPDES permit issuance authority in connection with the issuance of a NPDES permit to the public wastewater treatment system receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system or upon the quality of effluent therefrom.

Sec. 8: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 9: "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, copartnership, 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.

Sec.10: "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec.11: "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 that one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec.12: "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec.13: "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec.14: "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec.15: "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec.16: "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec.17: "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec.18: "Shall" is mandatory; "May" is permissive.

Sec.19: "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 hour concentration or flows during normal operation.

Sec.20: "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.

Sec.21: "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the City of Russellville, or his authorized deputy, agent, or representative.

Sec.22: "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec.23: "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

[Sec. 24: "Normal Domestic Sewage" shall mean sewage which, when analyzed, shows by weight a daily average of not more than 350 parts per million of suspended solids and/or not more than 350 parts per million BOD.]

Sec.25: "User" shall mean any user who discharges an effluent into the City of Russellville's Sewage Treatment Plant by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

Sec.26: "Categorical Pretreatment Standards" shall mean the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific Industrial Dischargers.

Sec.27: "Act" shall mean the Clean Water Act (33 U.S.C. 1251 et seq), as amended.

Sec.28: "City" shall mean the City of Russellville, Arkansas, the local governmental entity enacting and enforcing this Ordinance.

Sec.29: "Permit" is defined as set forth in Articles IV and VIII of this Ordinance.

ARTICLE II

Sec. 1: 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 Russellville, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2: It shall be unlawful to discharge to any natural outlet within the City of Russellville, 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 ordinance.

Sec. 3: 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.

Sec. 4: 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 ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

ARTICLE III

Sec. 1: Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2: Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $10.00 dollars shall be paid to the City at the time the application is filed.

Sec. 3: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

Sec. 4: The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet (1,394 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times; at no expense to the City.

Sec. 7: No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 8: When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

Sec. 1: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Sec. 2: There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of $150.00 dollars for a residential or commercial building sewer permit and $500.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed. Define the Two

Sec. 3: All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4: 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, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5: 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 ordinance.

Sec. 6: The size, slope, alignment, materials of 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.

Sec. 7: 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.

Sec. 8: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or buiding drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9: 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 gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec.10: 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.

Sec.11: 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.

ARTICLE V

Sec. 1: No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2: Stormwater 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.

Sec. 3: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

[(b) 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, constitue a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.]

[(c) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.]

(d) 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.

Sec. 4: 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:

(a) 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°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).

(c) 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.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing toxic materials or heavy metals in concentrations exceeding the following limits:

Element	mg/l
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02

Chromium	0.5
Copper	0.2
Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	0.8
Selenium	0.02
Silver	0.1
Zinc	0.05
Cyanide	0.05

In addition, waters or wastes containing any measurable trace of the following:

Antimony	Rhenuim
Beryllium	Strontium
Bismuth	Tellurium
Cobalt	Pesticides
Molybdenum	Herbicides
Tin	Fungicides
Uranylion	

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations 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 public agencies of jurisdiction for such discharge to the receiving waters.

(g) 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.

[(h) Deleted.]

(i) Materials which exert or cause:

[(1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers 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 solutions).

(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.

(j) 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.

Sec. 5: 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 Section 4 of this Article, and which in the judgement 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:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) 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 Section 10 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.

Sec. 6: 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.

Sec. 7: 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.

Sec. 8: When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer and/or other monitoring facilities together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of

the wastes. Such facilities, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The facilities 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.

Sec. 9: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 or monitoring facility provided, or upon suitable samples taken at said control manhole or monitoring facility. In the event that no special manhole or monitoring facility 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 buiding 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. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec.10: National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all Industrial Users of the regulated industrial categories. An application for modification of the national categorical

pretreatment standards may be considered for submittal to the Regional Administrator by the Superintendent, when the wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

State requirements and limitations on discharges to the Publicly Owned Treatment Works (POTW) shall be met by all Industrial Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

Sec.11: No statement contained in this ordinance 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 therefore, by the industrial concern, provided that the industrial concern continues to comply with all applicable State and Federal requirements and standards.

ARTICLE VI

[Sec.1: No 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.]

ARTICLE VII

Sec. 1: The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purposes

of inspection, observation, measurement, sampling, testing and the performance of their duties, including inspection of all records maintained, in accordance with the provisions of this ordinance. 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. However the Superintendent or his representative shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. When such a user has security measures in force which would require proper identification and clearance before entry onto the property the user shall make necessary arrangements so that upon presentation of suitable identification, the Superintendent or his representative will be permitted to enter without delay for the purpose of performing their specific responsibilities.

Sec. 2: While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly 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 Article V, Section B.

Sec. 3: 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 4: Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance and/or pretreatment programs; provided that, such portions of a report shall be available for use by the City or any City agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the Superintendent as confidential shall not be

transmitted to any governmental agency by the Superintendent until and unless a ten (10) day notification is given to the person furnishing the information.

ARTICLE VIII

Sec. 1: A permit issued under Article IV of this ordinance to a major contributing industry shall be subject to all the provisions of this ordinance and in addition such a permit may contain any or all of the following:

(a) The average and maximum wastewater constituents and characteristics.

(b) Limits on rate and time of discharge and requirements for flow regulations and equalization.

(c) Requirements for installation of inspection and monitoring facilities.

(d) Pretreatment requirements.

(e) Specifications for monitoring programs which may include sampling, number, types and standards for tests and reporting schedule.

(f) Compliance schedules.

(g) Requirements for notification to and acceptance by the Superintendent of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system.

(h) Requirements for disposal of sludges, floats and skimmings.

(i) Requirements for submission of technical reports or discharge reports, including frequency of submission.

(j) Requirements for maintaining plant records relating to wastewater discharge as specified by the Superintendent and affording the Superintendent or his representative access thereto.

(k) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the Major Contributing Industry's wastewater discharge.

(l) Additional requirements as determined by the Superintenent.

Sec. 2: Permits are issued to a specific user for a specific operation. Such a permit shall not be reassigned or transferred or sold to another owner, another user, or different premise, nor shall it be transferred to a new or significantly changed operation. At the time the Superintendent determines that a person qualifies as a Major Contributing Industry, the Superintendent shall order that person to obtain a permit of the type set forth in Section 1 of this Article.

Major Contributing Industries shall complete and file with the Superintendent, a permit application therefor in the form prescribed by the Superintendent, and accompanied by the fee of $200. Existing Users shall apply for a permit within 60 days after the Superintendent's order. Proposed new Users who will be classified as Major Contributing Industries as defined in Article I of this ordinance shall apply at least 120 days prior to connecting to or contributing to the POTW. The Superintendent will evaluate the data furnished by a Major Contributing

Industry and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent will issue a Major Contributing Industry Wastewater Discharge Permit subject to terms and conditions provided herein.

Sec. 3: Any user who violates any section of this ordinance, or applicable State and/or Federal regulations, or any of the following conditions which are hereby made part of every permit, whether stated therein or not, is subject to having his permit revoked:

(a) The user shall factually report the wastewater constituents and characteristics of his discharge.

(b) The user shall report significant changes in operation, or in wastewater constituents and characteristics.

(c) The user shall allow reasonable access to his premises for the purposes of inspection or monitoring.

(d) The user shall comply with each and every term and condition of the permit.

Sec. 4: The Superintendent shall be responsible for the enforcement of the provisions of this Article and shall have authority to serve notices of violations thereof, to issue orders and impose penalties as authorized therein, and to establish limits for the discharge of toxic or objectionable substances.

Sec. 5: Any person found to be violating any provision of this Article, Superintendent's order, or condition of an industrial permit shall be served by the Superintendent or other agent of the City with written notice stating the nature of the violation. Within thirty (30) days after the date of the notice, unless a shorter time is necessary

due to the nature of the violation, a description of successful corrective action taken or a plan for the satisfactory correction of the violation shall be submitted to the Superintendent. If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time, the Superintendent may order any user to show cause before him why enforcement action should not be taken. A written notice shall be served specifying the time and place of a hearing, the reason why the action is to be taken and the proposed enforcement action. The Superintendent may propose to take any enforcement action reasonably necessary to abate the violation, including termination of sewer service. Based upon the evidence presented at the hearing, the Superintendent shall determine the enforcement action which should be taken, if any. This determination may be appealed to a board or representative of the City designated to hear such appeals by filing a written petition with such board or representative within ten (10) days of the Superintendent's ruling. The board or representative shall fix a reasonable time for hearing the appeal, at which the appellant may be represented by counsel, and give written notice to the parties stating the time and place for the hearing. The board or representative shall decide the appeal within a reasonable time and notify the parties of its decision.

Sec. 6: The Superintendent may revoke any permit, or terminate or cause to be terminated wastewater treatment system service to any property, if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this

ordinance. This provision is in addition to any other provisions set forth for violations of this ordinance.

Sec. 7: Users shall notify the Superintendent immediately of any discharges or highway spills of wastes in violation of this ordinance to enable countermeasures to be taken by the City to minimize damage to the wastewater treatment system and/or the receiving waters.

This notification shall be followed, within 5 days of the date of occurrence, by a detailed written statement from the user describing the causes of the discharge and the measures being taken to prevent its future occurrence. Such notification will not relieve users of liability for any consequential expense, loss or damage to the wastewater treatment system or for any fines and/or penalties imposed on the City which result from the violative discharge.

Users shall make available to their employees copies of this ordinance and together with such other wastewater information and notices which may be furnished by the Superintendent from time to time directed toward more effective waste pollution control. A notice shall be furnished and permanently posted by the user in a conspicuous place advising employees whom to call in case of any discharge in violation of this ordinance.

Sec. 8: When the Superintendent finds that a discharge of wastewater, in violation of this ordinance, or the provisions of a permit issued to a Major Contributing Industry, has taken place or threatens to take place, the Superintendent may issue an order to cease and desist, and direct that those persons not complying therewith shall:

(a) Comply forthwith,

(b) Comply in accordance with a time schedule set forth by the Superintendent, or

(c) Take appropriate remedial or preventive action in the event of a threatened violation.

Sec. 9: When the City finds that a discharge of wastewater, in violation of this ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards or the provisions of a permit, has been taking place, the Superintendent may require the user to submit for approval, with such modifications as the Superintendent deems necessary, a detailed time schedule of specific actions which the user shall take in order to either prevent the discharge or correct the violation of requirements resulting therefrom.

Sec. 10: Any person who violates any provision of this Article or any condition of a permit issued to a Major Contributing Industry, or who violates any cease and desist order, prohibition, effluent limitation, or pretreatment or toxicity standard, issued or established to implement this ordinance, shall be liable civilly to a penalty not to exceed $100 for individuals and $100 for corporations. Each day in which a violation occurs shall be considered a separate violation.

The Superintendent may assess a penalty of up to $50 for each such violation and add such penalty to the user's charges and fees. Such assessments shall be offset against any subsequent penalty otherwise imposed for the same violation. Civil penalties in excess of $50 shall be assessed by Municipal Court.

An such penalty imposed shall not be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages or additional operating expense resulting from the violation for which the penalty is imposed. Consequential damages shall include but not be limited to, fines and penalties imposed upon the City by other public authorities.

Sec. 11: Any person who violates any provision of this Article or any condition of a permit issued to a Major Contributing industry, effluent limitation, or pretreatment or toxicity standard, issued or established to implement this ordinance shall be liable upon conviction to a sum not to exceed $1,000 for each day in which such violation occurs, or to imprisonment for not more than 6 months, or both.

Sec. 12: All users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Sec. 13: Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall upon conviction be punished as provided in Section 11 of this Article.

Sec. 14: No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any local, state, or federal discharge standard.

Sec.15: The City reserves the right to amend any permit issued hereunder in order to assure compliance by the City with applicable laws and regulations, to comply with modifications with the limitations and requirements of Article V, or if other just cause exists. Within 180 day of the promulgation of a National Categorical Pretreatment Standard, all industrial Users subject to such standards shall submit to the City a baseline report as stipulated in Part 403.12(b) of the Federal Register. This report shall be in addition to any other reports, applications, or questionnaires required or previously submitted. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the permit of each industrial User subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this Ordinance shall be adopted by the City as part of this Ordinance. Where an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Major Contributing Industry Permit as required by Sections 1 and 2 of this Article, the industrial User shall apply for a Major Contributing Industry Permit from the City within 60 days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. The Industrial User

shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec.16: All permits shall be issued for perpetual duration, subject to amendment or revocation as provided in this Ordinance. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date.

Sec.17: Major Contributing Industries are required to provide and operate at the User's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the User's premises, except where such a location would be impractical or cause undue hardship on the User, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such monitoring 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.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a Major Contributing Industry Permit.

The City may inspect the monitoring facilities of any User to determine compliance with the requirements of this Ordinance. The User shall allow the City or its representatives to enter upon the premises of the User at all reasonable hours, for the purposes of inspection, sampling, or records examination. The City 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.

ARTICLE IX

Sec. 1: Any person found to be violating any provision of this ordinance except Article VI and Article VIII 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.

Sec. 2: (a) Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding Three Hundred Dollars ($300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 2: (b) In the event the prescribed sewer service charge is declared delinquent and has not been paid in full within four (4) months of the initial due date, the City shall at its option disconnect the sanitary sewer from the sewer collection line. The location of the disconnect shall be at the discretion of the City. The sewer may be re-

connected to the City's collection system by the affected property owner who shall bear the entire expense of all costs for the reconnect provided that the delinquent account has been paid in full and that the City has been reimbursed in full for all costs borne by the City resulting from the disconnecting of the sewer. Further the City shall have the option in addition to any penalties set forth in this Ordinance to disconnect the sewer for any violation of this Ordinance in the use of the sanitary sewer.]

Sec. 3: Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, enforcement cost, loss, or damage occasioned the City by reason of such violation.

Sec. 4: A list of the users which were significantly violating provisions of this ordinance during the 12 previous months shall be annually published by the Superintendent in a local newspaper. The notification shall also summarize any enforcement action taken against the user during the same 12 months. For the purpose of this Section, significant violations are those violations which remain uncorrected beyond any time limit set for corrective action; which are part of a pattern of noncompliance over a 12 month period; or which involve a failure to accurately report noncompliance.

Sec. 5: Either as an alternative to any procedure established in this ordinance or as an enforcement action thereunder, the Superintendent may seek injunctive relief to restrain the violation of, or attempted violation of, any provision of this ordinance.

ARTICLE X

Sec. 1: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Sec. 3: The City reserves the right to amend the requirements set forth in this ordinance in any manner and to establish more stringent limitations or requirements where deemed necessary to comply with the objectives set forth in the Preamble to this ordinance.

ARTICLE XI

Sec. 1: This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

W. H. Hashbarger, Mayor

Attest:

Charles F. Howell, City Clerk

May 12, 1983

This is to certify that the above is a true and correct copy of Ordinance No. 1075 as passed by the Russellville City Council Thursday, May 12, 1983, in regular session.

Charles F. Howell, City Clerk

B

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

#2105

CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of the County aforesaid do hereby certify that this instrument was filed for record the 04/29/2011 a 01:54:45 PM, and the same is now duly recorded in Miscellaneous Book 2011-20 Page 350 - 388
Witness my hand and the seal of said court this the 04/29/2011
Fern Tucker, Circuit Clerk and Recorder
By _____ D.C.

SEAL OF THE CIRCUIT COURT ★ POPE COUNTY ARKANSAS ★

CITY OF RUSSELLVILLE ORDINANCE NO. 2105

TABLE OF CONTENTS

11-20-350

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

11-20-351

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

ORDINANCE NO. 2105

AN ORDINANCE REPEALING ORDINANCE NO. 1388 AND SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FOR THE CITY OF RUSSELLVILLE AND ENABLING 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).

SECTION 1: - GENERAL PROVISIONS

1.0 Short Title: This Ordinance shall also be known as the Pretreatment Ordinance.

1.1 Purpose and Policy:

A. This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Russellville (the City) and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403.

B. The objectives of this Ordinance are:

(1) To prevent the introduction of pollutants into the City's wastewater treatment and collection system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the City's wastewater treatment and collection system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the City's wastewater treatment system;

(4) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Public Owned Treatment Works(POTW) is subject;

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

11-20-352

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Public Owned Treatment Works.

C This Ordinance provides for the regulation of direct and indirect contributors into the City's POTW through the issuance of permits to certain non-domestic Users, the enforcement of general requirements for the other Users, authorized monitoring and enforcement activities, required User reporting, and the assumption that existing customers capacity will not be preempted, and provides for the setting of fees for the equitable distribution of cost resulting from the program established herein.

D. The terms and provisions of this Ordinance shall apply to all connections of lateral or other sewer lines to the sewerage system of the POTW whether within or outside the City and to all persons within the City and outside the City who are, by contract or agreement with the City, Users of the City's POTW.

E. It is in the best interest of the City, to clarify and update the provisions of its existing Pretreatment Ordinance by the provisions of this Ordinance, so as to achieve compliance with the Clean Water Act and the regulations pursuant thereto, 40 CFR Part 403 as amended. It is therefore intended that this Ordinance shall take precedence over any term or condition of agreements or contracts of the City or the Control Authority which are inconsistent with the provisions of this Ordinance, and over any and all inconsistent terms and conditions of any previous Ordinance.

F. Except as otherwise provided herein, the Control Authority is hereby authorized to administer, implement and enforce the provisions of this Ordinance. The National Pollution Discharge Elimination System (NPDES) permit shall be issued in the name of the Control Authority. The Control Authority as of the date of this Ordinance is City Corporation, a non-profit corporation established by City Resolution in April 1985. The City shall be responsible for all legal action necessary to enforce the provisions of this Ordinance.

1.2 Definitions

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

(1) Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, Title 33 U.S.C. 1251, et. seq.

(2) Approval Authority: The Director of the Arkansas Department of Environmental Quality (ADEQ).

11-20-353

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(3) Authorized Representative of a User:

a. If the user is a Corporation:

1. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function for the corporation; or
2. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.

c. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in paragraphs a through c, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

(4) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 a and b. 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.

11-20-354

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(5) Biochemical Oxygen Demand (BODs): The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory conditions of five (5) days at 20 degrees centigrade and expressed in terms of mass loading or concentration.

(6) Bypass: The accidental or intentional diversion of wastewater from any portion of a user's pretreatment facility.

(7) Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C . section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(8) Categorical Industrial User: An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

(9) City: The City of Russellville or the City Council.

(10) Chemical Oxygen Demand (COD): A measure of the total oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mass loading or concentration.

(11) Composite Sample: A sampling procedure defined in 40 CFR 403, Appendix E - Sampling Procedures, I. Composite Method.

(12) Control Authority: Under the provisions of 40 CFR 403.3(f) the Control Authority is charged with the administration, operation and maintenance of the POTW and enforcement of the provisions of this Ordinance. As of the date of this Ordinance, Control Authority is City Corporation, a City owned utility.

(13) Control Mechanism: Control through permits, orders or other means the contribution of each Significant Industrial User (SIU) to the POTW to ensure compliance with applicable pretreatment standards and regulations.

(14) Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.

(15) Daily Discharge: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

(16) Daily Maximum Limit (Daily Maximum): The highest allowable daily discharge during a calendar month. .

11-20-355

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(17) Environmental Protection Agency (EPA): The U.S. Environmental Protection Agency, or where appropriate the Regional Water Management Division Director, the regional Administrator, or other duly authorized official of said agency.

(18) Existing Source: Any source of discharge that is not a "New Source."

(19) Grab Sample: A sampling procedure defined in 40 CFR 403, Appendix E - Sampling Procedures, II. Grab Method.

(20) Holding Tank Waste: Any waste from holding tanks – such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump trucks.

(21) Indirect Discharge or Contribution: The discharge or contribution of non-domestic pollutants from any source, including holding tank wastes to the POTW.

(22) Industrial User (or User): A source of indirect discharge.

(23) Instantaneous Limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(24) Interference: The inhibition or disruption of the POTW treatment processes or operations which contribute to a violation of any requirement of the City's NPDES permit or causes harm to the POTW. The term includes the prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, Title 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.

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

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

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

11-20-356

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(28) Monthly Average Limit: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(29) 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 , provided that:

A. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

B. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

C. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same time. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

1. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (29)(b) or (c) above but otherwise alters, replaces, or adds to the existing process or production equipment.

2. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
   a. Begun, or caused to begin, as part of a continuous onsite construction program (1) any placement, assembly, or installation of facilities or equipment; or (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the replacement, assembly, or installation of new source facilities or equipment: or

   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to

11-20-357

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(30) National Pollution Discharge Elimination System Permit or (NPDES): A permit issued pursuant to Section 402 of the Clean Water Act, Title 33 U.S.C. 1342, which establishes limits on the quality and quantity of discharges to the waters of the State.

(31) Non-contact Cooling Water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(32) Pass Through: A discharge which exits the POTW into the waters of the State in quantities or concentration levels which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Control Authority's NPDES permit or increases the magnitude or duration of a violation.

(33) 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.

(34) pH: A measure of the acidity of a liquid and expressed as the negative logarithm (base 10) of the hydrogen ion concentration, and stated in standard units (SU).

(35) Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

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

(37) 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

11-20-358

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

or biological processes or process changes by other means, except by diluting the concentration of the pollutant unless allowed by an applicable Pretreatment Standard.

(38) Pretreatment Requirements: Any substantive or procedural requirements related to pretreatment, including those imposed on Users, other than a Pretreatment Standard.

(39) Pretreatment Standards or Standards: Prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

(40) Prohibited Discharge Standards or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance.

(41) Publicly Owned Treatment Works (POTW): The treatment works, as defined by Section 212 of the Act, Title 33 U.S.C. 1292, which is owned by the City. This definition includes the treatment plant and 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 Ordinance, the POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Russellville who are, by contract or agreement with the City, users of the City's POTW.

(42) POTW Treatment Plant: That portion of the POTW designed to provide treatment to wastewater.

(43) Septic Tank Waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(44) Sewage: Human excrement and gray water (household showers, dishwashing operations, ect.).

(45) Shall is mandatory; May is permissive.

(46) Significant Industrial User (SIU): Any User of the POTW subject to Categorical Pretreatment Standards; or any other user that discharges an average flow of 25,000 gallons per work day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated a Significant Industrial User by The Control Authority, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

11-20-359

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

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

1. The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
2. The Industrial User annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
3. The Industrial User never discharges any untreated concentrated wastewater.

B. Upon a finding that a User meeting the criteria for Industrial User has no reasonable potential for adversely affecting the POTW's operation or for violation 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.

(47) Significant Noncompliance (SNC): See, Section 4.8. of this Ordinance.

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

(49) State: State of Arkansas.

(50) 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.

(51) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

11-20-360

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(53) Total Toxic Organics (TTO): The sum of the masses or concentration of specific toxic organic compounds found in Users process discharge at a concentration greater than 0.01 mg/l.

(54) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under Section 307(a) of the Act or other Acts.

(55) User (or Industrial User): A source of indirect discharge.

(56) Waste Hauler: Any person, firm, corporation or association engaged in the business of septic tank cleaning or the transportation of septage or sewage from septic tanks, marine sanitation devices, portable toilets, or industrial/commercial waste for compensation.

(57) Wastewater: The liquid and water-carried Industrial or domestic wastes from dwellings, commercial buildings, 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.

(58) 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.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

ADEQ – Arkansas Department of Environmental Quality
BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
CIU – Categorical Industrial User
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
SIU – Significant Industrial User

11-20-361

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

SNC – Significant Noncompliance
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
USC - United States Code
TSS - Total Suspended Solids

SECTION 2: - REGULATIONS

2.1 Discharge Prohibitions

A. General Prohibitions. It shall be unlawful for any User to contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, causes a pass-through, which is defined in Section 1.2.a(32) of this Ordinance, or which violates any statute, rule, regulation or ordinance of any public agency. This general prohibition applies to all such users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. A user may not contribute the following substances to the POTW:

(1) Any liquid, solid or gas which creates singularly or by interaction with other substances a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH lower than 5.0 S.U. or greater than 12.0 S.U. or having any other corrosive property capable of causing corrosive structural damage or a hazard to the structures, equipment and personnel of the POTW. In no case shall waters or wastes be discharged at such a flow rate and/or pH which will cause the influent at the POTW to be lower than 6.0 or greater than 9.0.

(3) Any solid or viscous substance in amounts which will cause obstruction to the flow in the POTW or will result in Interference to the POTW.

(4) Any substance or substances, including oxygen demanding pollutants, directly or indirectly discharged at a flow rate or concentration level which will cause Interference, upset, or loss of efficiency at the POTW.

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F).

(6) Any liquid or vapor having a temperature higher than 54.4 degree C (130 degree F).

11-20-362

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(7) Any wastewater containing concentration levels or flow rates of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

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

(9) Any trucked or hauled pollutants, except at discharge points designated by the Control Authority.

(10) Any wastewater containing toxic substances in sufficient quantity, either singularly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic substance shall include but not be limited to those identified under Section 307(a) of the Act.

(11) Any substance which may cause the POTWs 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 State or Federal disposal criteria.

(12) Any substance containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State and Federal regulations.

(13) Any substance which will cause the POTW to violate its NPDES permit or the receiving waters water quality standards.

(14) Any wastewater which may cause a hazard to human health or create a public nuisance.

(15) Storm water, surface water, ground water, artesian well water, roof runoff, sub-surface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Control Authority.

(16) Medical Wastes, no discharge of any pharmaceutical medications, prescription or "over the counter", unused or expired.

(17) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

11-20-363

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

C. When the Control Authority determines that a User is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, or to cause the Control Authority to be in violation of any applicable statute, regulation or permit, the Control Authority shall:

1) Advise the User of the impact of the contribution on the POTW;
2) Develop effluent limitation for such User to correct the violation or Interference with the POTW and;
3) Take any enforcement measures necessary and appropriate under the circumstances.

2.2 National Categorical Pretreatment Standards:

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

A. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard. The Control Authority shall impose an alternate limit in accordance with 40 CFR 403.6(e).

B. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

C. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial Users in accordance with 40 CFR 403.6 (c)(2).

D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the Industrial User meets all the conditions as set forth in 40 CFR 403.6 (c)(5).

2.3 State Pretreatment Standards:[Reserved]

2.4 Local Limitations

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

11-20-364

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

B. No person shall discharge any waters or wastes at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the most recent "Technically Based Local Limits Development Document" in accordance with the requirements in NPDES Permit AR0021768, and adopted by the Control Authority and approved by the Arkansas Department of Environmental Quality and the City.

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

D. In addition, the Control Authority may develop specific discharge limitations, or Best Management Practice (BMPs), when deemed appropriate by the Control Authority, for any other toxic or inhibiting pollutant which may be determined to be of sufficient quantity to cause POTW interference, POTW Pass Through, endanger the health and safety of the POTW personnel or general public, produce environmental harm, cause a POTW permit violation or render the POTWs sludges unacceptable for economical reclamation, disposal, or use.

E. Section a. through d. are in addition to other restrictions on discharges which shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

2.5 [Reserved]

2.6 The City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the POTW if deemed necessary to comply with the objectives presented to Section 1.1 of this Ordinance. If more stringent limitations or requirements are deemed necessary, Industrial Users will have a reasonable time period to comply with such revisions. The time period shall be established on a case by case basis by The Control Authority.

2.7 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority 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.

11-20-365

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

2.8 Slug Discharges:

A. Accidental Discharge/Slug Discharge Control Plans:

The Control Authority shall evaluate whether each SIU needs an accidental discharge/Slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Control Authority may develop such a plan for any User. An Accidental discharge/Slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the Control Authority of any accidental or Slug Discharges, as required by Section 6.7 of this ordinance; and;

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

B. Notification Requirements:

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

2.9 Prohibition of Bypasses:

A. The Users pretreatment facility or device must be in operation at all times to the extent necessary to meet the applicable federal, state and local requirements and regulations and any intentional diversion, except as noted in Section 2.9.b below, of wastewater from any portion of the Users pretreatment facility or device is prohibited.

B. A bypass may be excused, however, if the bypass is necessary and there is no feasible alternative to prevent loss of life, personal injury or severe property damage. The no feasible alternative criterion is not satisfied if, in the exercise of reasonable engineering judgement, adequate back-up equipment should have been

11-20-36

installed to prevent a bypass which occurs during a period of maintenance or in a period of equipment downtime.

C. Knowledge of a pending bypass must be reported immediately to the Control Authority. If the bypass isunanticipated the User must give oral notice of the Bypass within 24 hours of becoming aware of the bypass.

D. For both anticipated and unanticipated bypasses, the user must submit to the Control Authority a written report within 5 working days describing the Following:
(1) The nature of the Bypass;
(2) the cause;
(3) the duration and;
(4) solutions to avoid future bypasses.

2.10 Hauled Wastewater:

A. Septic tank waste originating from domestic sources within the city limits of Russellville may be introduced into the POTW only at locations designated by the Control Authority, and at such times as are established by the Control Authority. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the Control Authority. The Control Authority may require septic tank waste haulers to obtain individual wastewater discharge permits.

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

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

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

11-20-367

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

E. Waste Haulers of waste materials removed from grease interceptors, solids traps or other such devices shall not, at any time, discharge any material retained by such devices back into the sanitary sewer collection system.

SECTION 3: - FEES AND SURCHARGES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the POTW for the implementation of the program established herein. The applicable fees and surcharges are set forth in the Control Authority's Schedule of Charges and Fees.

3.2 Fees:

A. The City ~~Control Authority~~ may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the Control Authority's Pretreatment Program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing Accidental Discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the Control Authority of pollutants otherwise subject to Federal Pretreatment Standards; or

(7) Other fees as the City ~~Control Authority~~ may deem necessary to carry out the requirements contained herein.

B. These fees related solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City ~~Control Authority~~.

3.3 Surcharges:

A. The discharge of pollutants in concentrations above that found in normal domestic wastewater may be accepted by the POTW from Users provided that:

(1) The concentration levels of the constituent(s) are not above that established by the Control Authority for the acceptance of such wastewater.

(2) The wastewater has none of the characteristics described in Section 2.1 of the Ordinance;

11-20-368

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(3) The User pays to the Control Authority a Surcharge for the acceptance of such wastes in addition to its normal fee.

B. The permissible concentration ranges for the constituents eligible for acceptance, and a schedule of the surcharge costs together with certain restriction and limitations will be established by the Control Authority and incorporated into the Wastewater Contribution Permit of the Industrial User.

SECTION 4: - ADMINISTRATION

4.1 Wastewater Discharge:

A. It shall be unlawful for a Significant Industrial User to discharge wastewater to the POTW without a current Wastewater Contribution Permit issued by The Control Authority in accordance with the provisions of this Ordinance.

B. All Users, currently not permitted by The Control Authority, who may discharge anything other than normal domestic sanitary wastewater must, if they have not previously done so, provide sufficient information or make an application for a Wastewater Contribution Permit so that the Control Authority can determine whether the applicant is a Significant Industrial User who must obtain a permit.

4.2 Wastewater Contribution Permits:

4.2.1 Individual Wastewater Discharge PermitRequirement.

A. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW.

4.2.2 Permit Application

A. All Users required to apply for or obtain a Wastewater Contribution Permit shall complete and file with the Control Authority an application in the form prescribed by the Control Authority and accompanied by a fee outlined in the City ~~Control Authority~~'s schedule of charges and fees. Existing users shall apply for permit reissuance no later-than 180 days prior to the expiration of the User's existing permit. Proposed new Significant Industrial Users shall apply at least 90 days prior to connecting to or contributing to the POTW. At the discretion of the Control Authority, applications received within 90 days of the desired date of connection to or contribution to the POTW will be processed as expediently as possible. In support of the application, Users shall submit, in units and terms

11-20-369

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

appropriate for evaluation, the following information, unless deemed inapplicable by the Control Authority.

(1) Name, address, and location, (if different from the address);

(2) SIC number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristic including but not limited to those mentioned in Section 2 of this Ordinance as determined by a certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR, part 136, as amended;

(4) Time and duration of contribution;

(5) Average flow rates, including daily, monthly and seasonal variations if any;

(6) Site plumbing plans and details to show all sewers, sewer connections, an appurtenance by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premise including all materials which are or could be discharged;

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

(9). Measurement of Pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated process for Existing Sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Control Authority, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.6 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation

11-20-370

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 4.6 of this ordinance.

B. The permit application may also contain any other information as may be required by the Control Authority to evaluate the permit application, including but not limited to the following:

(1) Each product produced by type, amount, process orprocesses and rate of production;

(2) Type and amount of raw materials processed (average and maximum per day); and

(3) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of the Users pretreatment facility.

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

D. Application Signatories and Certification: All Wastewater Contribution Permit applications and Users reports must be signed by an authorized representative (*defined in Section 1.2 A(3)*) of the User and contain the following certification statement:

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

E. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

11-20-371

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

4.2.3 Permit Modification

The eControl Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.

(2) To Address significant alterations to the User's operation, process, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the Control Authorities POTW, Control Authority personnel, or the receiving waters;

(5) Violation of any terms of conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or

(7) To correct typographical or other errors in the individual wastewater discharge permit.

The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit if the limitations or requirements as identified in Section 2 of this Ordinance are modified or for other just cause. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.2.4 Permit Conditions:

A. Wastewater Contribution Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, Significant Industrial User charges and fees established by the City ~~Control Authority~~. Permits shall contain the following:

(1) Statement of permit duration;

11-20-372

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(2) Statement of non-transferability without, at a minimum, prior notification to the Control Authority;

(3) Applicable effluent limits, including Best Management Practices (BMP) or Categorical Pretreatment Standards, if applicable;

(4) Applicable self-monitoring, sampling, reporting, and record keeping requirement, including sampling location, sampling frequency, sample type, and standards for tests and reporting schedule.

(5) Notification requirements for Slug Discharges and Bypass as contained in Sections 2.8 and 2.9 of this Ordinance.

(6) Statement of applicable civil and criminal penalties for violation of the pretreatment standards and requirements, and applicable compliance schedule(s).

B. Permits may contain one or more of the following:

(1) The unit charge or schedule of the Significant Industrial Users charges and fees for the wastewater to be discharged;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Requirements for submission of technical reports or discharge reports.

(6) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority, and affording the Control Authority access thereto;

(7) Requirements for notification of the Control Authority of any discharge, including a slug discharge, that could cause problems to the POTW; of any violation within 24 hours of becoming aware of the violation; and of any new introduction of wastewater constituents or any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Significant Industrial User has submitted initial notification under 40 CFR 403.12(p);

(8) Compliance schedules; or

11-20-373

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

(9) Other conditions as deemed appropriate by the Control Authority to insure compliance with this Ordinance.

4.2.5 Permits Duration:

Wastewater Contribution 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.

4.2.6 Permit Transfer:

Wastewater Contribution Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred to a new owner, new User, without, as a minimum, providing the Control Authority:

(1) 30 days advance notice of intent to transfer or assign;

(2) a certified statement by the assignee or transferee that upon the permits assignment or transfer, there will not be a change in the operation of the facility so as to, in any way, affect the quantity and quality of the wastewater discharged to the POTW and;

(3) a copy of the existing individual control mechanism is provided to the transferee or assignee. All other transfers, assignments, change in premise or change in operations will require the prior approval of the Control Authority before the Wastewater Contribution Permit will become effective. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

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

4.2.7 Regulation of Waste Received from Other Jurisdictions

A. All discharges to the City of Russellville POTW, which are outside the jurisdiction and are not part of another incorporated city, shall be required to agree by written contract to abide by the conditions set forth in this Ordinance, subsequent revisions and amendments to this Ordinance, and any rules and/or regulations promulgated by the City.

B. All incorporated cities which discharge to the City of Russellville POTW shall agree by written contract to adopt an Ordinance which meets the requirements of 40 CFR 403, General Pretreatment Regulations, and will be at least as stringent as the conditions set forth in this Ordinance. This agreement must also contain a

11-20-374

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

provision that allows for the adoption of any and all rules and/or regulations promulgated by the Control Authority and shall delegate to the Control Authority the powers to enforce the provisions of all laws, rules, and/or regulations adopted in accordance with this Section.

4.3 Reporting Requirements for Permittee

Reports (Baseline Monitoring, Compliance Date and Periodic Compliance) in this Ssection shall include the Certification Statement as set forth in Section 4.2.2.d in this Oordinance and shall be signed by an Authorized Representative of the User as set forth in Section 1.2.3 in this Oordinance.

4.3.1 Baseline Monitoring Reports

Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after a Final Administrative Decision made upon the application of an appropriate Categorical Pretreatment Standard, whichever is later, an existing User subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Control Authority a Baseline Monitoring Report. This Baseline Monitoring Report shall contain all of the information required in 40 CFR 403.12(b)(1)-(7). At least 90 days prior to the commencement of discharge, New Sources, and sources that become Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Control Authority a Baseline Monitoring Report which contains all the information listed in paragraphs 40 CFR 403.12(b)(1)-(5). New Sources shall also be required to include in their Report information on their method of pretreatment intended to be used in meeting their applicable pretreatment standards. Requirements for compliance schedules for meeting categorical Pretreatment Standards are set forth in 40 CFR 403.12 (c).

4.3.2 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 Control Authority a report indicating the nature and concentration of all pollutants in its discharge which are limited by pretreatment standards and requirements and their average and maximum daily flow. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an Authorized Representative of the User. Any data presented as part of the report shall be prepared and certified by a certified laboratory and should any pretreatment be proposed or required, a registered engineer shall prepare and certify his/her involvement in the proposed pretreatment facility.

11-20-375

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

4.3.3 Periodic Compliance Reports

A. Any User subject to pretreatment standards, after the compliance date of such pretreatment standards, or, in the case of a New Source, after commencement of the discharge into the POTW, and any non-categorical User shall submit to the Control Authority during the months of June and December, unless required more frequently by the Control Authority, a report indicating the nature, concentration and flow of pollutants in the effluent which are limited by such pretreatment standards.(the Control Authority will specify reporting parameters for non-categorical SIUs) At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months for report submittal.

B. The Control Authority may impose equivalent mass limitations of Users where the imposition of mass limitations is appropriate. In such cases, the report required by Ssection 4.3.3.a of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be the same as above.

4.3.4 Notification of Potential Problems

All categorical and non-categorical Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any Slug loading by the User.

4.4 Monitoring Factors

A. The Control Authority may require, to be provided and operated at the Users own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Users premise, but the Control Authority 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.

B. 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,

11-20-376

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Control Authority.

D. If a User subject to the reporting requirement in this section 4.3 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 4.6 of this ordinance, the results of this monitoring shall be included in the report.

4.5 Inspection and Sampling:

The Control Authority shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of the premise where wastewater is created or discharged shall allow the Control Authority, and other approval authorities, or their representatives, ready access at all reasonable times to all parts of the premise for the observation of any User personnel in the performance of any of their duties. All records of the facility pertaining in any way to the provisions of this Ordinance may be photocopied by the Control Authority and the copies removed from the facility's premises. EPA, ADEQ, ~~or~~ the City or the Control Aauthority shall have the right to set up on the Users 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 premise, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, the Control Authority, ADEQ or EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

4.6 Sampling and Analytical Procedures:

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

11-20-377

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

samples shall be collected at the secure sample point, sample/inspection manhole, or process sampling point as designated by the Control Authority.

All independent laboratories performing analyses for Users, including, but not limited to self monitoring reports, Periodic Reports on Continuing Compliance, Baseline Monitoring Reports and/or split sample verification, shall be certified by the Arkansas Department of Environmental Quality Laboratory Certification Program for the specific analysis being performed. The Control Authority reserves the right to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.

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

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the numbers of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

11-20-378

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

D. Sampling and testing shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. The sampling methods performed shall include at a minimum procedures for sample chain of custody, preservation techniques, and holding times.

E. If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

1) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month; or
2) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

4.7 Pretreatment:

A. Users shall provide any and all pretreatment as necessary to comply with this Ordinance, their Wastewater Contribution Permit, all applicable State and Federal requirements and if applicable, Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facility required to pretreat wastewater to a level acceptable to the Control Authority shall provide, operate, and maintain a pretreatment facility at the User's expense. Detailed plans showing the pretreatment facility and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority 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 Control Authority under the provisions of this Ordinance. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be acceptable to the Control Authority prior to the Users initiation of the changes.

B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority ~~Superintendent~~, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that

11-20-379

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired by the User at their expense.

4.8 Significant Noncompliance (SNC):

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with

11-20-380

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

4.9 Confidential Information:

A. 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 Control Authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

B. When requested by the User 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 the National Pollutant Discharge Elimination System (NPDES) Program or the Pretreatment Program; 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 User furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

4.10 Notification Requirements

A. In accordance with 40 CFR 403.12(j) all Industrial Users shall promptly notify the Control Authority in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (B) of this section.

B. In accordance with 40 CFR 403.12 (p) the Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a

11-20-381

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.

4.11 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4.c. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s)taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Control Authority.

SECTION 5: - ENFORCEMENT

5.1. Notification of Violation:

Whenever the Control Authority finds that any User has violated or is violating this Ordinance, Wastewater Contribution Permit, or any prohibition, limitation or requirements contained therein, the Control Authority may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction and prevention, to include specific required actions, shall be submitted to the Control Authority by the User. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of Notice of Violation.

5.2 Consent Agreement:

The Control Authority is hereby empowered to enter into Consent Agreement, assuring voluntary compliance, or other similar documents as an agreement with the User responsible for the noncompliance. Such agreements will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the agreement.

5.3 Show Cause Hearing:

A. The Control Authority may order any User who causes, or allows, an unauthorized discharge to enter the POTW, or who violates any of the conditions of this Ordinance, or the permit, or applicable state or Federal laws or regulations,

11-20-382

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

to show cause before the Control Authority as to why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place of the show cause hearing, the reasons why the action is being taken, the proposed enforcement action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of 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. If a duly notified User fails to appear as noticed, immediate enforcement action may be pursued.

B. The Control Authority may itself conduct the show cause hearing and take the evidence, or may designate any of its board members or any officer or employee of The Control Authority to:

(1) Issue in the name of the Control Authority notices of hearings 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 Control Authority for action thereon.

C. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof (i.e. postage, printing expense, etc.)

D. Following the show cause hearing, the Control Authority shall within Fifteen (15) days following the recommendation of the hearing officer issue and have served on all parties the action recommended. If warranted, the Control Authority shall recommend to the City Council, after setting forth the findings of fact, that the City Attorney pursue legal action, including civil action to recover the recommended penalties for the violation, injunctive relief and/or criminal prosecution. Alternatively, the Control Authority may issue to the User in violation, notice that following a specified period of time, the sewer service will be discontinued unless its pretreatment facility shall have installed adequate devices or other related appurtenances and such devices or other related appurtenances are properly operated. Other orders and directives as are necessary and appropriate may be issued.

E. An order directing the cessation of sewer service shall not preclude a recommendation for legal action to the City.

11-20-383

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

5.4 Administrative Orders and Fines: .

5.4.1 Compliance Orders:

When the Control Authority finds that a User has violated or continues to violate this Ordinance, its Wastewater Contribution Permit or orders issued thereunder, the Control Authority may issue an order to the User responsible for the violation that states that following a specified time period, sewer service shall be discontinued unless Users pretreatment facility has installed devices or other appurtenances and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation of pretreatment technology, additional self monitoring and management practices.

5.4.2 Cease and Desist Orders:

When the Control Authority finds that a User has violated or continues to violate this Ordinance, its Wastewater Contribution Permit or order issued thereunder, the Control Authority may issue an order to cease and desist all such violations and direct the User in noncompliance to comply forthwith, if necessary the Control Authority may take such appropriate preventive or remedial action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating discharge.

5.4.3 Administrative Fines:

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may fine such User in an amount not to exceed $1000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

5.5 Emergency Authority:

A. The Control Authority, following only oral notice to the User, may suspend the wastewater treatment service or the Wastewater Contribution Permit of any person when, in the opinion of the Control Authority, such suspension is necessary to immediately and effectively halt or prevent any actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health, safety or welfare of persons.

B. The Control Authority, following a notice with the opportunity to respond, may halt or prevent any discharge to the POTW which presents or may present an

11-20-384

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

endangerment to the environment or which threatens to interfere with the operation of the POTW.

C. Any User notified of a suspension of its wastewater treatment service and/or its Wastewater Contribution Permit shall immediately stop or eliminate the harmful discharge. In the event of a failure of the User to comply voluntarily with the demand for cessation, the Control Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent the endangering discharge. The Control Authority may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the endangering discharge, together with an acceptable detailed written statement submitted by the User describing the cause of the harmful discharge and the measures taken to prevent any future occurrence. The proof and required statements must be submitted to The Control Authority within 15 days of the date of the endangering discharge occurrence.

5.6 Revocation of Permits:

A. Any Significant Industrial User who violates any of the following conditions or requirements of this Ordinance, or applicable state and federal laws or regulations or any provisions of its Wastewater Contribution Permit is subject to having his permit revoked:

(1) Violation of Wastewater Contribution Permit conditions.

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(3) Failure to report significant changes in operations or wastewater constituents and characteristics.

(4) Refusal of reasonable access to the Significant Industrial Users premise for the purpose of inspection, monitoring or sampling.

B. A noncompliant Significant Industrial User will be notified of the proposed termination of its Wastewater Contribution Permit and offered an opportunity to show cause pursuant to Section 5.3 of this Ordinance why the proposed action should not be taken.

5.7 Judicial Remedies:

If any User discharges sewage, industrial wastes or other wastes into the POTW contrary to the provisions of this Ordinance, or any other applicable ordinances, or federal or state Pretreatment Requirements, or any order of the City or the Control Authority, or otherwise violates provisions of this Ordinance, or the Wastewater Contribution Permit,

11-20-385

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

or applicable laws and regulations, the Control Authority may recommend to the City Council that the City Attorney commence action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

5.7.1 Injunctive Relief:

Whenever a User has violated or continues to violate the provisions of this Ordinance or its Wastewater Contribution Permit or orders issued thereunder, the Control Authority may request that the City Attorney immediately petition the Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain or compel the activities of the User.

5.7.2 Civil Penalties:

A. Any User who is found to have violated or continues to violate an order of the Control Authority or who negligently failed to comply with any provisions of this Ordinance or the orders, rules, regulations and permits issued thereunder, may be fined not more than $1,000.00 for each offense. Jurisdiction to determine such penalties shall be in the Pope County ~~City~~ District ~~Municipal~~ Court or other court of appropriate jurisdiction. Each day on which a violation shall occur or continue shall be a separate and distinct offense.

B. In addition to the civil penalties provided for herein, the City may recover, from the user in violation, any damages suffered, reasonable attorneys' fees, court costs, court reporters fees and other expenses of litigation in any action in law or equity against any person or other entity.

C. The City Attorney shall petition the Court to impose, assess and recover all civil penalties, legal fees, and costs together with damages if appropriate. In determining the amount of the penalty, the Control Authority in its recommendation for civil penalties, the City Council and the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the user in allowing the violation, the timing and nature of any corrective actions taken by the User, the compliance history of the User and any other factors as justice requires.

5.8 Criminal Prosecution:

A. The Control Authority may recommend to the City Council that the City Attorney criminally prosecute any User who knowingly or willfully violates any provision of this ordinance, its Wastewater Contribution Permit or any orders issued thereunder. If so prosecuted the User shall, upon conviction, be guilty of a

11-20-386

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

misdemeanor, and punished by a fine not to exceed $1,000.00 per violation per day ~~or imprisonment for not more than six (6) months, or both~~.

B. Any person who knowingly or willfully makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or its Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly or willingly renders inaccurate any monitoring or sampling device, wastewater sample or other methods required under this Ordinance, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation, per day, ~~or by imprisonment for not more than six (6)months or both~~.

5.9 Supplemental Enforcement Remedies:

5.9.1 Annual Publication of Users in Significant Noncompliance:

The Control Authority shall publish, at least annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW a description of those Users which are found to be in Significant Noncompliance as defined in section 4.8 with any provisions of this Ordinance or any permit or order issued thereunder during the period since the previous publication.

5.9.2 Performance Bonds:

The Control Authority may decline to reissue a Wastewater Contribution Permit to any Significant Industrial User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued thereunder unless such Significant Industrial User files with the Control Authority a satisfactory bond payable to the City ~~Control Authority~~ in a sum not to exceed an amount determined by the Control Authority to be necessary to achieve consistent compliance.

5.9.3 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of the pretreatment violations will generally be in accordance with the Control Authority's enforcement response plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

SECTION 6: - SEVERABILITY

11-20-387

Prepared by:
City Corporation
Edited by:
Trey Smith
City Attorney
P.O. Box 428
Russellville, AR 72811
Sponsor: City Corporation
NB#17

Authority is empowered to take more than one enforcement action against any noncompliant User.

SECTION 6: - SEVERABILITY

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

SECTION 7: – REPEAL AND AMENDMENT

As of the effective date of this Ordinance, Ordinance No. 1388 is hereby repealed. All other parts of Ordinances in conflict with this Ordinance are amended to conform to this Ordinance.

ORDAINED, this 21st day of April, 2011.

Bill Eaton

BILL EATON, MAYOR

ATTEST:

Kathy Collins

KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2105 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 21st day of April, 2011.

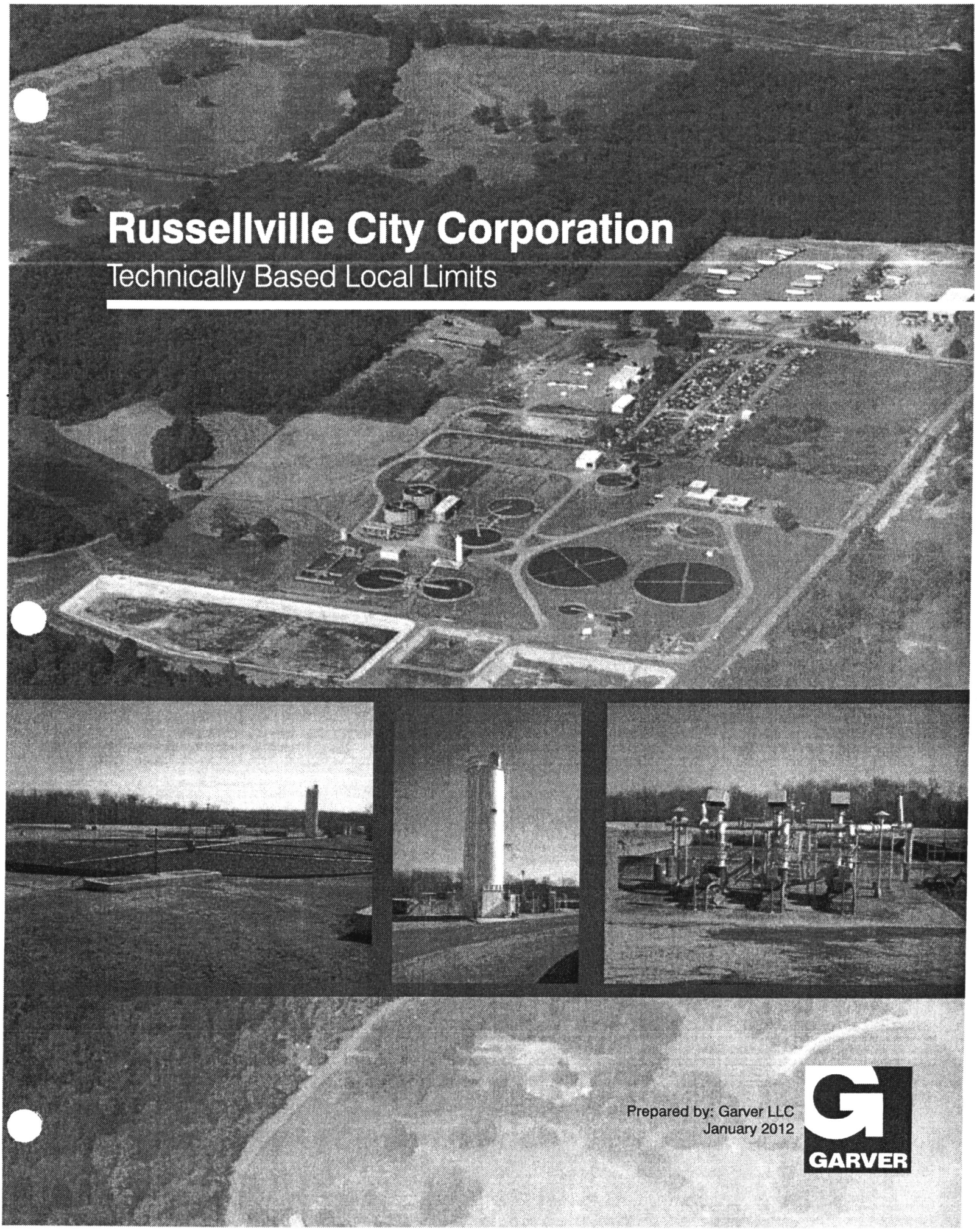
APPROVED AS TO FORM:

William F. Smith III

WILLIAM F. SMITH III, CITY ATTORNEY

OFFICE OF CITY CLERK RUSSELLVILLE, ARKANSAS

11-20-388



Russellville City Corporation

Technically Based Local Limits

Prepared by: Garver LLC
January 2012

GARVER

Summary

A component of the National Pollutant Discharge Elimination System (NPDES) Program is known as the National Pretreatment Program. This program was developed by the Environmental Protection Agency (EPA) to control discharges of pollutants from publicly owned treatment works (POTWs). Under Section 307 (b) of the Clean Water Act (CWA), EPA was required to develop pretreatment standards that prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with POTWs. The 1977 amendments to the CWA required POTWs to ensure compliance with the pretreatment standards by each significant local source introducing pollutants subject to pretreatment standards in a POTW. To meet these requirements, the EPA developed the General Pretreatment Regulations for Existing and New Sources of Pollution. The Arkansas Department of Environmental Quality (ADEQ) is responsible for the administration of this program in Arkansas.

Garver began assisting Russellville City Corporation (RCC) in the development of Technically Based Local Limits (TBLL) for the Pollution Control Works (PCW) in 2008. The TBLLs are developed by individual municipalities, or their consultants, to comply with the requirements of the National Pretreatment Program and they are designed to provide a minimum acceptable level of control over industrial users' discharges. The methodology used in 2008 by Garver was to develop calculations based upon the EPA publication "EPA 833-R04-002A – Local Limits Development Guidance." This document provides information for calculating local limits based on discharge limitations, maximum allowable pollutant loading in the biosolids, and treatment process inhibition. The pretreatment staff at ADEQ also has developed a spreadsheet to calculate TBLLs based on water quality requirements included in the Arkansas Pollution Control and Ecology Commission Regulation No. 2. Once Garver personnel were made aware that the ADEQ spreadsheet existed, these calculations were incorporated into the evaluation for the PCW TBLL development. Essentially the EPA guidance based calculations and the ADEQ spreadsheet calculations were performed separately and the results were compared. To be conservative and protective of the PCW, the more stringent of the two results was reported as the TBLL for the pollutants evaluated. The majority of the limits were based on the water quality calculations provided in the ADEQ spreadsheet and some were based on the sludge thresholds. Once submitted, ADEQ did not agree with the methodology used to calculate the TBLLs and preferred that RCC simply utilize the spreadsheet provided by ADEQ to calculate the local limits. Garver did not wholly agree that this was the best technique since an extensive review of the spreadsheet was not possible due to time constraints; however, since ADEQ is the regulatory agency responsible for approving these calculations, the calculations based on the EPA guidance were removed from the submittal. Once Garver was able to complete a more extensive review of the ADEQ calculations, Garver now agrees that this methodology is sound and provides an acceptable means of protection for the PCW with regard to Industrial Users' Discharge.

The following sections provide example calculations to demonstrate the methodology employed to derive the TBLLs, the data used in these calculations, and the spreadsheet used to calculate the local limits. There are three different methodologies utilized for the calculations. The metals and

typical pollutants of concern are covered in the original spreadsheet provided by ADEQ. Conventional pollutants such as total suspended solids (TSS) and carbonaceous biochemical oxygen demand ($CBOD_5$) are calculated based on removal efficiencies demonstrated by influent and effluent data. The nitrogenous parameters are handled from a total nitrogen influent and effluent basis. The NPDES permit contains seasonal effluent limitations for TSS, $CBOD_5$, and NH_3. The local limits for the PCW are calculated based on the most stringent of the seasonal limits. This provides an additional level of protection for the treatment processes at the PCW. An example calculation for each of these methods is included for each of these methods.

Example Calculations

Section 1 – Original TBLL Parameters

As described in the Summary, local limits are calculated for multiple parameters in the original spreadsheet provided by ADEQ. The parameters are primarily metals as well as other pollutants included in the priority pollutant scan conducted with each renewal of the NPDES permit. The calculations for these constituents include compliance with water quality standards, biosolids generation, and PCW process inhibition. To provide a detailed description of how these local limits are derived the information below steps through each calculation. Since the calculations are identical for each pollutant, Zinc was selected for this exercise.

THE CALCULATIONS PROVIDED IN THE ADEQ SPREADSHEET REFERENCED IN THE SUMMARY WERE USED TO GENERATE THE "AQUATIC LIFE AML" VALUE. THIS VALUE REPRESENTS THE ALLOWABLE DISCHARGE CONCENTRATION BASED ON WATER QUALITY STANDARDS. THE CALCULATIONS TO DERIVE THIS VALUE ARE INCLUDED IN REGULATION 2.

BASED ON INFLUENT & EFFLUENT INFORMATION PROVIDED BY RUSSELLVILLE CITY CORPORATION (RCC) GARVER USED {EQ-1.1} TO CALCULATE THE AVERAGE REMOVAL PERCENTAGE FOR THE POTW.

$$\textbf{Removal Percentage}\ (\%) = 1 - \frac{\textit{Average Effluent}\left({}^{mg}/_{L}\right)}{\textit{Average Influent}\left({}^{mg}/_{L}\right)} \qquad \textbf{\{EQ-1.1\}}$$

$$\textbf{Removal Percentage}\ (\textbf{Zinc}) = 1 - \frac{0.04032\ \frac{mg}{L}}{0.19102\ \frac{mg}{L}}$$

$$\textbf{Removal Percentage}\ (\textbf{Zinc}) = 79\%$$

WATER QUALITY

MAXIMUM ALLOWABLE HEADWORKS LOADING (MAHL) IN $\left({}^{lbs}/_{day}\right)$ FOR THE POTW ARE CALCULATED USING {EQ-1.2} BASED ON RESULTS OF {EQ-1.1} AND THE AQUATIC LIFE AML VALUES.

$$\textbf{MAHL}\left(\frac{\textbf{lbs}}{\textbf{day}}\right) = \frac{\left(\textit{Aquatic Life AML}\,{}^{mg}/_{L}\right) \times (8.34) \times (\textit{POTW Average Flowrate MGD})}{1 - \textit{Removal}\ (\%)} \qquad \textbf{\{EQ-1.2\}}$$

$$\textbf{MAHL}\ (\textbf{Zinc}) = \frac{\left(0.0855\frac{mg}{L}\right) \times (8.34) \times (5.89\ MGD)}{1 - 79\%}$$

$$\textbf{MAHL}\ (\textbf{Zinc}) = 19.91\frac{lbs}{day}$$

SLUDGE

CEILING CONCENTRATIONS FOR LAND APPLIED BIOSOLIDS ARE PROVIDED IN RCC'S NPDES PERMIT. THESE POLLUTANTS ARE NOT DESTROYED BY THE BIOLOGICAL WASTEWATER TREATMENT PROCESS; THEREFORE, ANY METALS REMOVED FROM THE WASTEWATER STREAM WERE ASSUMED TO BE SEQUESTERED IN THE SLUDGE. THE MAHL IN $\left(\frac{lbs}{day}\right)$ FOR THE POTW WAS CALCULATED WITH {EQ-1.3} BASED ON THE PERMITTED VALUES.

$$MAHL\left(\frac{lbs}{day}\right) = \frac{Ceiling\ Concentration\left(^{mg}/_{kg}\right) \times Sludge\ Volume\left(^{tons}/_{day}\right) \times (.002)}{Removal\ (\%)} \qquad \{EQ\text{-}1.3\}$$

$$MAHL(Zinc) = \frac{7{,}500\frac{mg}{kg} \times 1.19\frac{tons}{day} \times (.002)}{79\ \%}$$

$$MAHL(Zinc) = 22.53\frac{lbs}{day}$$

INHIBITION

DISCHARGE CONCENTRATION VALUES ARE PROVIDED AS A RANGE IN THE EPA GUIDANCE DOCUMENT REFERENCED IN THE SUMMARY; THERFORE IN ORDER TO BE CONSERVATIVE GARVER USED THE MINIMUM VALUE OF THE RANGE IN {EQ-1.4} TO DETERMINE MAHL FOR THE POTW.

$$MAHL\left(\frac{lbs}{day}\right) = \left(Inhibition\left(\frac{mg}{L}\right)\right) \times (8.34) \times (POTW\ Average\ Flowrate\ MGD) \qquad \{EQ\text{-}1.4\}$$

$$MAHL(Zinc) = \left(0.80\frac{mg}{L}\right) \times (8.34) \times (5.89\ MGD)$$

$$MAHL(Zinc) = 39.31\frac{lbs}{day}$$

UPON COMPLETION OF THE THREE PARAMETERS USED TO DETERMINE THE ALLOWABLE MAHL FOR THE POTW, THE MINIMUM VALUE WAS SELECTED: $19.91\frac{lbs}{day} < 22.53\frac{lbs}{day} < 39.31\frac{lbs}{day}$. FROM THIS VALUE, THE MAXIMUM ALLOWABLE HEADWORKS CONCENTRATION IS CALCULATED USING {EQ-1.5}.

$$MAHC\left(\frac{mg}{L}\right) = \frac{MAHL\left(\frac{lbs}{day}\right)}{(8.34) \times (POTW\ Average\ Flowrate\ MGD)} \qquad \{EQ\text{-}1.5\}$$

$$MAHC(Zinc) = \frac{19.91\frac{lbs}{day}}{(8.34) \times (5.89\ MGD)}$$

$$MAHC(Zinc) = 0.4052\frac{mg}{L}$$

THESE VALUES ARE THE MAXIMUM CALCULATED POTW CAPACITY. AS SUGGESTED BY THE EPA GUIDANCE DOCUMENT AND ALSO BY ADEQ, GARVER APPLIED A 25% SAFETY FACTOR TO THESE CALCULATED VALUES. FINAL VALUES ARE AS FOLLOWS:

$$MAHC(Zinc) = 0.4052\frac{mg}{L} \times 75\%$$

$$MAHC(Zinc) = 0.3039\frac{mg}{L}$$

$$MAHL(Zinc) = 19.91\frac{lbs}{day} \times 75\%$$

$$MAHL(Zinc) = 14.93\frac{lbs}{day}$$

AS STATED IN THE SUMMARY, TBLLS ARE DEVELOPED FOR INDUSTRIAL USERS; THEREFORE, DOMESTIC VALUES, AS REPORTED BY RCC, ARE SUBTRACTED FROM THE POTW CAPACITY TO CALCULATE A MAXIMUM ALLOWABLE INDUSTRIAL LOADING (MAIL) VALUE BY EQUATION {EQ-1.6}.

$$MAIL\left(\frac{lbs}{day}\right) = MAHL\left(\frac{lbs}{day}\right) - Domestic\left(\frac{lbs}{day}\right) \quad \{EQ\text{-}1.6\}$$

$$MAIL_{(Zinc)} = 14.93\frac{lbs}{day} - 8.77\frac{lbs}{day}$$

$$MAIL_{(Zinc)} = 6.16\frac{lbs}{day}$$

Section 2 – Conventional Pollutants

In addition to the original parameters used for the local limits in the past, ADEQ has requested that RCC include total suspended solids (TSS) and carbonaceous biochemical oxygen demand ($CBOD_5$) in the limits placed on industrial users. The calculations for TSS and $CBOD_5$ are identical to each other; therefore, the example calculation for TSS below is representative for both of these pollutants.

BASED ON INFLUENT & EFFLUENT INFORMATION PROVIDED BY RCC, GARVER USED {EQ-1.1} TO CALCULATE THE AVERAGE REMOVAL PERCENTAGE FOR THE POTW BASED ON THE MOST STRINGENT SEASONAL DISCHARGE CONCENTRATION PERMIT LIMIT AS PREVIOUSLY DESCRIBED IN THE SUMMARY.

$$\boldsymbol{TSS\ Permit\ Limit\ (May\ thru\ October) < TSS\ Permit\ Limit\ (November\ thru\ April)}$$

$$15\,\frac{mg}{L} < 20\,\frac{mg}{L}$$

$$\boldsymbol{Removal\ Percentage\ (TSS)\ May\ thru\ October} = 1 - \frac{10.5\,\frac{mg}{L}}{238.6\,\frac{mg}{L}}$$

$$\boldsymbol{Removal\ Percentage\ (TSS)\ May\ thru\ October} = 95.6\%$$

USING THE POTW REMOVAL % ALONG WITH THE POTW DISCHARGE CONCENTRATION PERMIT LIMIT, GARVER CONVERTED THE PERMIT LIMIT IN $\left(\frac{mg}{L}\right)$ TO $\left(\frac{lbs}{day}\right)$ USING {EQ-1.4} AND CALCULATED THE POTW MAHL USING {EQ-2.1} AND MAHC USING {EQ-1.5}.

$$\boldsymbol{MAHL\left(\frac{lb}{day}\right) = \frac{Permit\ Limit\left(\frac{lbs}{day}\right)}{1 - Removal(\%)}} \qquad \textbf{\{EQ-2.1\}}$$

$$\boldsymbol{MAHL(TSS)} = \frac{737.0\,\frac{lbs}{day}}{1 - 95.6\%}$$

$$\boldsymbol{MAHL(TSS)} = 16{,}745.9\,\frac{lbs}{day}$$

$$\boldsymbol{MAHC(TSS)} = \frac{16{,}745.9\,\frac{lbs}{day}}{(8.34) \times (5.89\ MGD)}$$

$$\boldsymbol{MAHC(TSS)} = 340.8\,\frac{mg}{L}$$

THE SAME 25% SAFETY FACTOR WAS THEN APPLIED TO THIS VALUE AS IN THE CASE OF THE ORIGINAL TBLL CALCULATIONS. DOMESTIC VALUES FROM RCC WERE THEN SUBTRACTED USING {EQ-1.6} TO OBTAIN THE MAIL VALUES.

$$\boldsymbol{MAHL_{(TSS)}} = 16{,}745.9\,\frac{lbs}{day} \times 75\%$$

$$\boldsymbol{MAHL_{(TSS)}} = 12{,}559.5\,\frac{lbs}{day}$$

$$\boldsymbol{MAIL_{(TSS)}} = 12{,}559.5\,\frac{lbs}{day} - 3{,}797.9\,\frac{lbs}{day}$$

$$\boldsymbol{MAIL_{(TSS)}} = 8{,}761.6\,\frac{lbs}{day}$$

Section 3 – Nitrogenous Pollutants

ADEQ also requested that RCC develop a local limit for influent ammonia (NH_3-N) concentrations. Development of a local limit for ammonia is not as straight forward as the previous calculations for TSS due to the kinetics and the overall nitrogen cycle associated with biological wastewater treatment. Ammonia is the pollutant that is measured at the PCW influent; however, the ammonia levels entering the plant are directly related to the ammonia and nitrate levels in the effluent. Since the NPDES permit for the PCW includes limits for ammonia and nitrate, the treatment process had to be evaluated for nitrification as well as denitrification. By using the permitted amount of ammonia and nitrate allowed in the effluent and backing through the plant using removal efficiencies and an overall nitrogen mass balance, the local limit for ammonia concentration was derived. The following calculations detail the process summarized above.

BASED ON INFLUENT & EFFLUENT INFORMATION PROVIDED BY RCC, GARVER USED {EQ-1.1} TO CALCULATE THE AVERAGE REMOVAL PERCENTAGES FOR THE POTW.

$$\textbf{Removal Percentage } (NH_3) \textbf{ April thru October } = 1 - \frac{0.25\,\frac{mg}{L}}{12.91\,\frac{mg}{L}}$$

$$\textbf{Removal Percentage } (NH_3) \textbf{ April thru October} = 98.0\%$$

$$\textbf{Removal Percentage } (NH_3) \textbf{ November thru March } = 1 - \frac{1.17\,\frac{mg}{L}}{14.09\,\frac{mg}{L}}$$

$$\textbf{Removal Percentage } (NH_3) \textbf{ November thru March} = 91.7\%$$

DUE TO THE NITRIFICATION/DENITRIFICATION PROCESS OF BIOLOGICAL WASTEWATER TREATMENT, ALL OF THE NH_3 CALCULATED AS REMOVED IS ASSUMED TO BE CONVERTED TO NO_3; THEREFORE, THE CALCULATED REMOVAL PERCENTAGE OF NH_3 IS TREATED AS PRODUCED NO_3 FOR CALCULATION PURPOSES. GARVER USED {EQ-1.1} TO CALCULATE THE AVERAGE ANNUAL REMOVAL PERCENTAGE FOR THE POTW FOR USE IN DETERMINING THE PRODUCED NO_3 VALUE.

$$\textbf{Removal Percentage } (NH_3) \textbf{ Annual } = 1 - \frac{0.63\,\frac{mg}{L}}{13.40\,\frac{mg}{L}}$$

$$\textbf{Removal Percentage } (NH_3) \textbf{ Annual } = 95.3\%$$

$$\textbf{Produced } (NO_3) = \textbf{Annual } NH_3 \textbf{ Influent } \left(\frac{mg}{L}\right) \times \textbf{Annual } NH_3 \textbf{ Removal } \%$$

$$\textbf{Produced } (NO_3) = 13.40\,\frac{mg}{L} \times 95.3\%$$

$$\textbf{Produced } (NO_3) = 12.77\,\frac{mg}{L}$$

$$\textbf{Removal Percentage } (NO_3) = 1 - \frac{11.77\,\frac{mg}{L}}{12.77\,\frac{mg}{L}}$$

$$\textbf{Removal Percentage } (NO_3) = 7.9\%$$

USING THE POTW REMOVAL PERCENTAGE ALONG WITH THE POTW DISCHARGE CONCENTRATION PERMIT LIMIT, GARVER CONVERTED THE PERMIT LIMIT IN $\left(\frac{mg}{L}\right)$ TO $\left(\frac{lbs}{day}\right)$ USING {EQ-1.4} AND CALCULATED THE POTW MAHL USING {EQ-2.1} AND MAHC USING {EQ-1.5}. GIVEN THAT NO_3 IS PRODUCED IN THE PLANT DUE TO THE INFLUENT NH_3 GARVER WAS REQUIRED TO COMPARE THE ANNUAL MAHL CALCULATED FOR NO_3 WITH THE MAHLS CALCULATED FOR NH_3 AND PRESENT THE LOWEST VALUE FOR THE OVERALL NH_3 MAHL VALUE.

$$MAHL(NO_3) = \frac{491.3\,\frac{lbs}{day}}{1 - 7.9\%}$$

$$MAHL(NO_3) = 533.2\frac{lbs}{day}$$

$$MAHC(NO_3) = \frac{533.2\,\frac{lbs}{day}}{(8.34) \times (5.89\,MGD)}$$

$$MAHC(NO_3) = 10.9\,\frac{mg}{L}$$

AMMONIA PERMIT BASED MAHL CALCULATION

$$MAHL(NH_3)\ April\ thru\ October = \frac{108.1\frac{lbs}{day}}{1 - 98.0\%}$$

$$MAHL(NH_3)\ April\ thru\ October = 5{,}480.5\,\frac{lbs}{day}$$

$$MAHC(NH_3)\ April\ thru\ October = \frac{5{,}480.5\frac{lbs}{day}}{(8.34) \times (5.89\,MGD)}$$

$$MAHC(NH_3)\ April\ thru\ October = 111.5\,\frac{mg}{L}$$

$$MAHL(NH_3)\ November\ thru\ March = \frac{196.5\frac{lbs}{day}}{1 - 91.7\%}$$

$$MAHL(NH_3)\ November\ thru\ March = 2{,}376.4\,\frac{lbs}{day}$$

$$MAHC(NH_3)\ November\ thru\ March = \frac{2{,}376.4\frac{lbs}{day}}{(8.34) \times (5.89\,MGD)}$$

$$MAHC(NH_3)\ November\ thru\ March\ = 48.4\,\frac{mg}{L}$$

GARVER THEN COMPARED THE MAHL OF NO_3 TO THE MAHL OF NH_3 TO DETERMINE WHICH WOULD BE THE DETERMINING FACTOR FOR NH_3 TBLL.

$$533.2\frac{lbs}{day} < 2{,}376.4\frac{lbs}{day} < 5{,}480.5\frac{lbs}{day}$$

THE SAME 25% SAFETY FACTOR WAS THEN APPLIED TO THIS VALUE AS IN THE CASE OF THE ORIGINAL TBLL CALCULATIONS. DOMESTIC VALUES FROM RCC WERE THEN SUBTRACTED USING {EQ-1.6} TO OBTAIN THE MAIL VALUES.

$$MAHL_{(NH_3)} = 533.2\frac{lbs}{day} \times 75\%$$

$$MAIL_{(NH_3)} = 399.9\,\frac{lbs}{day} - 297.5\frac{lbs}{day}$$

$$MAIL_{(NH_3)} = 102.4\,\frac{lbs}{day}$$

CALCULATIONS OF ARKANSAS WATER QUALITY-BASED EFFLUENT LIMITATIONS

For an Arkansas River/Stream

	(Reserved)	
STEP 1:	INPUT TWO LETTER CODE FOR ECOREGION (Use Code at Right)	AV
	Basin Name	AR River

FACILITY

Permittee	Russellville
NPDES Permit No.	AR0021768
Outfall No. 001 **(Discharge to Whig Creek)**	001
Plant Ave Flow (MGD) (2006-2010)	5.89
SIUs Ave Flow (MGD) from R Bradley email dated 1-6-2012	1.057
Domestic Flow (MGD)	4.83
Plant Design Flow (MGD)	7.30
Plant Design Flow (cfs)	11.28

RECEIVING STREAM

Is this a large river? (see list at right)(enter "1" if yes, "0" if no; make entry as a number)	0	
Name of Receiving Stream:	Whig Creek	
Waterbody Segment Code No.	3F	
Is this a lake or reservoir? (enter '1' if yes, ' 0 ' = no; make entry as a number)	0	
Is seasonal critical flow applicable (1=yes, 0=no); see Reg 2 page 1-3 for details.	0	
(Reserved) DO NOT INPUT DATA INTO CELL H25, H26 & H27....LEAVE BLANK	?	
(Reserved)	?	
(Reserved) (Reserved)	?	
(Reserved) (Reserved)	(Reserved)	
(Reserved) (Reserved)	(Reserved)	
(Reserved) (Reserved)	(Reserved)	
Arkansas River Valley Ecoregion TSS (mg/l)	3.00	
Arkansas River Valley Ecoregion Hardness (mg/l)	25.00	
Enter 7Q10 (cfs) (Reserved)	0.00	(Reserved
Long Term Ave / Harmonic Mean Flow (cfs)	0.00	(Reserved (Reserved)
Using Diffusers (Yes/No)	No	
pH (Avg)	7.00	
Percent (%) of 7Q10 for Chronic Criteria	0.67	
Percent (%) of 7Q10 for Acute Criteria	0.33	
Water Effect Ration (WER)	1.00	
EPA Statistical Factor for Data (Not Applicable to these calculations)	N/A	
Ave Monthly Limit LTA Multiplier (Ref: page 103 TSD for WQ-Based Toxics Control)	1.55	
Max Daily Limit LTA Multiplier (Ref: " " " ")	3.11	

Codes & TSS for Ecoregions and Large Rivers

Ouachita Mts. Eco (OM) =	2.0 mg/l	Arkansas (Ft. Smith to Dardanelle Dam	12.0 mg/l
Ozark Highlands Eco (OH) =	2.5 mg/l	Arkansas (Dardanelle Dam to Terry L&	10.5 mg/l
Boston Mts. Eco (BM) =	1.3 mg/l	Arkansas (Terry L&D to L&D No. 5)	8.3 mg/l
Ark River Valley Eco (AV) =	3.0 mg/l	Arkansas (L&D No. 5 to Mouth)	9.0 mg/l
Gulf Coastal Eco (GC) =	5.5 mg/l	White (Above Beaver Lake)	2.5 mg/l
Delta Ecoregion (DL) =	8.0 mg/l	White (Below Bull Shoals to Black Riv)	3.3 mg/l
		White (From Black River to Mouth)	18.5 mg/l
		St. Francis River	18.0 mg/l
		Ouachita (Above Caddo River)	2.0 mg/l
		Ouachita (Below Caddo River)	5.5 mg/l
		Red River	33.0 mg/l

Total Hardness for:

Arkansas River = 125 mg/l	Red River = 211 mg/l
Ouachita River = 28 mg/l	St. Francis River = 103 mg/l
White River = 116 mg/l	
Gulf Coastal = 31 mg/l	Ouachita Mount = 31 mg/l
Ozark Highlands = 148 mg/l	Ark River Valley = 25 mg/l
Boston Mount = 25 mg/l	Delta = 81 mg/l

Large Rivers

Mississippi River, Arkansas River, Red River
White (Below confluence with Black River)
Ouachita (Below confluence with Little Miss. River)

For industrial and federal facility, use the highest monthly average flow for the past 24 months. For POTWs, use the design flow.

#VALUE! => No violation or Not Applicable

STEP 2: INPUT AMBIENT AND EFFLUENT DATA
CALCULATE IN-STREAM WASTE CONCENTRATIONS

DATA INPUT

For less than 20 data enter geometric mean concentration as micro-gram per liter (ug/l or ppb); enter 2.13 in cell H38.
For 20 or more set data enter highest concentration as micro-gram per liter (ug/l or ppb); enter 1 in cell H38.

Effluent value reported as "< detection level" (DL) but the DL is greater than MQL, the 1/2 DL is used.
Effluent value reported as "< detection level" (DL) and the DL is smaller than MQL, "0" is used.
If a firm value is reported, even less than MQL, the reported value is used.

The following formulae is used to calculate the Instream Waste Concentration (IWC)
(Please refer to CPP for detail)
IWC = [(F*Qa*Cb) + (Qe*2.13*Ce)] / (F*Qa + Qe)
Where:
IWC = Instream Waste Concentration
F = Fraction of stream allowed for mixing
Ce = Reported concentration in effluent
Cb = Ambient stream concentration upstream of discharge
Qe = Plant effluent flow
Qb = Critical low flow of stream at discharge point expressed as the 7Q10 or harmonic mean flow for human health criteria
Upstream Flow (Qb)= (% of 7Q10) X 7Q10 for Chronic and Acute

The following formulae convert metals reported in total form to dissolved form if criteria are in dissolved form

Kp = Kpo * (TSS**a)
C/Ct = 1/ (1 + Kp*TSS* 10^-6)
Total Metal Criteria (Ct) = Cr / (C/Ct)

Kp = Linear partition coefficient; Kpo and a can be found in table below
TSS = Total suspended solids concentration found in receiving stream (or in effluent for intermittent stream)
C/Ct = Fraction of metal dissolved; and Cr = Dissolved criteria value

***Stream Linear Partition Coefficient (Insert "Dissolved" Conc in Column B to conver Lake Linear Partition Coefficient**

Total Metals	Dissolved Value in Stream	Kpo	alpha (a)	Kp	C/Ct	Total Value	Kpo	alpha (a)	Kp	C/Ct	Total Value
Arsenic		480000	-0.73	215249.783	0.607625943	0.00	480000.00	-0.73	215249.78	0.6076259	0
Cadmium		4000000	-1.13	1155880.6	0.223831732	0.00	3520000.00	-0.92	1281123.83	0.2064677	0
Chromium(3)		3360000	-0.93	1209529.63	0.216048568	0.00	2170000.00	-0.27	1613009.76	0.1712613	0
Copper		1040000	-0.74	461278.923	0.41949181	0.00	2850000.00	-0.9	1060317.02	0.23918	0
Lead		2800000	-0.8	1162682.21	0.222814084	0.00	2040000.00	-0.53	1139609.08	0.2263044	0
Mercury		2900000	-1.14	828857.301	0.286814679	0.00	1970000.00	-1.17	544796.56	0.3795946	0
Nickel		490000	-0.57	261961.196	0.559946912	0.00	2210000.00	-0.76	958915.02	0.2579484	0
Zinc		1250000	-0.7	579328.821	0.365231901	0.00	3340000.00	-0.68	1582355.33	0.1740018	0
Silver		2400000	-1.03	774063.072	0.301006335	0.00	2400000.00	-1.03	774063.07	0.3010063	0

**Note: Use this section to convert lab concentrations shown as "dissolved" to "total"*

Dissolved Total

The following formulas are used to calculate water quality criteria based on Regulation No. 2 (Act 472 of Ark 1949)

			WQC (ug/l)	WQC(ug/l)	
Cadmium	Acute	WER X CF1 X e(1.128[ln(hardness)]-3.828)	0.82		CF1 = 1.136672 - [0.041838*ln(hardness)]
	Chronic	WER X CF2 X e(0.7852[ln(hardness)]-3.490)	0.37		CF2 = 1.101672 - [0.041838*ln(hardness)]
Chromium Tri	Acute	WER X 0.316 X e(0.819[ln(hardness)]+3.688	176.31		
	Chronic	WER X 0.86 X e(0.819[ln(hardness)]+1.561	57.19		
Chromium Hex	Acute	WER X 0.982 X 16	15.71		
	Chronic	WER X 11 X 0.962	10.58		
Copper	Acute	WER X 0.96 X e(0.9422[ln(hardness)]-1.464)	4.61		
	Chronic	WER X 0.96 X e(0.8545[ln(hardness)]-1.465)	3.47		
Lead	Acute	WER X e(1.273[ln(hardness)]-1.460)*CF3	13.88		CF3 = 1.46203 - [0.145712*ln(hardness)]
	Chronic	WER X e(1.273[ln(hardness)]-4.705)*CF3	0.54		
Mercury	Acute	WER X 0.85 X 2.4	2.04		
	Chronic	WER X 0.012	0.01		
Nickel	Acute	WER X 0.998 X e(0.8460[ln(hardness)]+3.3612)	438.06		
	Chronic	WER X 0.997 X e(0.8460[ln(hardness)]+1.1645)	48.65		
Zinc	Acute	WER X 0.978 X e(0.8473[ln(hardness)]+0.8604)	35.36		
	Chronic	WER X 0.986 X e(0.8473[ln(hardness)]+0.7614)	32.29		
Silver	Acute	WER X 0.85 X e(1.72[ln(hardness)]-6.52)	0.32		
Cyanide	Acute	WER X 22.36	22.36		
	Chronic	WER X 5.2	5.20		
Arsenic	Acute	WER X 360	360.00		
	Chronic	WER X 190	190.00		
Beryllium	Acute	WER X 130	130.00		
	Chronic	WER X 5.3	5.30		
Selenium	Acute	WER X 20	20.00		
	Chronic	WER X 5	5.00		

The following formulas are applicable to the Jet Stream Model for lakes for calculating the Dilution Factor (DF):

DF = ((2.8 * D * 3.1416^0.5) / X) where DF is % of effluent at distance X, D is the diameter of the outfall pipe and X is aquatic life criteria--25 feet for ZID; 100 feet for mixing zone; human health criteria 200 feet for mixing zone.

DF = #VALUE! Acute #VALUE! Chronic #VALUE! Bioacc.

The following formulas are used to calculate the instream waste concentration (IWC) for each pollutant:

Streams, Rivers & Lake IWC = [(Frac X Critical Flow X Cb) + (2.13 X Ce X Qd)] / [Frac X Critical Flow + Qd] where the critical flow is the 7Q10 except for lakes with the Jet Stream Model.

IWC = (DF X Ce) + Cb for lakes with Jet Stream Model.

CALCULATIONS OF ARKANSAS WATER QUALITY-BASED EFFLUENT LIMITATIONS

FACILITY		
Permittee	Russellville	
Permit number	AR0021768	
Flow (Qe)	7.30	MGD
Flow (Qe)	11.28	CFS

RECEIVING STREAM		
Receiving Stream Name	Whig Creek	
7Q10	0.00	CFS
Long Term Ave	0.00	CFS
Using Diffusers? (Yes/No)	No	Yes/No
pH	7.00	S.U.
Total Hardness	25.00	mg/l
TSS	3.00	mg/l
(% of 7Q10 for Chronic)	0.67	
(% of 7Q10 for Acute)	0.33	
Upstream Flow (Qb) Chroni	0.00	
Upstream Flow (Qb) Acute	0.00	
AML factor	1.55	
DML/AML	3.11	

WQ Limits for the **Russellville**

	Cb	WQSa	WLAa	LTAa	WQSc	WLAc	LTAc	LTAa/LTAc	Aquatic Life AML (µg/l)	Aquatic Life DML (µg/l)	WQSb	WLAb	Human Health AML (µg/l)	Human Health DML (µg/l)
Alpha-BHC	0.00	2.00	2.00	1.14	0.0800	0.08	0.06	0.06	0.09	0.18	0.04	0.04	0.04	0.12
Beta-BHC	0.00	2.00	2.00	1.14	0.0800	0.08	0.06	0.06	0.09	0.18				
Gamma-BHC	0.00	2.00	2.00	1.14	0.0800	0.08	0.06	0.06	0.09	0.18				
Delta-BHC	0.00	2.00	2.00	1.14	0.0800	0.08	0.06	0.06	0.09	0.18				
Pentachlorophenol	0.00	9.07	9.07	5.17	5.7259	5.73	4.12	4.12	6.39	12.82				
Aldrin	0.00	3.00	3.00	1.71	#########	#########	##########	1.71	2.65	5.32				
Chlordane	0.00	2.40	2.40	1.37	0.0043	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.01	0.02
4,4'-DDT	0.00	1.10	1.10	0.63	0.0010	0.00	0.00	0.00	0.00	0.00				
4,4'-DDE	0.00	1.10	1.10	0.63	0.0010	0.00	0.00	0.00	0.00	0.00				
4,4'-DDD	0.00	1.10	1.10	0.63	0.0010	0.00	0.00	0.00	0.00	0.00				
Dieldrin	0.00	2.50	2.50	1.43	0.0019	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Alpha-endosulfan	0.00	0.22	0.22	0.13	0.0560	0.06	0.04	0.04	0.06	0.13				
Beta-endosulfan	0.00	0.22	0.22	0.13	0.0560	0.06	0.04	0.04	0.06	0.13				
Endosulfan sulfate	0.00	0.22	0.22	0.13	0.0560	0.06	0.04	0.04	0.06	0.13				
Endrin	0.00	0.18	0.18	0.10	0.0023	0.00	0.00	0.00	0.00	0.01				
Endrin aldehyde	0.00	0.18	0.18	0.10	0.0023	0.00	0.00	0.00	0.00	0.01				
Heptachlor	0.00	0.52	0.52	0.30	0.0038	0.00	0.00	0.00	0.00	0.01				
Heptachlor epoxide	0.00	0.52	0.52	0.30	0.0038	0.00	0.00	0.00	0.00	0.01				
Toxaphene	0.00	0.73	0.73	0.42	0.0002	0.00	0.00	0.00	0.0002	0.00	0.0063	0.0063	0.0063	0.02
Chlorpyrifos	0.00	0.08	0.08	0.05	0.0410	0.04	0.03	0.03	0.05	0.09				
Cadmium Total	0.00	3.68	3.68	2.10	1.6500	1.65	1.19	1.19	1.84	3.69				
Chromium (hex)	0.00	15.71	15.71	8.96	10.5820	10.58	7.62	7.62	11.81	23.70				
Copper Total	0.00	10.99	10.99	6.26	8.2765	8.28	5.96	5.96	9.24	18.53				
Lead Total	0.00	62.30	62.30	35.51	2.4279	2.43	1.75	1.75	2.71	5.44				
Mercury Total	0.00	7.11	7.11	4.05	0.0120	0.01	0.01	0.01	0.01	0.03				
Nickel Total	0.00	782.33	782.33	445.93	86.8843	86.88	62.56	62.56	96.96	194.55				
Selenium Total	0.00	20.00	20.00	11.40	5.0000	5.00	3.60	3.60	5.58	11.20				
Silver Total	0.00	1.06	1.06	0.60	#########	#########	##########	0.60	0.93	1.87				
Zinc Total	0.00	96.81	96.81	55.18	88.4005	88.40	63.65	55.18	85.53	171.61				
Chromium (Tri)	0.00	816.07	816.07	465.16	264.7242	264.72	190.60	190.60	295.43	592.77				
Cyanide Total	0.00	22.36	22.36	12.75	5.2000	5.20	3.74	3.74	5.80	11.64				
Beryllium Total	0.00	130.00	130.00	74.10	5.3000	5.30	3.82	3.82	5.91	11.87	4.0000	4.0000	4.0000	
Arsenic	0.00	592.47	592.47	337.71	312.6924	312.69	225.14	225.14	348.96	700.18				

Russellville *REMOVAL EFFICIENCIES*

Influent Date	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molydenur	Beryllium
01/19/05	0.0000	0.0340	0.0000	0.0005	0.0000	0.0000	0.0000	0.1200	0.0150	0.0000	0.0000	0.0060	0.0000
04/19/05	0.0000	0.1200	0.0000	0.0019	0.0170	0.0025	0.0140	0.8000	0.0450	0.0000	0.0000	0.0220	0.0000
08/09/05	0.0000	0.2200	0.0000	0.0008	0.0260	0.0000	0.0230	0.5300	0.0610	0.0000	0.0000	0.0220	0.0000
08/22/05	0.0000	0.0400	0.0000	0.0002	0.0140	0.0000	0.0000	0.3700	0.0630	0.0000	0.0000	0.0140	0.0000
08/23/05	0.0000	0.0390	0.0000	0.0000	0.0000	0.0000	0.0000	0.2800	0.0097	0.0000	0.0000	0.0210	0.0000
08/24/05	0.0000	0.0480	0.0000	0.0006	0.0000	0.0000	0.0000	0.3400	0.0098	0.0000	0.0000	0.0190	0.0000
08/25/05	0.0000	0.0420	0.0000	0.0003	0.0000	0.0000	0.0091	0.4100	0.0098	0.0000	0.0000	0.0210	0.0000
08/26/05	0.0000	0.0450	0.0000	0.0003	0.0160	0.0000	0.0000	0.3300	0.0560	0.0000	0.0000	0.0190	0.0000
08/29/05	0.0000	0.0470	0.0000	0.0000	0.0000	0.0000	0.0000	0.4200	0.0000	0.0000	0.0000	0.0130	0.0000
10/06/05	0.0000	0.0540	0.0000	0.0000	0.0110	0.0000	0.0077	0.2800	0.0110	0.0000	0.0000	0.0160	0.0000
02/01/06	0.0000	0.0360	0.0000	0.0003	0.0000	0.0000	0.0000	0.1300	0.0100	0.0170	0.0000	0.0190	0.0000
05/08/06	0.0000	0.0260	0.0000	0.0000	0.0000	0.0000	0.0000	0.1100	0.0000	0.0000	0.0000	0.0000	0.0000
07/12/06	0.0000	0.0380	0.0000	0.0020	0.0000	0.0000	0.0000	0.1500	0.0092	0.0000	0.0000	0.0000	0.0000
10/09/06	0.0000	0.0400	0.0000	0.0000	0.0000	0.0000	0.0000	0.2200	0.0000	0.0000	0.0000	0.0150	0.0000
10/16/06				0.0000									
01/25/07	0.0000	0.0380	0.0000	0.0000	0.0000	0.0000	0.0000	0.3300	0.0270	0.0000	0.0000	0.0000	0.0000
04/04/07	0.0000	0.0530	0.0000	0.0002	0.0013	0.0000	0.0000	0.2200	0.0350	0.0000	0.0000	0.0010	0.0000
08/01/07	0.0000	0.0870	0.0400	0.0013	0.0110	0.0000	0.0140	0.3400	0.0330	0.0100	0.0000	0.0110	0.0000
12/06/07	0.0000	0.0790	0.0000	0.0000	0.0000	0.0000	0.0000	0.2500	0.0180	0.0000	0.0000	0.0000	0.0000
01/25/08								0.1400					
01/30/08	0.0000	0.0390	0.0023		0.0120	0.0000	0.0070	0.1600	0.0160	0.0000	0.0000	0.0120	0.0000
07/15/08	0.0000	0.0580	0.0038	0.0000	0.0350	0.0000	0.0063	0.1500	0.1700	0.0000	0.0012		0.0000
10/15/08	0.0000	0.0730	0.0059	0.0038	0.0230	0.0000	0.0042	0.0000	0.0350	0.0000	0.0017	0.0020	0.0000
11/03/08	0.0050	0.0035					0.0042		0.0035	0.0100	0.0017		0.0050
01/14/09	0.0000	0.0028	0.0023	0.0000	0.0074	0.0000	0.0032	0.1100	0.0010	0.0000	0.0017	0.0000	0.0000
04/06/09	0.0000	0.0560	0.0052		0.0090	0.0000	0.0000	0.1900	0.0000	0.0000	0.0017	0.0080	0.0000
07/21/09	0.0000	0.0470	0.0061	0.0000	0.0130	0.0000	0.0031	0.2400	0.0310	0.0000	0.0017	0.0000	0.0000
10/01/09		0.0400						0.1500					
10/21/09	0.0000	0.0180	0.0016	0.0002	0.0060	0.0000	0.0049	0.0800	0.0000	0.0000	0.0001	0.0000	0.0000
11/02/09		0.0170						0.0580					
12/02/09		0.0270						0.1000					
01/04/10		0.0410						0.1000					
02/11/10		0.0096						0.0490					
02/17/10	0.0000	0.0160			0.0042		0.0011		0.0000	0.0000	0.0000		0.0000
02/18/10			0.0013			0.0000		0.0530				0.0000	
03/04/10		0.0000						0.0440					
04/13/10		0.0220						0.0950					
05/05/10	0.0000	0.0190	0.0014	0.0000	0.0063	0.0000	0.0007	0.0680	0.0120	0.0000	0.0006	0.0000	0.0000
06/07/10		0.0360						0.1400					
07/13/10		0.0300						0.1100					
08/03/10		0.1100						0.1900					
01/03/11		0.0390						0.1100					
02/07/11		0.0260						0.1000					
02/16/11	0.0000	0.0210	0.0014	0.0000	0.0086	0.0000	0.0009	0.1900	0.0140		0.0007	0.0000	0.0000
03/02/11		0.0200						0.0560					
04/05/11		0.0520						0.4100					
04/20/11	0.0000	0.0310	0.0012			0.0000	0.0010	0.0610	0.0050		0.0003		0.0000
05/11/11		0.0710						0.1200					
06/02/11		0.0500						0.1100					
07/25/11		0.0790						0.1300					
08/01/11		0.0220						0.0700					
09/06/11		0.0590						0.2200					
09/20/11	0.0000	0.0370	0.0025	0.0001	0.0130	0.0000	0.0019	0.1500	0.0160		0.0001	0.0001	0.0000
10/03/11		0.1000						0.2700					
10/13/11	0.0000	0.0490	0.0041		0.0120	0.0000	0.0014	0.1400	0.0110		0.0001		0.0000
10/24/11			0.0041	0.0000	0.0120	0.0000						0.0000	
11/01/11		0.0410						0.1300					
Detection Level (DL)	0.0005	0.0005	0.0005	0.000005	0.0005	0.0050	0.0005	0.0200	0.0100	0.0100	0.0005	0.0100	0.0005
Average	0.00016	0.04619	0.00260	0.00044	0.00832	0.00008	0.00337	0.19102	0.02266	0.00132	0.00036	0.00831	0.00016
Maximum	0.0050	0.2200	0.0400	0.0038	0.0350	0.0025	0.0230	0.8000	0.1700	0.0170	0.0017	0.0220	0.0050
All Concs > DL (Yes/No)	No	No	No	No	No	No	No	No	No	No	No	No	No

Effluent Date	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molydenum	Beryllium
January-06		0.0260						0.0845					
February-06	0.0000	0.0071	0.0000		0.0000	0.0000	0.0000	0.0380	0.0000	0.0000	0.0000	0.0180	0.0000
March-06		0.0068						0.0540					
April-06		0.0000						0.0400					
May-06	0.0000	0.0000	0.0000		0.0100	0.0000	0.0000	0.0370	0.0000	0.0000	0.0000	0.0000	0.0000
June-06		0.0000						0.0370					
July-06	0.0000	0.0140	0.0000		0.0000	0.0000	0.0000	0.0440	0.0000	0.0000	0.0000	0.0460	0.0000
August-06		0.0120						0.0380					
September-06		0.0120						0.0360					
October-06	0.0000	0.0115	0.0000		0.0000	0.0000	0.0000	0.0465	0.0000	0.0120	0.0000	0.0150	0.0000
November-06		0.0130						0.0440					
December-06		0.0082						0.0290					
January-07	0.0000	0.0220	0.0000		0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
February-07		0.0110						0.0590					
March-07		0.0120						0.0510					
April-07	0.0000	0.0084	0.0000		0.0010	0.0000	0.0000	0.0495	0.0000	0.0000	0.0000	0.0000	0.0000
May-07		0.0110						0.0760					
June-07		0.0097						0.0350					
July-07		0.0150						0.0330					
August-07	0.0000	0.0140	0.0000		0.0000	0.0000	0.0000	0.0460	0.0000	0.0000	0.0000	0.0000	0.0000
September-07		0.0000						0.0420					
October-07		0.0100						0.0610					
November-07		0.0072						0.0430					
December-07	0.0000	0.0015	0.0000		0.0000	0.0000	0.0000	0.0048	0.0000	0.0130	0.0000	0.0000	0.0000
January-08	0.0000	0.0130	0.0000		0.0000	0.0000	0.0000	0.0798	0.0000	0.0000	0.0000	0.0000	0.0000
February-08		0.0094						0.0480					
March-08		0.0082						0.0390					
April-08													
May-08													
June-08													
July-08	0.0000	0.0140	0.0010	0.0000047	0.0140	0.0000	0.0009	0.0370	0.0000	0.0000	0.0009		0.0000
August-08		0.0000						0.0230					
September-08		0.0074						0.0310					
October-08	0.0000	0.0092	0.0000	0.0000083	0.0090	0.0000	0.0000	0.0400	0.0000	0.0000	0.0012	0.0130	0.0000
November-08		0.0092						0.0330					
December-08		0.0080						0.0320					
January-09	0.0000	0.0005	0.0008	0.0000280	0.0072	0.0000	0.0008	0.0415	0.0000		0.0000	0.0000	0.0000
February-09		0.0072						0.0330					
March-09		0.0085						0.0500					
April-09		0.0355		0.0000320				0.1150					
May-09		0.0060						0.0310					
June-09		0.0061						0.0300					
July-09		0.0137						0.0315					
August-09		0.0092						0.0330					
September-09		0.0089						0.0330					
October-09		0.0084		0.0000140				0.0320					
November-09		0.0000						0.0240					
December-09		0.0062						0.0270					
January-10		0.0088						0.0460					
February-10		0.0085		0.0000250				0.0415					
March-10		0.0090						0.0580					
April-10		0.0000						0.0360					
May-10		0.0052		0.0000000				0.0240					
June-10		0.0000						0.0410					
July-10		0.0104						0.0390					
August-10		0.0086						0.0370					
September-10		0.0078		0.0000065				0.0450					
October-10													
November-10													
December-10													
January-11		0.0070		0.0000031				0.0240					
February-11	0.0000	0.0020	0.0003	0.0000022	0.0073	0.0000	0.0003	0.0110	0.0000	0.0000	0.0003	0.0000	0.0000
March-11		0.0036		0.0000047				0.0210					
April-11	0.0000	0.0060	0.0003	0.0000072	0.0074	0.0000	0.0003	0.0310	0.0000	0.0000	0.0003	0.0000	
May-11		0.0090		0.0000073				0.0280					
June-11		0.0059		0.0000025				0.0210					
July-11		0.0059		0.0000046				0.0250					
August-11		0.0075		0.0000075				0.0390					
September-11	0.0000	0.0080	0.0003	0.0000096	0.0008	0.0000	0.0003	0.0370	0.0000	0.0000	0.0003	0.0000	0.0000
October-11	0.0000	0.0231	0.0022	0.0000050	0.0058	0.0000	0.0025	0.0750	0.0000	0.0000	0.0001	0.0000	0.0000
November-11		0.0064		0.0000150				0.0370					
December-11		0.0059		0.0000051				0.0320					
Detection Level	0.0005	0.0005	0.0005	0.000005	0.0005	0.0050	0.0005	0.0200	0.0100	0.0100	0.0005	0.0100	0.0005
Average	0.00000	0.00863	0.00030	0.00001	0.00391	0.00000	0.00031	0.04032	0.00000	0.00167	0.00018	0.00613	0.00000
Maximum	0.0000	0.0355	0.0022	0.0000	0.0140	0.0000	0.0025	0.1150	0.0000	0.0130	0.0012	0.0460	0.0000
All Concs > DL (Yes/No)	No	No	No	No	No	No	No	No	No	No	No	No	No

% Rem	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molydenum	Beryllium
Average	100	81	89	97	53	100	91	79	100	-26	49	26	100
EPA % REM	67	86	61	60	42	50	75	79	82	69	45	50	50

Domestic Calculations for Russellville

Pollutants	EPA, P3-59* (mg/l)	Avg Reported (mg/l)	Loading (lbs/day)	
Cadmium Total	0.003	0.00025	0.01	See Note 1 below
Copper Total	0.061	0.03421	1.38	See Note 2 below
Lead Total	0.049	0.00134	0.05	See Note 1 below
Mercury Total	0.0003	0.00025	0.0102	See Note 1 below
Nickel Total	0.021	0.00399	0.16	See Note 1 below
Selenium Total	-	0.00250	0.10	See Note 1 below
Silver Total	0.005	0.00105	0.04	See Note 1 below
Zinc Total	0.175	0.21764	8.77	See Note 2 below
Chromium Total	0.05	0.00528	0.01	See Note 3 below.
Cyanide Total	0.041	0.00500	0.20	See Note 1 below
Arsenic	0.003	0.00025	0.01	See Note 1 below
Molybdenum	-	0.00400	0.16	See Note 5 below
Beryllium	-	0.00025	0.01	See Note 4 below
TSS	-	94.2	3,797.9	
CBOD	-	94.8	3,822.0	
Ammonia Nitrogen	-	7.4	297.5	

Date	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molydenum	Beryllium	TSS	CBOD	Ammonia Nitrogen
July 6, 2005		0.058						0.290	0.004							
July 6, 2005		0.029						0.180	0.004							
July 8, 2005		0.029						0.140	0.004							
July 8, 2005		0.049						0.420	0.004							
July 13, 2005		0.051						0.110	0.011							
June 30, 2005		0.047						0.700	0.004							
June 30, 2005		0.066						0.840	0.032							
January 15, 2009		0.016			0.0025		0.00210	0.052	0.004							
January 15, 2009		0.034	0.00300	0.00056	0.0062		0.00290	0.042	0.009							
December 1, 2011	0.000	0.021	0.00160	0.00025	0.0043	0.0000	0.00091	0.070	0.000		0.00025		0.00000	140.0	110.0	12.0
December 2, 2011	0.000	0.023	0.00150	0.00041	0.0038	0.0000	0.00067	0.072	0.000		0.00025		0.00000	160.0	260.0	13.0
December 20, 2011	0.000	0.023	0.00079	0.00010	0.0038	0.0000	0.00025	0.050	0.000		0.00110		0.00000	69.0	37.0	4.3
December 21, 2011	0.000	0.016	0.00057	0.00010	0.0039	0.0000	0.00025	0.041	0.000		0.00087		0.00000	39.0	39.0	3.1
December 22, 2011	0.000	0.017	0.00058	0.00010	0.0034	0.0000	0.00025	0.040	0.000		0.00150		0.00000	63.0	28.0	4.5
Detection Level (DL)	0.0005	0.0005	0.00050	0.00020	0.0005	0.0050	0.00050	0.0200	0.0100	0.0100	0.00050	0.0100	0.00050	0.0	0.0	0.0
Average	0.00000	0.03421	0.00134	0.00025	0.00399	0.00000	0.00105	0.21764	0.00528	N/A	0.00079	N/A	0.00000	94.2	94.8	7.4
Maximum	0.0000	0.0660	0.00300	0.00056	0.0062	0.0000	0.00290	0.8400	0.0320	0.0000	0.00150	0.0000	0.00000	160.0	260.0	13.0
All Concs > DL (Yes/No)	No	Yes	Yes	No	Yes	No	No	Yes	No	No Data	No	No Data	No	Yes	Yes	Yes

*EPA Page 3-59 of 833-B87-202

Note 1: Value used equals one/half the Method Detection Level reported on the EEG lab analyses
Note 2: Average value from lab analyses of Env Enterprises Group (EEG) Anaylis Control # 91565,91564,91612,91613,91773,91403&91405 dated June & July 2005
Note 3: For Chromium used one/half the EEG MDL except for the two analysis where Cr was detected.
Note 4: For Berylium used one/half EPA MQL (0.0005/2 = 0.00025 mg/l)
Note 5: For Molybdenum used one/half the MDL; the 0.014 mg/l value showed on the July 13, 2005 EEG lab analysis is considered an "outlier".

Russellville City Corporation
PCW Effluent Flow

Year	Average Flow (MGD)
2006	5.125
2007	5.426
2008	6.367
2009	6.387
2010	5.911
2011	6.131
Average	5.891

* Effluent Flows provided by Randy Bradley 9-30-2010 & 1-6-2012

D

ENFORCEMENT RESPONSE PLAN

FOR

THE CITY OF RUSSELLVILLE, ARKANSAS

I. MONITORING:

Pursuant to 40 CFR §403.8(f)(2)(v), each Significant Industrial User shall be inspected and the Significant Industrial User's effluent shall be sampled at least once per year.

A. Scheduled Monitoring:

Scheduled monitoring involves the systematic sampling of significant Users of the POTW system in accordance with a predetermined schedule:

(1) A sampling and analysis monitoring visit by the Control Authority will be scheduled at least once a year for each Significant Industrial User.

(2) An on-site inspection by the Control Authority of each Significant Industrial User will be scheduled at least once a year to inspect operations to ensure that information file with the Control Authority is up to date, pretreatment facilities (if any) are being operated properly, and no intentional dilution of wastewater is occurring.

B. Unscheduled Monitoring:

In addition to scheduled monitoring, the Control Authority shall perform unannounced compliance monitoring to provide a check on industrial discharges to the POTW system. Unscheduled monitoring shall be used to spot-check randomly all User's within the collection system. Unannounced visits and sampling shall be used in verifying compliance, particularly for industries that can easily and quickly alter their processes or operations to obtain more favorable results. Unscheduled monitoring shall include:

(1) Sampling and analysis monitoring performed on an unannounced bases, with the User at normal operation.

(2) At a minimum, one unscheduled sampling and analysis monitoring event per year for each Significant Industrial User.

(3) At a minimum, one unannounced on-site inspection per year of plant operations and pretreatment activities.

C. Demand Monitoring or Investigative Monitoring:

Demand or investigative monitoring shall be conducted in response to a known or suspected violation discovered in a self-monitoring report, routine sampling, or by public complain. The demand/investigative monitoring will be conducted by the Control

Authority or its designee. The Control Authority may require all analytical costs and reasonable sampling costs to be born by the Industrial User. Additionally, a discharge of prohibited materials can prompt demand monitoring.

D. Industrial Self-Monitoring:

The Control Authority shall require that each Significant Industrial User do its own sampling and analysis (self-monitoring) and have the results of this self-monitoring delivered to the Control Authority. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR §136. and amendments thereto or with other test procedures approved by the EPA Administrator. All Categorical and Significant noncatigorical Industrial User shall self-monitor at least twice per year and submit a report to the Control Authority describing the nature, concentration, and flow of the required pollutants. Self-monitoring parameters and frequency shall be described in each Significant Industrial User's Wastewater Contribution Permit.

Exhibit "A" lists all industries included in the monitoring program and the minimum sampling frequency for each industry. The listing of Exhibit "A" will be updated based on periodic User surveys and the POTW Annual Reports in conformity with 40 CFR §403.12(i)(1). The results of such updates will be submitted with the City's Annual Pretreatment Program Report.

II. INVESTIGATION OF INSTANCES OF NONCOMPLIANCE:

User compliance dates are recorded on two calendars. One calendar is kept by the Pretreatment Coordinator and the other by a member of the clerical staff. The calendars are checked on a daily basis.

When an NOV is issued to a User, the date on which the notice was received by the User is recorded on the calendars and the due date for the User's corrective action plan is also recorded.

User self-monitoring data is reviewed immediately upon receipt. User effluent parameter concentrations are compared against local discharge limits for violations. Categorical User data is compared against the local limits and applicable categorical limits. Production-based effluent limit calculations and Combined Wastestream Formula calculations are checked for accuracy.

Monitoring data collected by the Control Authority is reviewed by the Pretreatment Coordinator upon completion of analysis by the laboratory. Analytical data collected by the Control Authority and analytical data from User self-monitoring reports are kept on a data managing computer program. See, Figure 1.

III. ENFORCEMENT RESPONSE GUIDE:

A. Background:

The Enforcement Response Guide serves two functions:

- Defines the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.

- Promotes consistent and timely use of enforcement remedies and eliminates uncertainty and confusion concerning enforcement.

The selected enforcement response will be appropriate to the violator. In considering appropriateness the Control Authority will consider the following criteria:

(1) The Magnitude of the Violation: The critical question here is whether there has been Significant Noncompliance as defined in 40 CFR §403.8(f)(2)(vii) and in section 4.8.a. of the Russellville Pretreatment Ordinance, or a violation which is an isolated incident of minor or no consequences.

(2) The Duration of the Violation: Is the violator a continuing one or only accused for a short period of time. Also, the knowledge of the User of the violation of a consideration in examining duration. The operative question is whether a reasonably prudent User would have known of the violation.

(3) Effect on the Receiving Water: One of the primary objectives of the Pretreatment program is to prevent pollutants from passing through the POTW and entering the receiving stream. Consequently, any violation which results in environmental harm will be met with a severe response. Environmental harm is presumed whenever an industry discharges a pollutant into the sewerage system which:

- Passed through the POTW;
- Causes a violation of the POTW's NPDES permit; or
- Has a toxic effect on the receiving stream.

At a minimum, response to these circumstances will include an administrative order and civil action for a fine. In addition, the response will ensure the recovery from the noncompliant user of any NPDES fine or penalty paid by the Control Authority. When appropriate, the Control Authority will also pursue damages for the destruction or harm to natural resources. If a User's

discharge causes repeated harmful effects, the Control Authority will seriously consider terminating service.

(4) Effect on POTW: Some violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment cost, interfere with or harm POTW personnel, equipment, processes, operations or cause sludge contamination resulting in increased disposal costs. These violations will be met with an administrative fine or civil penalty and an order to correct the violation in addition to recovery of additional costs and expenses to repair the POTW.

(5) Compliance History of User: A pattern of recurring violations (even of different program requirements) may indicate either that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. These indications will alert the Control Authority to the likelihood of future significant violations. Accordingly, Users exhibiting recurring compliance problems will be dealt with to ensure that consistent compliance is achieved. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example if the violator has a good compliance history, the control Authority may decide to use the less severe option.

(6) Good Faith of User: The User's faith in correcting its noncompliance is a factor in determining which enforcement response to invoke. "Good faith" may be defined as the User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a User's demonstrated willingness to comply should predispose the control Authority to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the POTW experiences a treatment upset, it will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner, however, compliance with previous enforcement orders is not necessarily good faith.

ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
A. UNAUTHORIZED DISCHARGE/DISCHARGES WITHOUT PERMIT:			
1. Unpermitted Discharge:	SIU unaware of permit requirement; no harm to POTW or environment.	NOV with application form.	PC
	SIU unaware of permit requirement; harm to POTW or environment.	AO with fine or civil action.	PC,S,CC,CA
	Failure to apply for permit after notice by Control Authority.	Civil action; criminal prosecution; termination of service.	PC,S,CC,CA
2. Discharge after failure to renew permit:	SIU fails to submit permit application within 10 days after due date.	NOV.	PC
B. DISCHARGE LIMIT VIOLATIONS:			
Exceeding Local or Federal Discharge Standards (Permit Limits):	Isolated; not significant.	NOV.	PC
	Isolated; significant (no harm).	AO to develop slug prevention plan; fine.	PC,S,CC,CA
	Isolated to POTW or Environment.	Consent agreement; show cause order; civil action.	PC,S,CC,CA
	Chronic, no harm to POTW or Environment: 40 CFR 403.8(f)(2)(vii)(A).[1]	Consent agreement; AO with fine; show cause order; civil action; suspend or revoke permit; termination of service.	PC,S,CC,CA
	Technical Review Violations: 40 CFR 403.8(f)(2)(vii)(B).[1]	AO with fine; show cause order; civil action; suspend or revoke permit; termination of service.	PC,S,CC,CA
	Recurring, harm to POTW or Environment, or discharge causing imminent endangerment: 40 CFR 403.8(f)(2)(vii)(C & D).[1]	AO with fine; show cause order; civil action; suspend or revoke permit; termination of service.	PC,S,CC,CA
C. MONITORING AND REPORTING VIOLATIONS:			
1. Reporting Violations:	Report improperly signed or certified.	NOV.	PC
	Report is improperly signed or certified after notice by Control Authority.	Consent agreement; AO; show cause order.	PC,S
	Isolated, not significant (e.g., 5 days late).	NOV; consent agreement.	PC

ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
1. Reporting Violations: (cont.)	Significant, report 30 days or more late: 40 CFR 403.8(f)(2)(vii)(F).[1]	AO to submit with fine per additional day.	PC,S,CC,CA
	Reports are always late or no reports at all: 40 CFR 403.8(f)(2)(vii)(F).[1]	AO with fine; show cause order, civil action.	PC,S,CC,CA
	Failure to report slug or changed discharge: 40 CFR 403.8(f)(2)(vii)(G).[1]	AO with fine; civil action.	PC,S,CC,CA
	Falsification: 40 CFR 403.8(f)(2)(vii)(G).[1]	Criminal prosecution; suspend or revoke permit; termination of service.	PC,S,CC,CA
2. Failure to monitor correctly:	Failure to monitor all pollutants as required by permit.	NOV; consent agreement; AO.	PC,S
	Recurring failure to monitor.[1]	AO with fine; civil action.	PC,S,CC,CA
3. Improper sampling:	Evidence of intent.[1]	Criminal prosecution; suspend or revoke permit; termination of service.	S
4. Failure to install monitoring equipment:	Delay of less than 30 days.	NOV; consent agreement.	PC
	Delay of 30 days or more.	AO to install with fine for each additional day.	PC,S,CC,CA
	Recurring violation of AO.[1]	Civil action; criminal prosecution; suspend or revoke permit; termination of service.	PC,S,CC,CA
5. Failure to meet Permit's Compliance Schedule:	Missed milestone by less than 30 days and will not affect final milestone.	NOV.	PC
	Missed reporting milestone by more than 30 days: 40 CFR 403.8(f)(2)(vii)(F).[1]	AO; civil action.	PC,S,CC,CA
	Missed compliance milestone by more than 90 days: 40 CFR 403.8(f)(2)(vii)(E).[1]	Show cause order; civil action; suspend or revoke permit; termination of service.	PC,S,CC,CA
	Recurring violation or violation of AO Schedule: 40 CFR 403.8(f)(2)(vii)(E & F).[1]	Civil action; criminal prosecution; suspend or revoke permit; termination of service.	PC,S,CC,CA

ENFORCEMENT RESPONSE GUIDE

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
D. OTHER PERMIT VIOLATIONS:			
1. Wastestreams are diluted in lieu of treatment:	Initial violation.	AO with fine.	PC,S,CC,CA
	Recurring violation.	Show cause order; suspend or revoke permit; termination of service.	PC,S,CC,CA
2. Failure to mitigate noncompliance, halt production or properly maintain and operate pretreatment facility:	Does not result in harm.	NOV; consent agreement.	PC
	Does not result in harm: 40 CFR 403.8(f)(2)(vii)(H).[1]	AO with fine or civil action.	PC,S,CC,CA
E. VIOLATIONS DETECTED DURING SITE VISIT:			
1. Entry Denial:	Entry denied, consent withdrawn or copies of records denied.	Obtain warrant and return to User; civil action.	PC,S,CA
2. Illegal Discharge:	No harm to POTW or Environment.	AO with fine.	PC,S,CC,CA
	Discharge causes harm or there is evidence of intent or negligence: 40 CFR 403.8(f)(2)(vii)(C & D).[1]	Civil action or criminal prosecution.	PC,S,CC,CA
	Recurring violation of AO: 40 CFR 403.8(f)(2)(vii)(H).[1]	Suspend or revoke permit; civil action; termination of service.	PC,S,CC,CA

1. Significant Noncompliance as defined in 40 CFR 403.8(f)(2)(vii).

B. Enforcement Response:

1. Definitions:

AO - Administrative Order. Includes compliance orders and cease and desist orders.

CA - City Attorney

Civil Action - Civil action against the Industrial User seeking equitable relies, monetary penalties and actual damages.

CC - City Council.

Criminal Prosecution - Pursuing punitive measures against an individual and/or organization through a court of law.

Fine - Monetary penalty recommended by the Control Authority and imposed if necessary.

NOV - Notice of Violation.

PC - Pretreatment Coordinator.

S - Supervisor of the Control Authority.

SIU - Significant Industrial User.

SN - Significant Noncompliance.

Show Cause - Formal meeting requiring the User to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

2. Enforcement Response Guide: The Enforcement Response Guide is presented in the pages that precede this section.

3. Timeframes for Responses:

(a) All violations will be identified and documented within five days of receiving compliance information.

(b) Initial enforcement responses will occur within 15 days of violation detection.

(c) Follow up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations which threaten health are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.

IV. LEGAL AUTHORITY:

The City of Russellville, pursuant to a resolution and the applicable agreements passed in April 1985 established City Corporation, Inc. to maintain and operate the City's water and wastewater treatment systems. Ordinance _____ establishes that City Corporation, Inc. as of the date of the Ordinance is the Control Authority and confers on the Control Authority the legal authority to apply and non-judicially enforce the federal state and local pretreatment regulations implementing sections 307(b) and (c) and 402 (f)(8) of the Clean Water Act.

A. Non-judicial Enforcement:

Pursuant to the Pretreatment Ordinance, Ordinance No. _____ passed _____ 1991, the Control Authority may:

	Ordinance Section
o Issue Notices of Violations.	5.1
o Enter into Consent Agreements.	5.2
o Hold Show Cause Hearings.	5.3
o Issue Administrative Orders which include Compliance and Cease and Desist Orders.	5.4
o Emergency authority to suspend wastewater treatment or the Wastewater Contribution Permit.	5.5
o Revoke Wastewater Contribution Permits.	5.6
o Require Performance Bonds	5.9.2

In addition the Control Authority is authorized to publish annually a list of Significant Noncompliant Users, Ordinance Section 5.9.1, and to seek a performance bond for reissuance of a Significant Industrial User's Wastewater Contribution Permit, Section 5.9.2.

B. Judicial Enforcement:

The Control Authority will recommend to the City Council when, pursuant to the Enforcement Guide, it is necessary to seek injunctive relief or assess a civil fine against the User-in-Violation, or to criminally prosecute the User-in-Violation. The City Council will review the recommendations of the Control Authority and, on concurrence, will recommend that the appropriate legal action be pursued by the City Attorney. The City Attorney on recommendation of the City Council may seek injunctive relief, Ordinance Section 5.7.1, seek civil penalties, section 5.7.2, or in appropriate circumstances, undertake criminal prosecution, section 5.8. The legal authority of the City to issue fines and penalties is derived from Ark. Code Annl. §14-55-601 and incorporated by reference into the Pretreatment Ordinance.

C. Civil Fines:

Civil Fines shall not exceed $1,000 for each offense, but each day on which a violation occurs will be considered as a separate and distinct offense. In determining amount of fine the Control Authority and the City Council shall consider the following criteria:

- The type and severity of the violation.
- The number of violations cited.
- The duration of the noncompliance.
- The impact of the violation on the wastewater treatment plant and the environment.
- Whether the violation threatened human health.
- Whether the User derived any economic benefit or savings from the noncompliance.
- The compliance history of the User.
- Whether the User is making good faith efforts to restore compliance.
- Other policy considerations normally involved on an enforcement decision.

Instances where fines are particularly appropriate include:

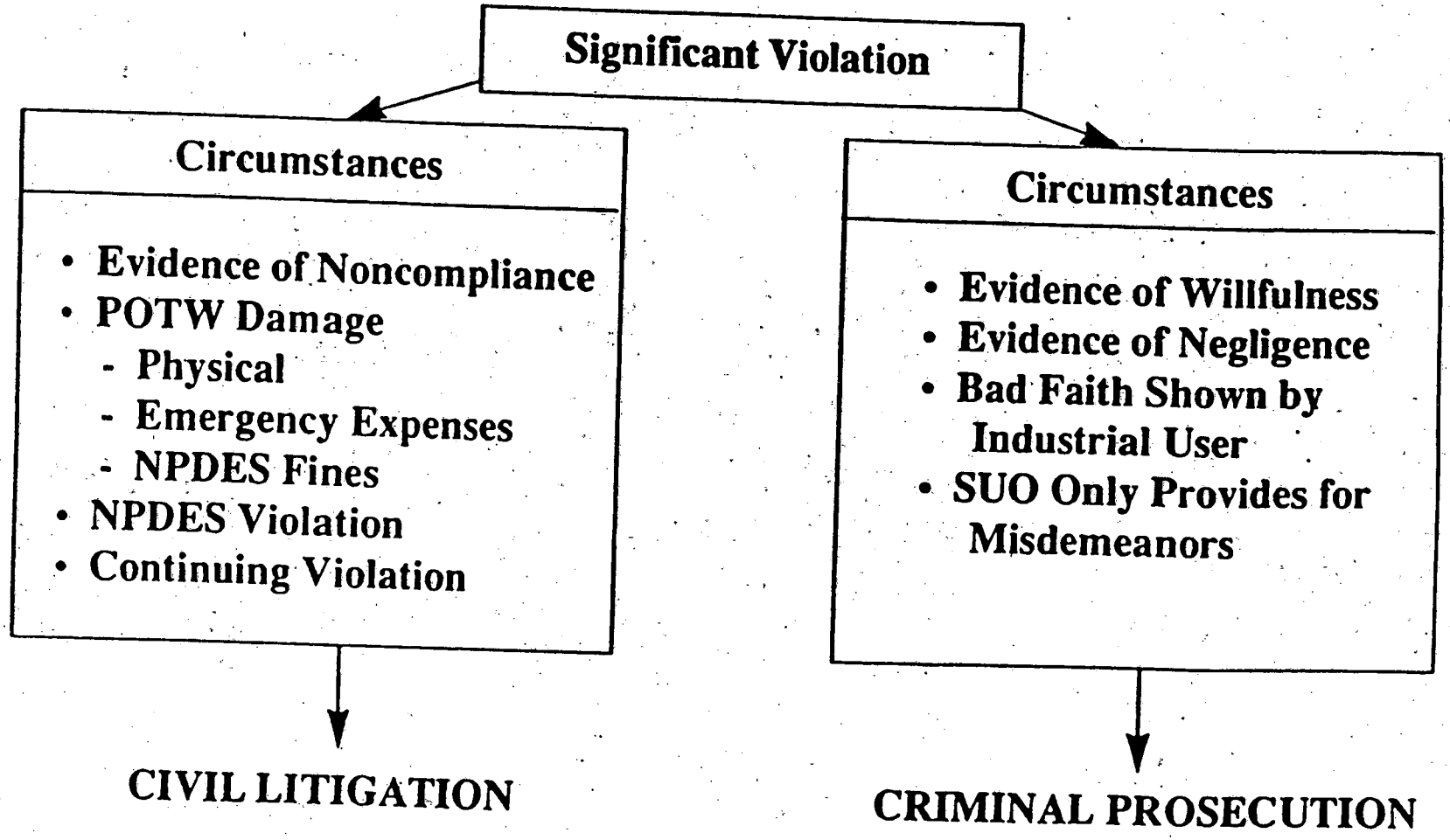
- When the User remains in noncompliance after receiving repeated NOV's.

- When the User violates the terms of an administrative order.

D. Criminal Prosecution:

The Criminal Prosecution of a User will depend on the egregiousness and willfulness of the violation. A comparison between the factors governing civil and criminal actions is illustrated in Figure 2.

CIVIL LITIGATION VS. CRIMINAL PROSECUTION



CITY CORPORATION
RUSSELLVILLE WATER & SEWER SYSTEM
WASTEWATER SURVEY FOR NONRESIDENTIAL CUSTOMERS
(Application for Wastewater Discharge Permit)

SECTION A - General Information

1. Company name, street and mailing address and telephone number: Responsible person name

_____

_____

_____

_____

2. Parent Company, Street and mailing address and telephone number (if different from 1)

_____

_____

_____

_____

3. Briefly describe the production or service activities of the company:

_____

_____

_____

4. List the Standard Industrial Classification Number for your company: _____

5. Check the types of wastewater generated at this facility and indicate volumes:

	Gallons per day	Estimated	Measured
a. ☐ Domestic wastes	_____	( )	( )
b. ☐ Boiler blowdown	_____	( )	( )
c. ☐ Cooling water, non-contact	_____	( )	( )
d. ☐ Cooling water, contact	_____	( )	( )
e. ☐ Process	_____	( )	( )
f. ☐ Equipment/facility washdown	_____	( )	( )
g. ☐ Air pollution control unit	_____	( )	( )
h. ☐ Storm water runoff	_____	( )	( )
i. ☐ Other (describe):_____	_____	( )	( )

If you did not check one or more items listed in A.5.d. through A.5.i., sign and date section E and return Survey; otherwise, please continue to next page.

6. Check the applicable outfalls and indicate volumes:

	Gallons per day	Estimated	Measured
a. ( ) Sanitary sewer	_____	( )	( )
b. ( ) Storm sewer	_____	( )	( )
c. ( ) Surface water	_____	( )	( )
d. ( ) Ground water	_____	( )	( )
e. ( ) Trucked waste	_____	( )	( )
f. ( ) Evaporation	_____	( )	( )
g. ( ) Other:_____	_____	( )	( )
Total Wastewater Discharged:	_____		

7. List any pollution prevention, waste minimization, or recycling programs practiced at this facility:

_____

_____

_____

8. Has an accidental spill/slug discharge prevention plan been prepared for this facility?

( ) YES (enclose copy) ( ) NO

SECTION B - Facility Operation Characteristics

1. Number of shifts per 24hr day: _____ 2. Number of employees per shift: _____

3. Shift starting times: 1st _____ am/pm 2nd _____ am/pm 3rd _____ am/pm

4. Principal product produced: _____

5. Raw materials and process chemicals used: _____

_____

6. Production process: ( ) Batch ( ) Continuous ( ) Both: _____%Batch/_____%Continuous
Average number of batches per 24hr work day: _____

7. Is production subject to seasonal variations? ( ) NO ( ) YES (describe) _____

_____

8. Are any process changes or expansions planned during the next three years? ( ) NO ( ) YES
If yes, please attach separate sheet of explanation.

SECTION C - Wastewater Information

1. If your company employs processing in any of the following industrial categories subject to National Categorical Pretreatment Standards, and the processes generate wastewater or sludge, place a check next to the category (check all that apply):

( ) Aluminum Forming
( ) Asbestos Manufacturing
( ) Battery Manufacturing
( ) Builder's Paper
( ) Carbon Black
( ) Cement Manufacturing
( ) Coil Coating
( ) Copper Forming
( ) Dairy Products Processing
( ) Electrical and Electric Components
( ) Electroplating
( ) Feedlots
( ) Ferroalloy Manufacturing
( ) Fertilizer Manufacturing
( ) Fruits and Vegetables Processing
( ) Glass Manufacturing
( ) Grain Mills Manufacturing
( ) Ink Formulating
( ) Inorganic Chemicals
( ) Iron and Steel Manufacturing
( ) Leather Tanning and Finishing
( ) Transportation Equipment Cleaning
( ) Meat Processing
( ) Metal Finishing
( ) Metal Molding and Casting
( ) Nonferrous Metals Forming
( ) Nonferrous Metals Manufacturing
( ) Paint Formulating
( ) Paving and Roofing (Tars and Asphalt)
( ) Pesticides
( ) Petroleum Refining
( ) Pharmaceuticals
( ) Phosphate Manufacturing
( ) Porcelain Enameling
( ) Pulp and Paper
( ) Rubber Processing
( ) Seafood Processing
( ) Soaps and Detergents Manufacturing
( ) Steam Electric
( ) Sugar Processing
( ) Timber Products Manufacturing
( ) Plastics Molding and Forming
( ) Textile Mills

2. Pretreatment Equipment or Processes used to treat wastewater or sludge (check all that apply):

( ) Biological Treatment
( ) Centrifuge
( ) Chemical Precipitation
( ) Chlorination
( ) Dissolved Air Flotation
( ) Filtration
( ) Flow Equalization
( ) Grease Trap
( ) Grit Removal
( ) Ion Exchange
( ) Oil & Grease Separator
( ) Ozonation
( ) pH Adjustment
( ) Reverse Osmosis
( ) Screens
( ) Sedimentation
( ) Septic Tank
( ) Solvent Recovery
( ) Spill Protection
( ) Stormwater Storage/ Diversion
( ) Sump
( ) Other: _____
( ) None

3. Toxic Pollutant Information. Check all that are reasonably expected or known present in your manufacturing processes:

( ) Acenaphthene
( ) Acrolein
( ) Acrylonitrile
( ) Aldrin/Dieldrin
( ) Antimony & compounds
( ) Arsenic & compounds
( ) Asbestos
( ) Benzene
( ) Cyanides
( ) DDT and metabolites
( ) Dichlorobenzenes
( ) Dichlorobenzidine
( ) Dichloroethylenes
( ) 2,4-dichlorophenol
( ) Dichloropropane & ene
( ) 2,4-dimethylphenol
( ) Mercury & compounds
( ) Naphthalene
( ) Nickel & compounds
( ) Nitrobenzene
( ) Nitrophenols
( ) Nitrosamines
( ) Pentachlorophenol
( ) Phenol

3. Toxic Pollutant Information (cont.):

( ) Benzidine	( ) Dinitrotoluene	( ) Phthalate esters
( ) Beryllium & compounds	( ) Diphenylhydrazine	( ) PCB's
( ) Cadmium & compounds	( ) Endosulfan & metabolites	( ) Polynuclear aromatics
( ) Carbon tetrachloride	( ) Endrin & metabolites	( ) Selenium & compounds
( ) Chlordane	( ) Ethylbenzene	( ) Silver & coounds
( ) Chlorinated benzenes	( ) Flouranthene	( ) TCDD
( ) Chlorinated ethanes	( ) Haloethers	( ) Tetrachloroethylene
( ) Chloroalkyl ethers	( ) Halomethanes	( ) Thallium & compounds
( ) Chlorinated naphthalene	( ) Heptachlor & metabolites	( ) Toluene
( ) Chlorinated phenols	( ) Hexachlorobutadiene	( ) Toxaphene
( ) Chloroform	( ) Hexachlorocyclohexane	( ) Trichloroethylene
( ) 2-chlorophenol	( ) Hexachlorocyclopentadiene	( ) Vinyl chloride
( ) Chromium & compounds	( ) Isophorone	( ) Zinc & compounds
( ) Copper & compounds	( ) Lead & compounds	

4. Enclose Material Safety Data Sheets (MSDS) for any compounds or chemicals used in processing for pollutants checked above.

5. If any sampling and analyses has been conducted on your wastewater discharge, enclose a copy of the most recent data with this survey.

SECTION D - Other Wastes

1. Are any liquid wastes or sludges disposed of by means other than the sanitary sewer system?

( ) YES (continue) ( ) NO (sign & date Section E & return)

2. Describe the wastes:

	Gals/Lbs/Yr		Gals/Lbs/Yr
( ) Acids and/or Alkalis	_____	( ) Pesticides	_____
( ) Heavy Metal Sludges	_____	( ) Plating Wastes	_____
( ) Inks/Dyes	_____	( ) Pretreatment Sludges	_____
( ) Oil & Grease	_____	( ) Solvents/Thinners	_____
( ) Organic Compounds	_____	( ) Other Wastes:	_____
( ) Paints	_____	_____	

3. Check the appropriate practice for items above:

( ) On-site Storage ( ) Off-site Storage ( ) On-site Disposal ( ) Off-site Disposal

Describe: _____

_____

_____

4. Does your company have a hazardous waste generator/storage permit?

( ) NO ( ) YES: Permit Number:_____

SECTION E - Certification

1. In accordance with 40CFR403.14, the information and data provided in this survey which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40CFR, Part 2 (Public Information). Should a wastewater discharge permit be required by your facility, the information supplied by this survey shall be used to issue the permit.

2. The following certification must be signed by the president, vice-president, or by a designee with a signed written authorization:

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

_____ _____
Printed Name Title

_____ _____
Signature Date

Please mail the completed survey/application and any enclosures to:

Pretreatment Coordinator
City Corporation
Post Office Box 3186
Russellville, Arkansas 72811-3186

For any questions concerning this survey/application, call (479) 968-2080 ext 133

SIGNIFICANT INDUSTRIAL USERS

INDUSTRY	SIC NUMBERS
Bridgestone Americas Tube	3069 – Rubber Products Fabricated
ConAgra Frozen Foods	2038 – Frozen Food Products
Grace Manufacturing	3423 – Stainless Steel Cutting Tools
Hackney Ladish	3498 – Pipe Fittings
International Paper	2653 – Corrugated Boxes
International Paper / 16th Street	2675 – Corrugated Sheets
Mahle	3714 – Steel Automotive Camshafts
P.O.M. Inc.	3824 – Parking Meters
Premium Protein Products	2077 – Animal Rendering
Sugar Creek Foods International	2024 – Ice Cream & Frozen Deserts
Taber Extrusion	3354 – Aluminum Extruded Products
Tyson Foods, River Valley Hatchery	0254 – Poultry Hatchery
Tyson Foods, Tyler Road Plant	2017 – Poultry Processing

Bridgestone Americas Tube Business
P.O. Box 10730
Russellville, AR 72812

ConAgra Frozen Foods
3100 East Main
Russellville, AR 72802

Grace Manufacturing, Inc.
614 SR 247
Russellville, AR 72811

Hackney Ladish, Inc.
708 South Elmira
Russellville, AR 72802

International Paper
3900 International Drive
Russellville, AR 72801

International Paper
3019 East 16th St.
Russellville, AR 72811

Premium Protein Products
P.O. Box 578
Russellville, AR 72811

POM, Inc.
P.O. Box 430
Russellville, AR 72811

MAHLE
2301 East 16th St.
Russellville, AR 72811

Sugar Creek Foods
P.O. Box 747
Russellville, AR 72811

Taber Extrusions, Inc.
915 South Elmira
Russellville, AR 72801

Tyson Foods, Inc
Tyler Road Complex
620 Tyler Rd.
Russellville, AR 72811

Tyson Foods, Inc
River Valley Hatchery
P.O. Box 638
Dardanelle, AR 72834

Permit Number: AR0021768
AFIN: 58-00105

AUTHORIZATION TO DISCHARGE WASTEWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

The applicant's mailing address is:

City Corporation - Russellville Water and Sewer System
P.O. Box 3186
Russellville, AR 72811

The facility address is:

City Corporation - Russellville Water and Sewer System
404 Jimmy Lile Road
Russellville, AR 72802

is authorized to discharge treated municipal wastewater from a facility located as follows: south of the city of Russellville, two miles south of Highway 64 in Pope County, Arkansas.

Latitude: 35° 14' 56"; Longitude: 93° 06' 58"

to receiving waters named:

Whig Creek thence to the Arkansas River in Segment 3F of the Arkansas River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 14' 50"; Longitude: 93° 06' 45"

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply on or before 180 days prior to expiration date for permit coverage past the expiration date.

Issue Date: September 30, 2010
Effective Date: October 1, 2010
Expiration Date: September 30, 2015

Steven L. Drown

Steven L. Drown
Chief, Water Division
Arkansas Department of Environmental Quality

PART I
PERMIT REQUIREMENTS

SECTION A. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater.

During the period beginning on the effective date and lasting 36 months after the effective date, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of three (3) aerated flow equalization basins, bar screens, grit removal, three (3) primary clarifiers, two (2) biotowers, one (1) intermediate clarifier, two (2) trickling rock filters, extended aeration activated sludge, two (2) final clarifiers, and two (2) chlorine contact basins with a design flow of 7.3 MGD.

Effluent Characteristics	**Discharge Limitations**			**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	608.8	10.0	15.0	once/weekday	composite
(Nov-Apr)	913.2	15.0	22.5	once/weekday	composite
Total Suspended Solids (TSS)					
(May-Oct)	913.2	15.0	22.5	once/weekday	composite
(Nov-Apr)	1217.6	20.0	30.0	once/weekday	composite
Ammonia Nitrogen (NH3-N)					
(Apr-Oct)	133.9	2.2	5.6	once/weekday	composite
(Nov-March)	243.5	4.0	6.0	once/weekday	composite
Dissolved Oxygen (DO)	N/A	6.0, (Inst. Min.)		once/weekday	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	1000	2000	once/weekday	grab
Total Residual Chlorine (TRC)[1]	N/A	<0.1 mg/l (Inst. Max.)		once/weekday	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrates (NO3-N)	542.0	10.0	15.0	once/weekday	composite
Zinc, Total Recoverable[3]	5.2	85.5 µg/l	171.6 µg/l	once/month	composite
Copper, Total Recoverable[3]	0.45	9.2 µg/l	18.5 µg/l	once/month	composite
Mercury, Total Recoverable[3]	Report	Report µg/l	Report µg/l	once/month	composite
pH	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/weekday	grab
Chronic WET Testing[2]	N/A	Report		once/quarter	composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Pimephales promelas (Chronic)[2]		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Growth (7-day NOEC)TGP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP6C		Report %		once/quarter	composite
Coefficient of Variation (Growth) TQP6C		Report %		once/quarter	composite
Growth (7-day NOEC) TPP6C		Report %		once/quarter	composite
Ceriodaphnia dubia (Chronic)[2]		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail production (7-day NOEC)TGP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP3B		Report %		once/quarter	composite
Coefficient of Variation (Reproduction) TQP3B		Report %		once/quarter	composite
Reproduction (7-day NOEC) TPP3B		Report %		once/quarter	composite

1 See Condition No. 11 of Part II. (TRC Condition)
2 See Condition No. 12 of Part II. (WET Testing Condition)
3 See Condition No. 10 of Part II. (Metals Condition)

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the effluent weir.

All and each unauthorized Sanitary Sewer Overflow (SSO) must be reported to ADEQ. See Condition No. 5 of Part II.

PART I
PERMIT REQUIREMENTS

SECTION B. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater.

During the period beginning 36 months after the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of three (3) aerated flow equalization basins, bar screens, grit removal, three (3) primary clarifiers, two (2) biotowers, one (1) intermediate clarifier, two (2) trickling rock filters, extended aeration activated sludge, two (2) final clarifiers, and two (2) chlorine contact basins with a design flow of 7.3 MGD.

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	608.8	10.0	15.0	once/weekday	composite
(Nov-Apr)	913.2	15.0	22.5	once/weekday	composite
Total Suspended Solids (TSS)					
(May-Oct)	913.2	15.0	22.5	once/weekday	composite
(Nov-Apr)	1217.6	20.0	30.0	once/weekday	composite
Ammonia Nitrogen (NH3-N)					
(Apr-Oct)	133.9	2.2	5.6	once/weekday	composite
(Nov-March)	243.5	4.0	6.0	once/weekday	composite
Dissolved Oxygen (DO)	N/A	6.0, (Inst. Min.)		once/weekday	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	1000	2000	once/weekday	grab
Total Residual Chlorine (TRC)[1]	N/A	<0.1 mg/l (Inst. Max.)		once/weekday	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrates (NO3-N)	542.0	10.0	15.0	once/weekday	composite
Zinc, Total Recoverable[3]	5.2	85.5 µg/l	171.6 µg/l	once/month	composite
Copper, Total Recoverable[3]	0.45	9.2 µg/l	18.5 µg/l	once/month	composite
Mercury, Total Recoverable[3]	0.00082	0.0134 µg/l	0.0269 µg/l	once/month	composite
pH	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/weekday	grab
Chronic WET Testing[2]	N/A	Report		once/quarter	composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Pimephales promelas (Chronic)[2]		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Growth (7-day NOEC)TGP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP6C		Report %		once/quarter	composite
Coefficient of Variation (Growth) TQP6C		Report %		once/quarter	composite
Growth (7-day NOEC) TPP6C		Report %		once/quarter	composite
Ceriodaphnia dubia (Chronic)[2]		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail production (7-day NOEC)TGP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP3B		Report %		once/quarter	composite
Coefficient of Variation (Reproduction) TQP3B		Report %		once/quarter	composite
Reproduction (7-day NOEC) TPP3B		Report %		once/quarter	composite

1 See Condition No. 11 of Part II. (TRC Condition)
2 See Condition No. 12 of Part II. (WET Testing Condition)
3 See Condition No. 10 of Part II. (Metals Condition)

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the effluent weir.

All and each unauthorized Sanitary Sewer Overflow (SSO) must be reported to ADEQ. See Condition No. 5 of Part II.

SECTION B. PERMIT COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

Compliance is required on the effective date of the permit for all parameters except for Mercury. Final limits for Mercury become effective three (3) years after the effective date of the permit.

The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Mercury according to the following schedule:

ACTIVITY	DUE DATE
Progress Report	One (1) year after effective date
Progress Report	Two (2) years after effective date

The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

PART II
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as Class IV by the State of Arkansas in accordance with APCEC Regulation No. 3.

2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6.

3. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

4. Other Specified Monitoring Requirements

   The permittee may use alternative appropriate monitoring methods and analytical instruments other than as specified in Part I Section A of the permit without a major permit modification under the following conditions:

   - The monitoring and analytical instruments are consistent with accepted scientific practices;
   - The requests shall be submitted in writing to the Permits Section of the Water Division of the ADEQ for use of the alternate method or instrument.
   - The method and/or instrument is in compliance with 40 CFR Part 136 or acceptable to the Director; and
   - All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

   Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period. ADEQ must be notified in writing and the permittee must receive written approval from ADEQ if the permittee decides to return to the original permit monitoring requirements.

5. Sanitary Sewer Overflow (SSO):

A. An overflow is any spill, release or diversion of sewage from a sanitary sewer collection system, including:

1. An overflow that results in a discharge to waters of the state; and

2. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

B. Immediate Reporting

All overflows shall be reported to the Enforcement Branch of the Water Division by telephone (501-682-0638), facsimile (501-682-0910), or by using the Department web site at waterenfsso@adeq.state.ar.us within 24 hours from the time the permittee becomes aware of the circumstance.

At a minimum the report shall identify:

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow; and
5. The estimated volume of overflow (MG).

C. Discharge Monitoring Reports (DMRs)

The permittee shall report every month all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format with the minimum following information. The permittee may use the ADEQ Forms which may be obtained from the following web sites:
http://www.adeq.state.ar.us/water/branch_permits/pdfs_forms/sso_tabular_report.pdf
or http://www.adeq.state.ar.us/water/branch_enforcement/forms/sso_report.asp

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow;
5. The estimated volume of overflow (MG);
6. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
7. The estimated date and time when the overflow began and stopped or will be stopped;
8. The cause or suspected cause of the overflow;
9. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;

10. If reasonably made, an estimate of the number of persons who came into contact with wastewater from the overflow; and
11. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

6. Best Management Practices (BMPs) are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.

7. Biosolids practices.

   The biosolids produced at the treatment plant is aerobically digested and land applied on permitted sites.

8. Approval to land apply biosolids under this permit is limited to a maximum of one (1) year after this permit's effective date. A separate permit must be obtained within this time period or land application of biosolids must cease. Reporting requirements of this permit continue for the term of this permit unless they are superseded by similar conditions in one or more separate land application permits.

9. Biosolids Land Application Conditions

   A. The waste disposal system shall be operated in accordance with the Waste Management Plan (WMP) approved by the Department.

   B. Plant Available Nitrogen (PAN) shall not be applied at a rate exceeding the annual nitrogen uptake of the crop or allowed to exceed the site specific rate approved by the Department. The PAN shall be calculated using the following equations:

   Surface applied waste: $PAN = 0.3(TKN - NH_3) + 0.5NH_3 + NO_3 + NO_2$
   Incorporated waste: $PAN = 0.3(TKN - NH_3) + NH_3 + NO_3 + NO_2$

   C. Land application sites are as follows:

Name	Field ID	Section	Township	Range	Acreage	Latitude	Longitude
City Corp	1	22	7 North	20 West	49	35° 14' 36" N	93° 6' 39" W
Baker	2	21	7 North	20 West	67.5	35° 14' 35" N	93° 7' 25" W
Old Pope County Landfill	3	21	7 North	20 West	76	35° 14' 44" N	93° 7' 40" W

   D. The biosolids generator must issue a signed certification stating that the Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits have been met. The State requirements on Pathogen Reduction, Vector Attraction Reduction, and

Pollutant Concentration Limits are the same as those listed in 40 CFR Part 503. All the above information must be made available to the land-applicator before the biosolids materials are delivered. Concurrently, a signed copy of each certification must be also submitted to the ADEQ Water Division.

E. Biosolids can only be stored in accordance with the permit and the approved waste management plan, if provisions are made in the plan for that purpose. The utilization of improvised field storage sites or any other site not approved by the Department is prohibited.

F. Transportation of the biosolids must be such that will prevent the attraction, harborage or breeding of insects or rodents. It must not produce conditions harmful to public health, the environment, odors, unsightliness, nuisances, or safety hazards.

G. The containers used for the transportation of the biosolids must be of the closed type. Transportation equipment must be leak-proof and kept in sanitary condition at all times. Biosolids must be enclosed or covered as to prevent littering, vector attraction, or any other nuisances.

H. The permittee shall be responsible for assuring that the landowner, and the waste applicator (if different from the permittee) abide by the conditions of this permit.

I. Waste shall be land applied by subsoil injection to a depth of 6 - 8 inches or surface applied. Surface applied waste must be evenly distributed over the entire application area.

J. Waste shall not be applied to slopes with a gradient greater than 12%; or to soils that are saturated, frozen or covered with snow, and during rain or when precipitation is imminent, meaning a substantial natural occurrence of precipitation that could cause significant damage to property or threaten human life in the near future.

K. Disposal of waste in a flood plain shall not restrict the flow of the base flood, reduce the temporary storage capacity of the flood plain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.

L. Waste shall not be spread within; 50 feet of property lines and rock outcrops; 100 feet of lakes, ponds, springs, wetlands, streams, and sinkholes; 200 feet of drinking water wells; 300 feet of occupied buildings or bodies of water classified as an "extraordinary resource body of water."

M. The soil pH of the sludge application sites must be adjusted with lime in accordance with the University of Arkansas Cooperative Extension Service. Representative soil samples must be taken in accordance with Condition Number 14. If the resulting pH is 5.7 or lower, lime must be applied in accordance with the soil test recommendations. Soil pH is to be monitored in an annual basis and adjusted, if necessary, to the above requirements.

N. The permittee is responsible for the biosolids analyses, soil analyses, and reporting schedule in accordance with the requirements in the following tables.

TABLE I
Waste Analysis, Reporting, and Record Keeping

Parameter	Ceiling Concentrations (mg/kg)	Cumulative Pollutant Loading Rate (lb/ac)	Monitoring Frequency	Reporting
Arsenic	75	37	Quarterly	Annually by May 1
Cadmium	85	35	Quarterly	Annually by May 1
Copper	4300	1350	Quarterly	Annually by May 1
Lead	840	270	Quarterly	Annually by May 1
Mercury	57	15	Quarterly	Annually by May 1
Molybdenum	75	Report	Quarterly	Annually by May 1
Nickel	420	378	Quarterly	Annually by May 1
Selenium	100	90	Quarterly	Annually by May 1
Zinc	7500	2520	Quarterly	Annually by May 1
Chromium	Report	Report	Quarterly	Annually by May 1
Polychlorinated Biphenyls (PCB's)	50	N/A	Quarterly	Annually by May 1

TABLE II
Waste Analysis, Reporting, and Record Keeping

Parameter	Maximum Limit	Reporting Units	Monitoring Frequency	Reporting
Total Solids	Report	Percentage (%)	Quarterly	Annually by May 1
Nitrate Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Nitrite Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Ammonia Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Total Kjeldahl Nitrogen	Report	mg/kg	Quarterly	Annually by May 1
Total Phosphorus	Report	mg/kg	Quarterly	Annually by May 1
Total Potassium	Report	mg/kg	Quarterly	Annually by May 1
Total Volume Applied	Report	Gallons	Each land application event	Annually by May 1
Application Rate	Nitrogen Uptake of Cover Crop	lb/ac	Prior to land application	Maintain for records

TABLE III			
Soils			
Parameter	Reporting Units	Monitoring Frequency	Reporting
Conductivity	µmhos/cm	Prior to application	Annually by May 1
Cation Exchange Capacity	meq/100g	Prior to application	Annually by May 1
Nitrate-Nitrogen	mg/kg	Prior to application	Annually by May 1
Phosphorus	mg/kg	Prior to application	Annually by May 1
pH	S.U.	Prior to application	Annually by May 1
Potassium	mg/kg	Prior to application	Annually by May 1
Magnesium	mg/kg	Prior to application	Annually by May 1
Arsenic	mg/kg	Annually	By May 1 of the reporting year
Cadmium	mg/kg	Annually	By May 1 of the reporting year
Chromium	mg/kg	Annually	By May 1 of the reporting year
Copper	mg/kg	Annually	By May 1 of the reporting year
Lead	mg/kg	Annually	By May 1 of the reporting year
Mercury	mg/kg	Annually	By May 1 of the reporting year
Molybdenum	mg/kg	Annually	By May 1 of the reporting year
Nickel	mg/kg	Annually	By May 1 of the reporting year
Selenium	mg/kg	Annually	By May 1 of the reporting year
Zinc	mg/kg	Annually	By May 1 of the reporting year

O. Annual reports must be sent to the Department and to the owner of the land receiving biosolids prior to May 1, which must include the following:

The biosolids and soil analyses conducted under Condition No. 9.N. above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Wastes" or other approved procedures by the Department), application dates, and locations, quantities of biosolids applied in dry tons per acre per year and in gallons per acre per year, methods of disposal, amounts of nutrients applied, total elements added (in that particular year) in lbs per acre, total elements applied to date, and copies of soil analyses.

P. The Permittee shall maintain complete copies of all the reports including the waste and soil analysis as listed in Condition No. 9.O. above for Department personnel review. In addition, the permittee must keep the land application log that includes records of waste source, waste type, field name or number (locations), application date, volumes of waste applied (in dry tons/acre-year or gallons/acre-year of waste), methods of disposal, identity of hauler, and type of crop grown for Department personnel review.

Q. The permittee must also maintain copies of the above records for Department personnel review at the biosolids generating facility for a period of three (3) years.

10. The permittee may use any EPA approved method based on 40 CFR Part 136 provided the MQL for the chosen method is equal to or less than what has been specified in chart below:

Pollutant	MQL (µg/l)
Copper, Total Recoverable	0.5
Zinc, Total Recoverable	20
Mercury, Total Recoverable	0.005

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 CFR Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to ADEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

MQL = 3.3 X MDL

Upon written approval by Permits Branch, the site specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

11. Prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined

by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l. Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

12. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER)

1. SCOPE AND METHODOLOGY

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
CRITICAL DILUTION (%):	100%
EFFLUENT DILUTION SERIES (%):	32%, 42%, 56%, 75%, 100%
TESTING FREQUENCY	Once/quarter
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal

effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. PERSISTENT LETHAL and/or SUB-LETHAL EFFECTS

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

If a frequency reduction, as specified in Item 6, has been granted and any subsequent valid test demonstrates significant lethal or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the life of the permit. In addition:

a. Part I Testing Frequency Other Than Monthly

i. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant toxic effects at or below the critical dilution. The additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.

ii. IF LETHAL EFFECTS HAVE BEEN DEMONSTRATED If any of the additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section. The permittee shall notify ADEQ in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests. A TRE required based on lethal effects should consider any sub-lethal effects as well.

iii. IF SUB-LETHAL EFFECTS ONLY HAVE BEEN DEMONSTRATED If any two of the three additional tests demonstrates significant sub-lethal effects at 75% effluent or lower, the permittee shall initiate the Sub-Lethal Toxicity Reduction Evaluation (TRE_{SL}) requirements as specified in Item 5 of this section. The permittee shall notify ADEQ in writing within 5 days of the failure of any retest, and the Sub-Lethal Effects TRE initiation date will be the test completion date of the first failed retest. A TRE may be also be required for failure to perform the required retests.

iv. The provisions of Item 2.a.i. are suspended upon submittal of the TRE Action Plan.

b. Part I Testing Frequency of Monthly

The permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section when any two of three consecutive monthly toxicity tests exhibit significant toxic effects at or below the critical dilution. A TRE may also be required due to a demonstration of intermittent lethal and/or sub-lethal effects at or below the critical dilution, or for failure to perform the required retests.

3. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.

ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.

iii. 60% of the surviving control females must produce three broods. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.

iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving

females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

v. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

vi. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control (0% effluent) and/or in the critical dilution for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

vii. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.

viii. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;

ix. A PMSD range of 12 - 30 for Fathead minnow growth.

b. Statistical Interpretation

i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA/821/R-02-013 or the most recent update thereof.

ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/821/R-02-013 or the most recent update thereof.

iii. If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less

than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;

(A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

(B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

(A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;

(B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

(C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and

(D) the synthetic dilution water shall have a pH, hardness; and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above. Unless otherwise stated in this section, a composite sample for

WET shall consist of a minimum of 12 subsamples gathered at equal time intervals during a 24-hour period.

ii. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples, on use, are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.

iii. The permittee must collect all three flow-weighted composite samples within the monitoring period. Second and/or third composite samples shall not be collected into the next monitoring period; such tests will be determined to be invalid. Monitoring period definitions are listed in Part IV.

iv. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.

v. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4 of this section.

vi. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in item 1.a. above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

vii. If chlorination is part of the treatment process, the permittee shall not allow the sample to be dechlorinated at the laboratory. At the

time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

4. REPORTING

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/821/R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.7 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.

b. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.

c. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

i. Pimephales promelas (Fathead minnow)

(A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP6C

(B) Report the NOEC value for survival, Parameter No. TOP6C

(C) Report the NOEC value for growth, Parameter No. TPP6C

(D) If the NOEC for growth is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP6C

(E) Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C

ii. Ceriodaphnia dubia

(A) If the NOEC for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0'C for Parameter No. TLP3B

(B) Report the NOEC value for survival, Parameter No. TOP3B

(C) Report the NOEC value for reproduction, Parameter No. TPP3B

(D) If the NOEC for reproduction is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP3B

(E) Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

5. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{SL} where there are no effects at effluent dilutions of less than 76% effluent.

a. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity'C (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample,

comprised of equal portions of the individual composite samples, for the chemical specific analysis;

iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).

b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.

c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

iv. A copy of the TRE Activities Report shall also be submitted to the state agency.

d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of

toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

6. MONITORING FREQUENCY REDUCTION

a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months (in accordance with Item 1.a.) of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).

b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.

c. SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

13. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

A. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on January 13, 1984 and modified on March 10, 1992. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations. The permittee shall submit all necessary proposed modifications to ADEQ. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

(1) Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times;

(2) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial User in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities;

(3) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements;

(4) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

1. Statement of duration (in no case more than five years);

2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;

4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a

specific waiver for a pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;

5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and

6. Requirements to control slug discharges, if determined by the POTW to be necessary.

(5) The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi);

(6) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program; and

(7) The approved program shall not be modified by the permittee without the prior approval of ADEQ.

B. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5(a) and (b), as required by 40 CFR Part 403.5(c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5 (c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

The permittee shall submit, within sixty (60) days of the effective date of this permit, (1) a **WRITTEN CERTIFICATION** that a technical evaluation has demonstrated that the existing technically based local limits (TBLL) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, **OR** (2) a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within 12 months of the effective date of this permit.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

C. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once/year and the toxic pollutants in Table III at least 4 times/year in each quarter (Jan-Mar, Apr-Jun, Jul-Sep & Oct-Dec).. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic

or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least 4 times/year in each quarter on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.

D. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW during the month of February.

In addition, during the month of February the permittee shall submit an updated pretreatment program status report to the ADEQ containing the following information:

(1) An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify:

(a) Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3),

(b) Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR Part 414), Petroleum Refining (40 CFR Part 419), and Pesticide Chemicals (40 CFR Part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6).

(c) Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5).

(d) General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same,

for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii).

(e) Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403 (b), (e) and (h).

(2) For each industrial user listed the following information shall be included:

(a) Standard Industrial Classification (SIC) and NAICS code and categorical determination;

(b) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months);

(c) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:

* total number of inspections performed;
* total number of sampling visits made;

(d) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:

* Compliant (C) - no violations during the previous 12 month period;
* Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significantly noncompliant industrial users;
* Significant Noncompliance (SNC) - in accordance with requirements described in d. above; and

(e) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained;

(3) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination;

(4) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee

in response;

(5) The results of all influent and effluent analyses performed pursuant to paragraph (c) above;

(6) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;

(7) The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachment A, B and C); and

(8) The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.

E. The permittee shall provide adequate notice of the following:

(1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and

(2) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Adequate notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars ($25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

A. Violation of any terms or conditions of this permit; or
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.10. herein.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4. Toxic Pollutants

Notwithstanding Part III.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part III.B.4.a.), and "Upsets" (Part III.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statues or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

9. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal such as endangered species, state or local statute, ordinance or regulation.

11. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

A. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of

treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

4. Bypass of Treatment Facilities

A. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6. (24-hour notice).

C. Prohibition of bypass

1. Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

   (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
   (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
   (c) The permittee submitted notices as required by Part III.B.4.b.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.c.(1).

5. Upset Conditions

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
   2. The permitted facility was at the time being properly operated.
   3. The permittee submitted notice of the upset as required by Part III.D.6.; and
   4. The permittee complied with any remedial measures required by Part III.B.3.

C. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ prior to removal of substances. Additionally, the permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable). Produced sludge shall be disposed of by land application only when meeting the following criteria:

A. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
B. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.

7. Power Failure

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.

2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Department approved method (i.e., as allowed under Part II.4), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Department.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. **Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment.

5. **Reporting of Monitoring Results**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form provided by the Department or other form/method approved in writing by the Department (e.g., electronic submittal of DMR once approved). Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month or submitted electronically by 6:00 p.m. of the 25th (after NETDMR is approved), following the completed reporting period beginning on the effective date of the permit. When mailing the DMRs, duplicate copies of the forms signed and certified as required by Part III.D.11 and all other reports required by Part III.D, shall be submitted to the Director at the following address:

Enforcement Branch
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6. **Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. **Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records and monitoring information shall include:

A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
B. The individuals(s) who performed the sampling or measurements;
C. The date(s) and time analyses were performed;
D. The individual(s) who performed the analyses;
E. The analytical techniques or methods used; and
F. The measurements and results of such analyses.

9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice within 180 days and provide plans and specification (if applicable) to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. In no case are any new connections, increased flows, removal of substances, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. Twenty-four Hour Report

A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:
   1. a description of the noncompliance and its cause;
   2. the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
   3. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

B. The following shall be included as information which must be reported within 24 hours:
   1. Any unanticipated bypass which exceeds any effluent limitation in the permit;
   2. Any upset which exceeds any effluent limitation in the permit and
   3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Parts III.D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.6.

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

The permittee shall notify the Director as soon as he/she knows or has reason to believe:

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or

B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner and time frame requested by the Director.

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

A. All **permit applications** shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
   (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating

and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
   (a) The chief executive officer of the agency, or
   (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by a person described above.
   2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
   3. The written authorization is submitted to the Director.

C. Certification. Any person signing a document under this section shall make the following certification:

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

12. <u>Availability of Reports</u>

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

14. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, policy, or regulation.

PART IV
DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 CFR 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
3. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.
4. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
6. **"Bypass"** As defined at 122.41(m).
7. **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
8. **Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
   A. **Mass Calculations**: For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
   B. **Concentration Calculations**: For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
8. **Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
9. **"Department"** means the Arkansas Department of Environmental Quality (**ADEQ**).
10. **"Director"** means the Director of the Arkansas Department of Environmental Quality.
11. **"Dissolved oxygen limit"**, shall be defined as follows:
    A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
    B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.

12. **"E-Coli"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the monthly average as a 30-day geometric mean in colonies per 100 ml.
13. **"Fecal Coliform Bacteria (FCB)"**a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
14. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
15. **"Industrial User"** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
16. **"Instantaneous Maximum"** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
17. **"Instantaneous Minimum"** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
18. **"Monthly average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or E-Coli, report the monthly average, (see 30-day average below).
19. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
20. **"POTW"** means a Publicly Owned Treatment Works.
21. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
22. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
23. **"7-day average"** Also known as Average weekly. means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
24. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
25. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond

the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.

26. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
27. **"MGD"** shall mean million gallons per day.
28. **"mg/l "**shall mean milligrams per liter or parts per million (ppm).
29. **"µg/l"** shall mean micrograms per liter or parts per billion (ppb).
30. **"cfs"** shall mean cubic feet per second.
31. **"ppm"** shall mean parts per million.
32. **"s.u."** shall mean standard units.
33. **"Weekday"** means Monday – Friday.
34. **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

A. **MONTHLY:**
is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

B. **BI-MONTHLY:**
is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

C. **QUARTERLY:**
1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or
2. is defined as a **fixed three month period** (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

D. **SEMI-ANNUAL:**
is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

E. **ANNUAL or YEARLY:**
is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

Final Fact Sheet

This Fact Sheet is for information and justification of the permit limits only. Please note that it is not enforceable. This final permitting decision is for renewal of the discharge Permit Number AR0021768 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 58-00105 to discharge to Waters of the State.

1. **PERMITTING AUTHORITY.**

The issuing office is:

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. **APPLICANT.**

The applicant's mailing address is:

City Corporation - Russellville Water and Sewer System
P.O. Box 3186
Russellville, AR 72811

The facility address is:

City Corporation - Russellville Water and Sewer System
404 Jimmy Lile Road
Russellville, AR 72802

3. **PREPARED BY.**

The permit was prepared by:

Shane Byrum
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0618
E-mail: byrum@adeq.state.ar.us

4. PERMIT ACTIVITY.

Previous Permit Effective Date: 4/1/2005
Previous Permit Expiration Date: 3/31/2010

The permittee submitted a permit renewal application on 9/28/2009. The discharge permit is being reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management plan
BOD_5 - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
$CBOD_5$ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH3-N - ammonia nitrogen
NO3-N - nitrates
$NO_3 + NO_2$-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APCEC Regulation No. 2
Reg. 6 - APCEC Regulation No. 6
Reg. 8 - APCEC Regulation No. 8
Reg. 9 - APCEC Regulation No. 9

RP - reasonable potential
SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USFWS - United States Fish and Wildlife Service
WET - Whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

DMR Review:

The Discharge Monitoring Reports (DMR's) for the last three years (December 2006 – December 2009) were reviewed during the permit renewal process. The violations listed in the following table were noted. A consent administrative order (CAO) was issued in response to these violations. The CAO is discussed in more detail in the next section.

CBOD5	TSS	DO	TRC	FCB	Zinc	Copper	Nitrates
	DEC06						
	JAN07				JAN07		
	FEB07						
	DEC07						
	FEB08						
MAR08	MAR08	MAR08		MAR08			
	APR08	APR08	APR08				
			MAY08			MAY08	
			JUN08			JUN08	
			JUL08			JUL08	JUL08
			AUG08				AUG08
			SEP08				
			OCT08				OCT08
			NOV08				NOV08
	DEC08		DEC08				DEC08
	JAN09		JAN09				JAN09
	FEB09		FEB09				FEB09
	MAR09		MAR09				
	APR09		APR09	APR09	APR09	APR09	
			MAY09				
			JUN09				JUN09
			JUL09			JUL09	JUL09
			AUG09				AUG09

CBOD5	TSS	DO	TRC	FCB	Zinc	Copper	Nitrates
			SEP09				SEP09
		OCT09	OCT09				
			NOV09				
	DEC09		DEC09				DEC09

Legal Order Review:

The facility is currently under a Consent Administrative Order (CAO) (LIS No. 09-146) which was signed by the Director on 11/06/2009. This order required the facility to submit a Corrective Action Plan (CAP) to address the permit limit violations. The CAP was submitted and approved on 06/01/2010.

Inspection

A routine compliance inspection was performed by ADEQ on 4/22/2009 which revealed the following violations:

1. For soil and sludge analysis, pH is not being reported.
2. Influent samples are not flow composited.
3. Flow meter error is greater than 10% of actual calculated flow.
4. Weir plates on effluent weir are not beveled as required for plates thicker than ¼ inch.

A response to these violations was received from the permittee in a letter dated 5/21/2009. The Department responded by letter dated 6/16/2009 which states that the permittee's response letter adequately addressed the violations identified during the inspection.

Site Visit

A routine site visit was conducted on 3/23/2010. Several photos of the treatment process were taken. Coordinates were collected by a handheld GPS for the outfall and sampling location at the effluent weir. The major proposed changes to the permit were discussed including the revised NH3-N limits and new proposed Mercury limits. The facility was given the opportunity to collect additional mercury data for re-evaluation of the reasonable potential calculations.

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

1. Limits for CBOD5, TSS, NH3-N, and NO3-N are now expressed to the nearest tenth for accuracy reporting purposes.
2. Ammonia-Nitrogen limits have changed for April - October based on toxicity standards in Reg. 2.512.

3. Final Mercury limits have been added which become effective three years after the effective date.
4. Interim Mercury monitor and report requirement was added for first three years of the permit.
5. A three year compliance schedule is included for Mercury.
6. Monitor and report requirement for Total Phosphorus was added to the permit in accordance with the CPP.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates based on a Garmin GPS unit.

Latitude: 35° 14' 50" Longitude: 93° 06' 45"

The receiving waters named:

Whig Creek thence to the Arkansas River in Segment 3F of the Arkansas River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11110203 and reach # 931 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

7. 303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.

A. 303(d) List:

The receiving stream (Whig Creek) is listed on the 2008 303d list for Nitrates. A TMDL for Nitrates dated December 2000 specifies a wasteload allocation of 542 lb/day of nitrates from this point source.

The receiving stream (Whig Creek) is listed on the 2008 303d list for Copper. A TMDL for Copper dated November 2003 specifies a wasteload allocation of 0.188 lb/day of dissolved copper from this point source. Since metal limits in NPDES permits must be expressed in terms of total metal, the dissolved copper mass was converted to a total copper mass permit limit using the translator procedure given in the CPP.

B. Endangered Species:

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Fact Sheet were sent to the USF&WS for their review and no comments were received.

C. **Anti-Degradation:**

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Antidegradation Policy and all other applicable water quality standards found in APC&EC Regulation No. 2.

8. **OUTFALL AND TREATMENT PROCESS DESCRIPTION.**

The following is a description of the facility described in the application:

A. Design Flow: 7.3 MGD

B. Type of Treatment: three (3) aerated flow equalization basins, bar screens, grit removal, three (3) primary clarifiers, two (2) biotowers, one (1) intermediate clarifier, two (2) trickling rock filters, two (2) extended aeration activated sludge basins, two (2) final clarifiers, and two (2) chlorine contact basins.

C. Discharge Description: treated municipal wastewater

D. Facility Status: This facility is classified as a major municipal since the design flow of the facility of 7.3 MGD is greater than 1.0 MGD.

9. **ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

10. **INDUSTRIAL WASTEWATER CONTRIBUTIONS.**

City Corporation receives industrial process wastewater. The pretreatment program was approved on January 13, 1984 and modified on March 10, 1992. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations. City Corporation has submitted both a draft ordinance and draft local limit development. The Department is currently reviewing both submittals.

11. SEWAGE SLUDGE PRACTICES.

The sludge produced at the treatment plant is aerobically disgested on site and land applied at agronomic rates at the following locations:

Name	Field ID	Section	Township	Range	Acreage	Latitude	Longitude
City Corp	1	22	7 North	20 West	49	35° 14' 36" N	93° 6' 39" W
Baker	2	21	7 North	20 West	67.5	35° 14' 35" N	93° 7' 25" W
Old Pope County Landfill	3	21	7 North	20 West	76	35° 14' 44" N	93° 7' 40" W

Approval to land apply biosolids pursuant to this permit is limited to a maximum of one (1) year after the effective date of this permit. A separate permit must be obtained within this time period or land application of biosolids must cease. The permittee was notified of this requirement at the site visit conducted on 3/23/2010 and again at a meeting at ADEQ on 5/13/2010. Reporting requirements of this permit continue for the term of this permit until they are superseded by similar conditions in a separate land application permit.

12. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination to issue a final permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

A. Interim Effluent Limitations

Outfall 001- treated municipal wastewater

1. Conventional and/or Toxic Pollutants

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	608.8	10.0	15.0	once/weekday	composite
(Nov-Apr)	913.2	15.0	22.5	once/weekday	composite
Total Suspended Solids (TSS)					
(May-Oct)	913.2	15.0	22.5	once/weekday	composite
(Nov-Apr)	1217.6	20.0	30.0	once/weekday	composite
Ammonia Nitrogen (NH3-N)					
(April -October)	133.9	2.2	5.6	once/weekday	composite
(November - March)	243.5	4.0	6.0	once/weekday	composite
Dissolved Oxygen (DO)	N/A	6.0 (Inst. Min.)		once/weekday	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	1000	2000	once/weekday	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		once/weekday	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrates (NO3-N)	542.0	10.0	15.0	once/weekday	grab
Zinc, Total Recoverable	5.2	85.5 µg/l	171.6 µg/l	once/month	composite
Copper, Total Recoverable	0.45	9.2 µg/l	18.5 µg/l	once/month	composite
Mercury, Total Recoverable	Report	Report µg/l	Report µg/l	once/month	composite
pH	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/weekday	grab
Chronic WET Testing	N/A	Report		once/quarter	composite
Pimephales promelas (Chronic)		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Growth (7-day NOEC)TGP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP6C		Report %		once/quarter	composite
Coefficient of Variation (Growth) TQP6C		Report %		once/quarter	composite
Growth (7-day NOEC) TPP6C		Report %		once/quarter	composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Ceriodaphnia dubia (Chronic)		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail production (7-day NOEC)TGP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP3B		Report %		once/quarter	composite
Coefficient of Variation (Reproduction) TQP3B		Report %		once/quarter	composite
Reproduction (7-day NOEC) TPP3B		Report %		once/quarter	composite

2. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

B. Final Effluent Limitations

Outfall 001- treated municipal wastewater

1. Conventional and/or Toxic Pollutants

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	608.8	10.0	15.0	once/weekday	composite
(Nov-Apr)	913.2	15.0	22.5	once/weekday	composite
Total Suspended Solids (TSS)					
(May-Oct)	913.2	15.0	22.5	once/weekday	composite
(Nov-Apr)	1217.6	20.0	30.0	once/weekday	composite
Ammonia Nitrogen (NH3-N)					
(April -October)	133.9	2.2	5.6	once/weekday	composite
(November - March)	243.5	4.0	6.0	once/weekday	composite
Dissolved Oxygen (DO)	N/A	6.0 (Inst. Min.)		once/weekday	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	1000	2000	once/weekday	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		once/weekday	grab
Total Phosphorus (TP)	Report	Report	Report	once/month	grab
Nitrates (NO3-N)	542.0	10.0	15.0	once/weekday	grab
Zinc, Total Recoverable	5.2	85.5 µg/l	171.6 µg/l	once/month	composite
Copper, Total Recoverable	0.45	9.2 µg/l	18.5 µg/l	once/month	composite
Mercury, Total Recoverable	0.00082	0.0134 µg/l	0.0269 µg/l	once/month	composite
pH	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/weekday	grab
Chronic WET Testing	N/A	Report		once/quarter	composite
Pimephales promelas (Chronic)		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Growth (7-day NOEC)TGP6C		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP6C		Report %		once/quarter	composite
Coefficient of Variation (Growth) TQP6C		Report %		once/quarter	composite
Growth (7-day NOEC) TPP6C		Report %		once/quarter	composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Ceriodaphnia dubia (Chronic)		7-Day Average			
Pass/Fail Lethality (7-day NOEC) TLP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail production (7-day NOEC)TGP3B		Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP3B		Report %		once/quarter	composite
Coefficient of Variation (Reproduction) TQP3B		Report %		once/quarter	composite
Reproduction (7-day NOEC) TPP3B		Report %		once/quarter	composite

2. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

13. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the final permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

Technology-Based Versus Water Quality-Based Effluent Limitations And Conditions

Following regulations promulgated at 40 CFR Part 122.44, the final permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5								
(May-Oct)	10.0	15.0	25	40	10	15	10.0	15.0
(Nov-Apr)	15.0	22.5	25	40	15	23	15.0	22.5
TSS								
(May-Oct)	N/A	N/A	30	45	15	23	15.0	22.5
(Nov-Apr)	N/A	N/A	30	45	20	30	20.0	30.0
NH3-N								
(Apr-Oct)*	2.2	5.6	N/A	N/A	4	6	2.2	5.6
(Nov-March)	4.0	6.0	N/A	N/A	4	6	4.0	6.0
DO	6.0 (Inst. Min.)		N/A		6.0 (Inst. Min.)		6.0 (Inst. Min.)	
FCB (col/100 ml)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC (Inst. Max)	N/A		< 0.1 mg/l		<0.1 mg/l		<0.1 mg/l	
Total Phosphorus	N/A	N/A	Report	Report	N/A	N/A	Report	Report
Nitrates	10.0	15.0	N/A	N/A	10	15	10.0	15.0
Total Zinc	85.5 µg/l	171.6 µg/l	N/A	N/A	86 µg/l	172 µg/l	85.5 µg/l	171.6 µg/l
Total Copper	9.2 µg/l	18.5 µg/l	N/A	N/A	9.2 µg/l	18.5 µg/l	9.2 µg/l	18.5 µg/l

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
Total Mercury	0.0134 µg/l	0.0269 µg/l	N/A	N/A	N/A	N/A	0.0134 µg/l	0.0269 µg/l
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0 -9.0 s.u.		6.0-9.0 s.u.	

*Compliance schedule was not deemed necessary by the permit writer because a review of the DMR data from December 2006 to December 2009 indicate that the facility is currently capable of meeting the more stringent revised NH3-N limits.

A. **Justification for Limitations and Conditions of the final permit:**

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model dated 9/27/2004
TSS[1]	Technology	CPP
NH3-N	Water Quality	Reg. 2.512 / MultiSMP Model dated 9/27/2004
DO	Water Quality	Reg. 2.505 / MultiSMP Model dated 9/27/2004
Fecal Coliform Bacteria	Water Quality	Reg. 2.507
TRC[2]	Water Quality	Reg. 2.409 and CPP
Total Phosphorus[3]	Technology	CPP
Nitrates	Water Quality	December 2000 TMDL report
Total Copper	Water Quality	November 2003 TMDL report and Reg. 2.508
Total Zinc	Water Quality	Reg. 2.508 and CPP
Total Mercury	Water Quality	Reg. 2.508 and CPP
pH	Water Quality	Reg. 2.504
WET Testing	Water Quality	CPP

1 The CPP states that TSS limits for domestic wastewater discharges are typically between 1-3 times the BOD5/CBOD5 limit.

2 Average TRC measured in the effluent from August 2007 to August 2009 was 0.5 mg/l. This is higher than EPA's toxicity criteria of 0.011 mg/l. Therefore, the TRC limit is being continued from the previous permit since the data shows reasonable potential to exceed the toxicity criteria at the edge of the mixing zone.

3 In order to establish a database of point source loadings of nutrients to waters of the state, Total Phosphorus monitoring and reporting is included in the permit.

B. **Anti-backsliding**

The final permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44 (l)(2)(i).

The final permit maintains the requirements of the previous permit.

C. **Limits Calculations**

1. Mass limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement.

The calculation of the loadings (lbs per day) for CBOD5, TSS, NH3-N, Zinc, and Mercury uses a design flow of 7.3 MGD and the following equation:

lbs/day = Concentration (mg/l) X Flow (MGD) X 8.34

The mass load limits for Nitrates and Total Copper were taken from the wasteload allocation assigned to this point source specified in the TMDL reports for Nitrates and Copper. The previous permit contained mass limits for Nitrates and Copper based on the design flow of 7.3 MGD. In accordance with 40 CFR 122.44(d)(1)(vii)(B), the limits in the permit must be consistent with the wasteload allocations specified in the TMDL report. Therefore, the mass limits for Nitrates and Total Copper were revised to be consistent with the wasteload allocation (WLA) set forth in the TMDL reports.

2. 7-day Average Limits:

The 7-day average limits for NH3-N (May through October) as well as CBOD5 and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

7-day average limits = Monthly average limits X 1.5 – 2

The 7-day average NH3-N limits for the months of November through April are based on the requirements of Reg. 2.512.

The 7-day average limits for FCB are based on Reg. 2.507.

The 7-day average concentration limits for Copper, Zinc, and Mercury are based on the CPP.

3. Ammonia-Nitrogen (NH3-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Reg. 2.512 and the CPP.

D. **208 Plan (Water Quality Management Plan)**

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to include a wasteload allocation of 0.45 lb/day for Total Copper which is derived from the Dissolved Copper wasteload allocation as specified in the TMDL report dated November 2003. The 208 Plan has also been updated to revise the NH3-N limit from 4.0 mg/l to 2.2 mg/l for April–October based on toxicity standards in Reg. 2.512.

E. **Priority Pollutant Scan (PPS)**

ADEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Regulation No. 2 (Reg. 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)".

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Regulation No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed below have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 CFR Part 122.45(c).

The following items were used in calculations:

Flow = Q	7.3 MGD = 11.28 cfs	Application
7Q10	0 cfs	U.S.G.S.
TSS	3.0 mg/l	CPP
Hardness as CaCO3	25.0 mg/l	CPP
pH	7.68 s.u.	ARK0067

The following pollutants were reported above the required MQL:

Pollutant	Concentration Reported, µg/l	MQL, µg/l
Total Copper	39 (highest value of 24 values)	0.5
Total Lead	0.858 (geometric mean of 4 values)	0.5
Total Mercury	0.0115 (geometric mean of 8 values)	0.005
Total Nickel	6.553 (geometric mean of 4 values)	0.5
Total Silver	0.4827 (geometric mean of 4 values)	0.5
Total Zinc	118 (highest value of 60 values)	20
Total Phenols	5.57 (single value reported)	5

ADEQ has determined from the submitted information that the discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard as follows:

(a) **Aquatic Toxicity**

Substance	Concentration (C_e) µg/l	C_e X 2.13 (for less than 20 values)	IWC µg/l	Water Quality Standards (WQS)	
				Acute, µg/l	Chronic, µg/l
Total Copper	39	39	39	10.99	8.28
Total Zinc	118	118	118	96.81	88.40
Total Mercury	0.0115	0.0245	0.0245	7.11	0.012

Instream Waste Concentrations (IWC's) have been calculated in the manner described in the CPP.

As can be seen in the table above, the calculated level for the following pollutants are sufficiently higher than the water quality standards. Therefore, the limits for those pollutants are calculated in the manner described in the CPP and are included in the permit as follows:

Final Limits		
Substance	AML, µg/l	DML, µg/l
Total Copper	9.2	18.5
Total Zinc	85.5	171.6
Total Mercury	0.0134	0.0269

14. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

Prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l. Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

15. WHOLE EFFLUENT TOXICITY.

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited." In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act. Arkansas has established a narrative criteria which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity (WET) testing is the most direct measure of potential toxicity which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. It is the national policy of EPA to use bioassays as a measure of toxicity to allow evaluation of the effects of a discharge upon a receiving water (49 Federal Register 9016-9019, March 9, 1984). EPA Region 6 and the State of Arkansas are now implementing the Post Third Round Policy and Strategy established on September 9, 1992, and EPA Region 6 Post-Third Round Whole Effluent Toxicity Testing Frequencies, revised March 13, 2000. Whole effluent toxicity testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The whole effluent toxicity testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS	FREQUENCY
Chronic WET	Once/quarter

Requirements for measurement frequency are based on the CPP.

Since 7Q10 is less than 100 cfs (ft^3/sec) and dilution ratio is less than 100:1, chronic WET testing requirements will be included in the permit.

The calculations for dilution used for chronic WET testing are as follows:

Critical dilution (CD) = (Qd/(Qd + Qb)) X 100

Qd = Design flow = 7.3 MGD = 11.3 cfs
7Q10 = 0 Cfs
Qb = Background flow = (0.67) X 7Q10 = 0 cfs
CD = (11.3) / (11.3 + 0) X 100 = 100%

Toxicity tests shall be performed in accordance with protocols described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-91/002, July 1994. A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100% (See the CPP). The low-flow effluent concentration (critical dilution) is defined as 100% effluent. The requirement for chronic WET tests is based on the magnitude of the facility's discharge with respect to receiving stream flow. The stipulated test species, *Ceriodaphnia dubia* and the Fathead minnow (*Pimephales promelas*) are indigenous to the geographic area of the facility; the use of these is consistent with the requirements of the State water quality standards. The WET testing frequency has been established to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA/600/4-91/002, July 1994 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

This permit may be reopened to require further WET testing studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if WET testing data submitted to the Department shows toxicity in the permittee's discharge. Modification or revocation of this permit is subject to the provisions of 40 CFR 122.62, as adopted by reference in ADEQ Regulation No. 6. Increased or intensified toxicity testing may also be required in accordance with Section 308 of the Clean Water Act and Section 8-4-201 of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

Administrative Records

The following information summarized toxicity test submitted by the permittee during the term of the current permit at outfall 001:

Permit Number: AR0021768 AFIN: 58-00105 Outfall Number: 001
Date of Review: 3/9/2010 Reviewer: M. Barnett
Facility Name: City Corporation - Russellville Water and Sewer System
Previous Dilution series: 32,42,56,75,100 Proposed Dilution Series: 32,42,56,75,100
Previous Critical Dilution 100 Proposed Critical Dilution: 100
Previous TRE activities: None

Frequency recommendation by species
Pimephales promelas (Fathead minnow): once/quarter
Ceriodaphnia dubia (water flea): once/quarter

TEST DATA SUMMARY

TEST DATE	Vertebrate		Invertebrate	
	Lethal NOEC	Sub-Lethal NOEC	Lethal NOEC	Sub-Lethal NOEC
Jun-05	100	100	100	100
Sep-05	100	100	100	100
Dec-05	100	31*	100	100
Mar-06	100	100	100	100
Jun-06	100	100	100	100
Sep-06	100	100	100	100
Dec-06	100	100	100	100
Mar-07	100	42	100	100
Mar-07	100	100		
Jun-07	100	75*	100	100
Sep-07	100	100	100	100
Dec-07	100	100	100	100
Mar-08	100	100	100	100
Jun-08	100	100	100	100
Sep-08	100	100	100	100
Dec-08	100	100	100	100
Mar-09	100	100	100	100
Jun-09	100	100	100	100
Sep-09	100	100	100	100
Dec-09	100	100	100	100
Mar-10	100	100	100	100

*Pp test passes due to low PMSD
Failures are noted in BOLD

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-Lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	100	42	100	100
TU at Min Observed	1.00	2.38	1.00	1.00
Count	21	21	20	20
Failure Count	0	1	0	0
Mean	1.000	1.066	1.000	1.000
Std. Dev.	0.000	0.301	0.000	0.000
CV	0	0.3	0	0
RPMF	#N/A	1.2	#N/A	#N/A
Reasonable Potential	#N/A	2.857	#N/A	#N/A

PERMIT ACTION

There have been no lethal or sub-lethal failures for *C. dubia* during the past five five years, therefore WET limits are not required.

There have been no lethal failures for *P. promelas* during the past five five years, therefore WET limits are not required.

Although there has been one *P. promelas* sub-lethal WET test below the critical dilution, there is insufficient evidence to support the inclusion of a sub-lethal limit. Additional data is needed to confirm the necessity for a sub-lethal limit, therefore it is not required at this time.

The inclusion of requirements for retests for sub-lethal failures will provide sufficient documentation concerning the necessity for a TRE, and the potential for inclusion of sub-lethal WET limits if appropriate.

P. promelas lethal - WET Monitoring
P. promelas sub-lethal - WET Monitoring
C. dubia lethal - WET Monitoring
C. dubia sub-lethal - WET Monitoring

16. SAMPLE TYPE AND FREQUENCY.

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i)(l)].

Requirements for sample type and sampling frequency have been based on the current discharge permit. Sample frequency for the new phosphorus and mercury reporting requirements was set at the same frequency as the existing copper and zinc frequency. The 24-hr composite sample types for CBOD5, TSS, NH3-N, Nitrates, Zinc, and Copper in the previous permit are being changed to composite sample type in this permit to provide the facility more flexibility in gathering a representative composite sample.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
CBOD5	once/weekday	24-hr composite	once/weekday	composite
TSS	once/weekday	24-hr composite	once/weekday	composite
NH3-N	once/weekday	24-hr composite	once/weekday	composite
DO	once/weekday	grab	once/weekday	grab
FCB	once/weekday	grab	once/weekday	grab
TRC	once/weekday	grab	once/weekday	grab
TP	n/a	n/a	once/month	grab
NO_3 - N	once/weekday	24-hr composite	once/weekday	composite
Zinc	once/month	24-hr composite	once/month	composite
Copper	once/month	24-hr composite	once/month	composite
Mercury	n/a	n/a	once/month	composite
pH	once/weekday	grab	once/weekday	grab

17. STORMWATER REQUIREMENTS

The facility currently has an active industrial stormwater permit (ARR000104) which covers all stormwater runoff at this facility.

18. PERMIT COMPLIANCE.

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

Compliance is required on the effective date of the permit for all parameters except for Mercury. Final limits for Mercury become effective three (3) years after the effective date of the permit.

The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Mercury according to the following schedule:

ACTIVITY	DUE DATE
Progress Report	One (1) year from effective date
Progress Report	Two (2) years from effective date

The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

19. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

20. SOURCES.

The following sources were used to prepare the permit:

A. Application No. AR0021768 received 9/28/2009.
B. Arkansas Water Quality Management Plan (WQMP).
C. APCEC Regulation No. 2.
D. APCEC Regulation No. 3.
E. APCEC Regulation No. 6.
F. 40 CFR Parts 122, 125, 133 and 403.
G. Discharge permit file AR0021768.
H. Discharge Monitoring Reports (DMRs).
I. "Arkansas Water Quality Inventory Report 2008 (305B)", ADEQ.
J. "Low-Flow Characteristics and Regionalization of Low-Flow Characteristics for Selected Streams in Arkansas", 2008, USGS.

K. Continuing Planning Process (CPP).
L. Technical Support Document For Water Quality-based Toxic Control.
M. Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.
N. Inspection Report dated 4/22/2009.
O. Consent Administrative Order LIS No. 09-146, effective 12/25/2009.
P. "Whig Creek Basin TMDL for Copper", November 2003, Parsons.
Q. "Whig Creek TMDL for Nitrate", December 2000, USEPA.
R. Site visit conducted on 3/23/2010.

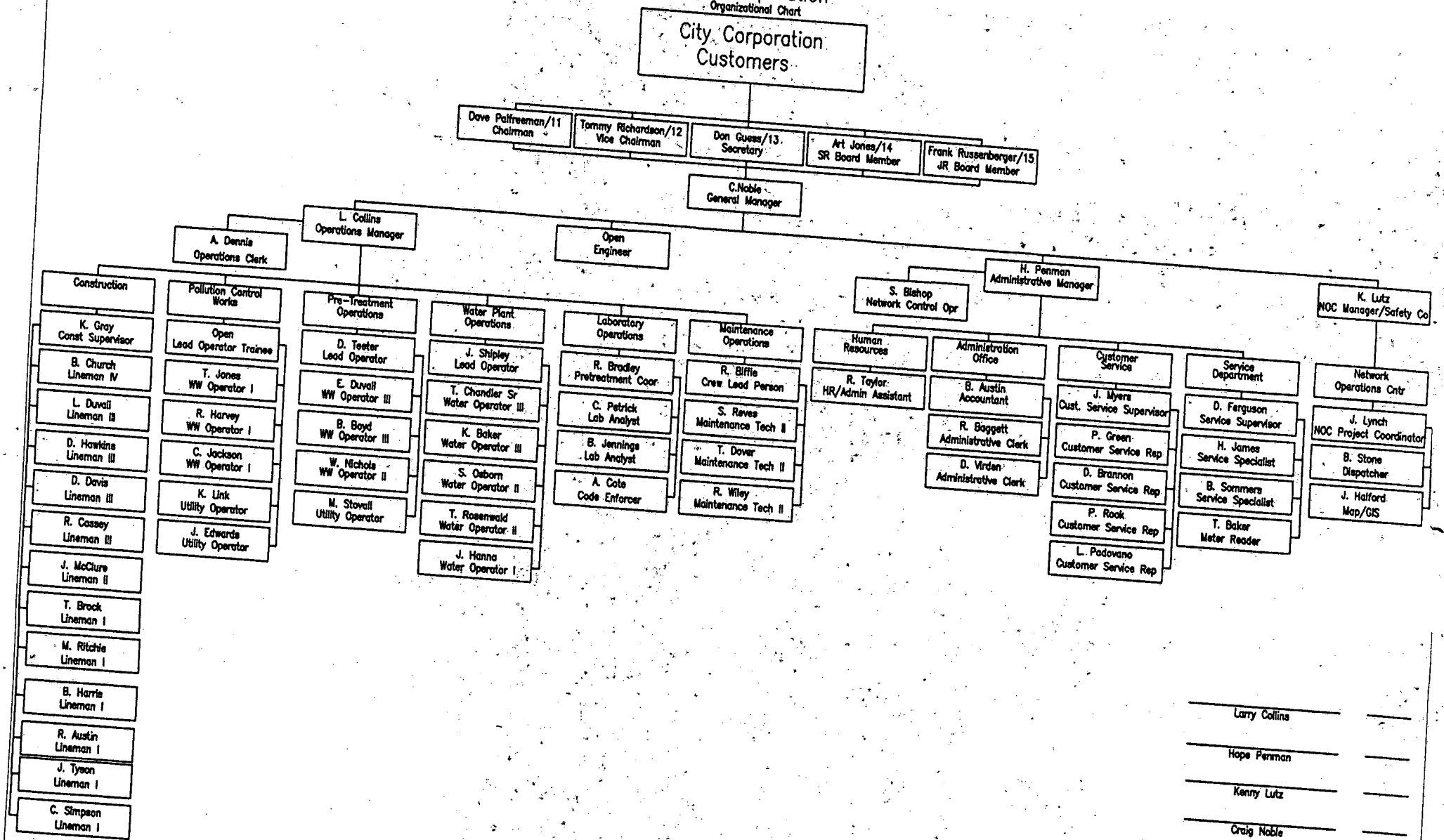
21. POINT OF CONTACT.

For additional information, contact:

Shane Byrum
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0618

City Corporation

Organizational Chart



Larry Collins _____ _____

Hope Penman _____ _____

Kenny Lutz _____ _____

Craig Noble _____ _____

Revised 11-03-11

City Corporation Pretreatment Industry Contact List

Company	Name	Phone #
Bridgestone Tube	Lorrie Chesser	964-0276
ConAgra	Debbie Stanley	747-6588
Grace Manufacturing	Rachell Wade	968-5455 ext 1026
Hackney Ladish	Ron Alexander	968-7555
International Paper	Trina Kleck	964-2257
International Paper/16th St	Paul Turner	890-6634 ext 22
MAHLE	Dan Campbell	890-4414
P.O.M.	Brent Honeycutt	968-2882
Premium Protein Products	Gary Reddell	968-2567
Sugar Creek Foods	Scott VanHorn	968-3637
Taber Extrusions	Ronnie Beasley	968-1021 ext 245
Tyson Hatchery	Susan Danzy	964-0107
Tyson Tyler Road	Rick Owen	498-0416

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Fact Sheet

Permitted Outfall(s)

1. *Attach a copy of the pertinent page from the current Industrial User's permit listing and describing the permitted outfall(s) to the City's sewer system.*

Effluent Limitations

2. *Attach a copy of the pertinent page of the current Industrial User's permit listing the effluent limitations for the permitted outfall(s) to the City's sewer system.*

Self Monitoring Requirements

1. *Attach a copy of the pertinent page from the current Industrial User's permit listing the self monitoring requirements for the permitted outfall(s) to the City's sewer system*

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

General Conditions

1. Has the Industrial User's permit been terminated? ☐ Yes, ☐ No

   If yes, list date and reason.

2. Has the Permittee submitted an application for a new permit at least 90 (ninety) days before the expiration date of the current permit? ☐ Yes, ☐ No,

   Applicable only if nearing expiration date of current permit. If yes, list date received and any comments. ☐ Not Applicable

Information Requirements

1. Has the Permittee furnished to the Control Authority within 10 workdays any information which the Control Authority has requested to determine whether cause exits for modifying, revoking and reissuing, or terminating the Industrial User's permit, or to determine compliance with the Industrial User's permit? ☐ Yes, ☐ No, ☐ Not Applicable

2. Has the Permittee furnished to the Control Authority within 10 workdays any requested copies of any records required to be kept by the Industrial User's permit? ☐ Yes, ☐ No, ☐ Not Applicable

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Annual Publication

1. Was the Permittee included on the list of all industrial users that were subject to enforcement action during the (12) previous months in the most recent annual newspaper publication by the Control Authority? ☐ Yes, ☐ No

   If yes, list date and publication(s) or other media.

Violation Penalties

1. Has the Permittee been subject to any civil penalties for violating any permit condition? ☐ Yes, ☐ No

   If yes, list.

1. Has the Permittee been subject to any criminal penalties for willfully or negligently violating permit conditions? ☐ Yes, ☐ No

   If yes, list

City Corporation
Significant Industrial User Inspection Report

Facility Name:
Inspection Date:
Facility Inspection
General Information
Arrival Time:
Inspector(s):
Contact(s):
Permit Number:
Site Address:
Mailing Address: Same as Above
Primary Contact:
Title:
Telephone:
Fax:
Additional Contact:
Title:
Telephone:
Additional Contact:
Title:
Telephone:
Comments:

City Corporation
Significant Industrial User Inspection Report

Facility Name:					
Inspection Date:					
Process Information					
SIC Code(s):					
Raw Materials:					
Process Description:					
Products:					

City Corporation
Significant Industrial User Inspection Report

Facility Name:
Inspection Date:

Operations Information

	1st Shift	2nd Shift	3rd Shift
Number Of Employees: (Avg.)			
Working Hours:			
Hours/Day:			
Days/Week:			

Notes:

Water Source & Usage

Source:	Volume (GPD):	Usage:	Volume (GPD):
City:		Process:	
Landlord:		Sanitary:	
Other:		Consumed in Product:	
Other:		Evaporation:	
Other:		Other:	
Total:		Total:	
List all water account number(s):		Cooling water, contact	
		Cooling water, non-con	
List wastewater account number(s):			
If applicable.			

Notes:

City Corporation
Significant Industrial User Inspection Report

Facility Name:		
Inspection Date:		
Process Waste-Streams		
Source Description:	Volume (GPD):	Code Type: *

* Code Types:			
CD: Continuous Discharge	OD: Other Disposal (Not sewer.)	BD: Batch Discharge	ND: Not Discharged

* Additional Categorical Waste-Stream Types:	
RCW: Regulated Categorical Waste-Stream	NRCW: Non-Categorical Waste-Stream
ARCW: Ancillary Regulated Categorical Waste-Stream	DCW: Diluted Categorical Waste-Stream

City Corporation
Significant Industrial User Inspection Report

Facility Name:		
Inspection Date:		
Additional Process Waste-Streams		
Source Description:	Volume (GPD):	Code Type: *

*** Code Types:**

CD: Continuous Discharge	OD: Other Disposal (Not sewer.)	BD: Batch Discharge	ND: Not Discharged

*** Additional Categorical Waste-Stream Types:**

RCW: Regulated Categorical Waste-Stream	NRCW: Non-Categorical Waste-Stream
ARCW: Ancillary Regulated Categorical Waste-Stream	DCW: Diluted Categorical Waste-Stream

City Corporation
Significant Industrial User Inspection Report

Facility Name:		
Inspection Date:		
Additional Process Waste-Streams		
Source Description:	Volume (GPD):	Code Type: *

* Code Types:			
CD: Continuous Discharge	OD: Other Disposal (Not sewer.)	BD: Batch Discharge	ND: Not Discharged

* Additional Categorical Waste-Stream Types:	
RCW: Regulated Categorical Waste-Stream	NRCW: Non-Categorical Waste-Stream
ARCW: Ancillary Regulated Categorical Waste-Stream	DCW: Diluted Categorical Waste-Stream

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Sketch process waste-stream(s) connections to the City's sewer system or attach copies of drawing(s) to report.

On file in pretreatment office

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Permit Compliance Appendix

Industrial User Permit

1. Does the facility have a copy of it's current Industrial User permit on file and available for inspection? ☐ Yes, ☐ No

Comments:

General Conditions

1. Is the Permittee in compliance with all conditions of its' permit? ☐ Yes, ☐ No

   If no, list any administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, or summary abatement resulting from noncompliance with the Industrial User's permit.

   If yes, skip next question.

2. If the Permittee is in noncompliance of its' permit, is the Permittee taking all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance including accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge? ☐ Yes, ☐ No

   If yes, detail the steps taken or if no, explain inaction.

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

1. Has the Industrial User's permit been modified for good causes since the permit was granted? ☐ Yes, ☐ No

   If yes, list causes and modifications.

2. Has the Industrial User's permit been assigned or transferred to a new owner and/or operator since the permit was issued? ☐ Yes, ☐ No

   If yes, list new owner and/or operator and give date assigned or transferred.

3. Has the Permittee increased or decreased the use of potable or process water? ☐ Yes, ☐ No, ☐ Not Applicable

   If yes, explain.

   ☐ Increased water use. ☐ Decreased water use.

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

General Permit Standards

1. Is the Industrial User discharging wastewater to the sewer system;

a) Having a temperature higher than 104 degrees F (40 degrees C), ☐ Yes, ☐ No

b) Containing more than 150 PPM by weight of fats, oils, and grease, ☐ Yes, ☐ No

c) Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; or pollutants with a closed cup flash-point of less than one hundred forty (140) degrees Fahrenheit (60 degrees C), or pollutants which cause an exceedance of 10 percent of the Lower Explosive Limit (LEL) at any point within the POTW, ☐ Yes, ☐ No

d) Containing any garbage that has not been ground by house hold type or other suitable garbage grinders, ☐ Yes, ☐ No

e) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or other solids or viscous substances capable of causing obstructions or other interference's with proper operation of the sewer system, ☐ Yes, ☐ No

f) Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system, ☐ Yes, ☐ No

g) Containing toxic or poisonous substances, such as wastes containing cyanide, chromium, cadmium, mercury, copper, and nickel ions, in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to human or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant, ☐ Yes, ☐ No

h) Containing noxious or malodorous gases or substances capable of creating a public nuisance; including pollutants which may result in the presence of toxic gases, vapors, or fumes; ☐ Yes, ☐ No

i) Containing solids of such character and quantity that special and unusual attention is required for their handling, ☐ Yes, ☐ No

j) Containing any substance which may affect the treatment plant's effluent and cause violation of the NPDES permit requirements, ☐ Yes, ☐ No

k) Containing any substances which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines of regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State, ☐ Yes, ☐ No

l) Containing color which is not removed in the treatment process, ☐ Yes, ☐ No

m) Containing any medical or infectious wastes, ☐ Yes, ☐ No

n) Containing any radioactive wastes or isotopes, or ☐ Yes, ☐ No

o) Containing any pollutant, including BOD pollutants, released at a flow rate and/or concentration, which would cause interference with the treatment plant? ☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Pollution Controls

1. Does the Industrial User operate a pretreatment plant, equipment, or otherwise pre-treat its' wastewater prior to discharge to the City's sewer system? ☐ Yes, ☐ No

If yes, list equipment utilized and/or describe treatment process. Attach copies of any available system drawings or schematics.

If no, skip section.

1. Number of pretreatment operators on staff:

2. Do operators hold State of Arkansas Waste Water Treatment Operator Licenses? ☐ Yes, ☐ No

3. If so, list number of employees having each classification of license:

Class I: Class II: Class III: Class IV:

Comments:

4. If the facility's pretreatment plant has been evaluated and rated by the State, list the plant's classification (Class I, Class II, Class III, etc.):

City Corporation
Significant Industrial User Inspection Report

Facility Name:	
Inspection Date:	
Bypass Of Treatment Facilities	
1. Has the Permittee bypassed treatment facilities? *If yes, detail below.* *If no, or not applicable, skip section.*	☐ Yes, ☐ No ☐ Not Applicable
2. Is bypass unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exit?	☐ Yes, ☐ No
3. Is bypass for essential maintenance to assure efficient operation, which does not cause effluent limitations to be exceeded?	☐ Yes, ☐ No
4. Did the Permittee notify the City of Fort Smith of any anticipated bypass by written notice, at least ten days before the date of the bypass?	☐ Yes, ☐ No
5. Did the Permittee immediately notify the Control Authority of any unanticipated bypass and submit a written notice to the POTW within 5 (five) days?	☐ Yes, ☐ No
6. Did written notice of an unanticipated bypass specify;	
a) A description of the bypass, and its cause, including its duration,	☐ Yes, ☐ No
b) Whether the bypass has been corrected,	☐ Yes, ☐ No
c) The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass?	☐ Yes, ☐ No
Comments:	

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Facility Activity Reduction Requirements

1. Is the Permittee's treatment facility experiencing any reduction of efficiency of operation, or loss or failure of all or part of the treatment facility? ☐ Yes, ☐ No
   If yes, detail below. If no, or not applicable, skip section. ☐ Not Applicable

2. Is the Permittee attempting to control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided? ☐ Yes, ☐ No

Removed Substances

1. Is the Permittee disposing of solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act? ☐ Yes, ☐ No
   If yes, list wastes, disposal methods, contractor, etc. ☐ Not Applicable
   If no, explain.

2. Is the Permittee complying with any additional local and State standards including such standards or requirements that may be come effective during the term of this permit? ☐ Yes, ☐ No
   If yes, list additional standards. If no, explain. ☐ Not Applicable

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Process Control Laboratory

1. Does the Permittee operate its' own laboratory for pretreatment process controls? ☐ Yes, ☐ No

   If yes, list parameters analyzed and any additional comments. If no, skip section.

2. Is the process control laboratory certified by the State of Arkansas? ☐ Yes, ☐ No

3. Number of pretreatment system laboratory technicians on staff:

4. Are laboratory technician(s) certified in wastewater analysis? ☐ Yes, ☐ No

Representative Sampling

1. Is all equipment used for sampling and analysis routinely calibrated, inspected and maintained to ensure their accuracy and verified by records of maintenance or calibration? ☐ Yes, ☐ No ☐ Not Applicable

   If yes, list equipment used by the Permittee for sampling and/or analysis and any additional comments.

   If no, detail deficiencies.

   Not applicable, if no Industrial User sampling and analysis equipment is used.

2. Has Control Authority been notified and has Control Authority approved the changing of any sampling points? ☐ Yes, ☐ No ☐ Not Applicable

City Corporation
Significant Industrial User Inspection Report

Facility Name:
Inspection Date:
Flow Measurement
1. Does the Permittee utilize a wastewater flow meter(s) or water meter(s) for flow determination? ☐ Wastewater Flow Meter(s) ☐ Water Meter(s) *If wastewater meter, list type(s) used and complete section.* *If water meter used, skip section.*
2. Are appropriate flow measurement devices installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of the type of device being used, including records of verification of maintenance and calibration? ☐ Yes, ☐ No
3. Has the Permittee submitted a written certification of the flow measurement device(s) calibration by an independent source qualified to install and/or calibrate flow measurement equipment and has been granted permission by the Control Authority to use device(s)? ☐ Yes, ☐ No
4. Are devices selected capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes? ☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Self Monitoring Procedures

Not applicable if no discharge and self monitoring requirements suspended; skip section. ☐ Not Applicable

1. Is the Permittee monitoring outfall(s) for the required parameters? ☐ Yes, ☐ No

2. Are all parameters being sampled at the designated sampling point(s)? ☐ Yes, ☐ No

3. Are any pollutants monitored more frequently than required by the Industrial User's permit? ☐ Yes, ☐ No

4. If any pollutants were monitored more frequently than required, were test procedures prescribed in 40 CFR Part 136 and amendments thereto, or as otherwise approved by the EPA or as specified in the Industrial User's permit, used? ☐ Yes, ☐ No ☐ Not Applicable

5. Is all sampling conducted for the purposes of self monitoring being performed by a certified independent laboratory acceptable to the Control Authority, or has a permit variance been granted to the Industrial User to perform its' own sampling? ☐ Yes, ☐ No

   Sampling performed by: ☐ Outside Laboratory ☐ Industrial User

   If independent laboratory or laboratories used, list name(s):

6. Are all laboratory analyses conducted for the purposes of self monitoring being performed by a certified independent laboratory or laboratories acceptable to the Control Authority? ☐ Yes, ☐ No

   Name of independent laboratory or laboratories used:

Review laboratory analysis reports, monthly self monitoring reports, and any chain of custody records or sampling event records.

1. Do records of sampling and analyses include;

a) The date, exact place, time, and methods of sampling or measurement, and preservation techniques or procedures, ☐ *Yes,* ☐ *No*

b) Who performed the sampling or measurements ☐ *Yes,* ☐ *No*

c) The date(s) analyses were performed, ☐ *Yes,* ☐ *No*

d) Who performed the analyses, ☐ *Yes,* ☐ *No*

e) The analytical techniques or methods used, ☐ *Yes,* ☐ *No*

f) The results of such analyses? ☐ *Yes,* ☐ *No*

☐ *Correct sample types or methods.* ☐ *Correct handling and preservation techniques.* *

☐ *Correct sample frequency.* ☐ *Correct laboratory analysis methods.* *

* *In accordance with 40 CFR Part 136 and amendments thereto.*

Facility Name:	
Inspection Date:	

Automatic Re-sampling

1. Did the results of the Permittee's self monitoring wastewater analysis indicate a violation of the Industrial User's permit had occurred? ☐ Yes, ☐ No

If yes, list each violation separately. If no or not applicable, skip section. ☐ Not Applicable

(Not applicable if no discharge and self monitoring requirements suspended.)

Date of violation:	Notified the City within 24 hours?	Repeated pollutant sampling and analysis?	Submitted re-sample results?	Results submitted within 30 days?
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No
	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:	
Inspection Date:	
Accidental Discharge Report	
1. Did the Permittee have any occurrence of an accidental discharge of substances prohibited by Ordinance 1388 or any slug loads or spills that may enter the public sewer? *If yes, detail below. If no, skip section.*	☐ Yes, ☐ No
2. Did the Permittee immediately notify the Control Authority upon the occurrence?	☐ Yes, ☐ No
3. Did the Permittee's notification include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken?	☐ Yes, ☐ No
4. Did the Permittee submit to the Control Authority a detailed written report within seven days following the accidental discharge?	☐ Yes, ☐ No
5. Did the report contain a description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the Permittee's compliance status, including the location of the discharge, type, concentration and volume of the waste?	☐ Yes, ☐ No
6. Did the report contain the duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur?	☐ Yes, ☐ No
7. Did the report contain all steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance?	☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:	
Inspection Date:	

Operating Upset Report

1. Did the Permittee experience any upset in operations that placed the Permittee in a temporary state of noncompliance with the provisions of either the user's permit or with Ordinance 1388? *If yes, detail below. If no, skip section.*	☐ Yes, ☐ No
2. Did the Permittee inform the Control Authority within 24 hours of becoming aware of the upset?	☐ Yes, ☐ No
3. Did the Permittee file a written follow-up report of the upset to the Control Authority within 5 (five) days?	☐ Yes, ☐ No
4. Did the report contain a description of the upset, the cause(s) thereof, and the upset's impact on the Permittee's compliance status?	☐ Yes, ☐ No
5. Did the report contain the duration of noncompliance, including exact dates and times of noncompliance and, if not corrected, the anticipated time the noncompliance is expected to continue?	☐ Yes, ☐ No
6. Did the report contain all steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset?	☐ Yes, ☐ No
7. Did the report also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner?	☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Special Monitoring And Reporting Requirements

1. Does the Permittee have any additional or special monitoring requirements particular to this Industrial User? ☐ Yes, ☐ No

   If yes, attach copy of pertinent page of the industrial user's permit. If no, skip section.

Compliance Schedule Requirements

1. Was the Industrial User under a compliance schedule with the City? ☐ Yes, ☐ No

   If yes, attach copy of the Industrial User's compliance schedule. If no, skip section.

2. Did the Permittee submit quarterly compliance reports the Pretreatment Office?

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No	☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:	
Inspection Date:	

Records Retention

1. Is the Permittee retaining records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by user's permit, and records of all data used to complete the application for permit, for a period of at least three years from the date of the sample, measurement, report or application?	☐ Yes, ☐ No
2. Are all records that pertain to matters that are the subject of special orders or any other enforcement action or litigation activities brought by the Control Authority being retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired?	☐ Yes, ☐ No ☐ Not Applicable

Planned Facility Changes

1. Has the Permittee had any facility expansion, production increase, or process modifications, which results in new or substantially increased discharges or a change in the nature of the discharge? *If not applicable, skip next question.*	☐ Yes, ☐ No ☐ Not Applicable
2. Did the Permittee give notice to the Control Authority 90 days prior to the above planned changes?	☐ Yes, ☐ No ☐ Not Applicable
3. Has the Permittee given advance notice to the Control Authority of any planned changes in the permitted facility or activity, which may result in noncompliance with the Industrial User's permit requirements?	☐ Yes, ☐ No ☐ Not Applicable

City Corporation
Significant Industrial User Inspection Report

Facility Name:	
Inspection Date:	
Signatory Requirements	
1. Do all applications, reports, or information submitted to the Control Authority contain the appropriate signature as required in the Wastewater Contribution Permit, Part 3, paragraph F.	☐ Yes, ☐ No
2. Has the Permittee submitted a request to the Control Authority for permission to change its' authorized representative, if authorization is under paragraph (d)?	☐ Yes, ☐ No
Cost Recoveries And Penalties	
1. Has the Permittee been liable and billed for costs incurred for any cleaning, repair, or replacement work caused by any violation or discharge that caused any expense, loss, or damage to or otherwise inhibited the Control Authority wastewater disposal system?	☐ Yes, ☐ No ☐ Not Applicable

Facility Name:

Inspection Date:

Facility Site Inspection

Spill Prevention

1. Does the facility have a spill prevention plan? ☐ Yes, ☐ No
   If no, skip next question.

2. Is a copy of the spill prevention plan on file with the Control Authority? ☐ Yes, ☐ No

Slug Control

1. Were the Industrial User's slug control and prevention measures evaluated? ☐ Yes, ☐ No

2. Are adequate precautions being taken and proper procedures followed to prevent accidental spills and slug loads? ☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:		
Inspection Date:		
Chemical and Hazardous Waste Storage		
Chemical Type Or Product Name:	Maximum Amount Stored:	Proximity To Floor Drains: (In feet.)

Facility Name:		
Inspection Date:		
Chemical and Hazardous Waste Storage Continued		
Chemical Type Or Product Name:	Maximum Amount Stored:	Proximity To Floor Drains: (In feet.)

Facility Name:		
Inspection Date:		
Chemical and Hazardous Waste Storage Continued		
Chemical Type Or Product Name:	Maximum Amount Stored:	Proximity To Floor Drains: (In feet.)

City Corporation
Significant Industrial User Inspection Report

Facility Name:		
Inspection Date:		
Chemical and Hazardous Waste Storage Continued		
Chemical Type Or Product Name:	Maximum Amount Stored:	Proximity To Floor Drains: (In feet.)

Facility Name:		
Inspection Date:		
Chemical and Hazardous Waste Storage Continued		
Chemical Type Or Product Name:	Maximum Amount Stored:	Proximity To Floor Drains: (In feet.)

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Pollution Controls

1. Is the Permittee at all times properly operating and maintaining all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with it's permit? ☐ Yes, ☐ No ☐ Not Applicable

Not applicable if no pretreatment equipment, skip section.

2. Does the Permittee's proper operation and maintenance include;
   a) Effective performance; ☐ Yes, ☐ No
   b) Adequate funding; ☐ Yes, ☐ No
   c) Adequate operator staffing and training; ☐ Yes, ☐ No
   d) Adequate laboratory and process controls? ☐ Yes, ☐ No

3. Does the Permittee have proper records of operation and maintenance of pretreatment equipment? ☐ Yes, ☐ No

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Manufacturing Facilities

1. Were manufacturing or production facilities inspected? ☐ Yes, ☐ No
   Not applicable if no manufacturing or production facilities. ☐ Not Applicable

Pretreatment Facilities

1. Were pretreatment facilities inspected? ☐ Yes, ☐ No
   Not applicable if no pretreatment equipment. ☐ Not Applicable

Self Monitoring Procedures

1. List any comments regarding observation of the Industrial User's self monitoring procedures:

City Corporation
Significant Industrial User Inspection Report

Facility Name:

Inspection Date:

Entry And Inspection

1. Has the Permittee allowed the Control Authority or an authorized representative upon the presentation of credentials and other documents as may be required by law to;

a) Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of user's permit, ☐ Yes, ☐ No

b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of user's permit, ☐ Yes, ☐ No

c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under user's permit, ☐ Yes, ☐ No

d) Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and ☐ Yes, ☐ No

e) Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under user's permit, could originate, be stored, or be discharged to the sewer system? ☐ Yes, ☐ No

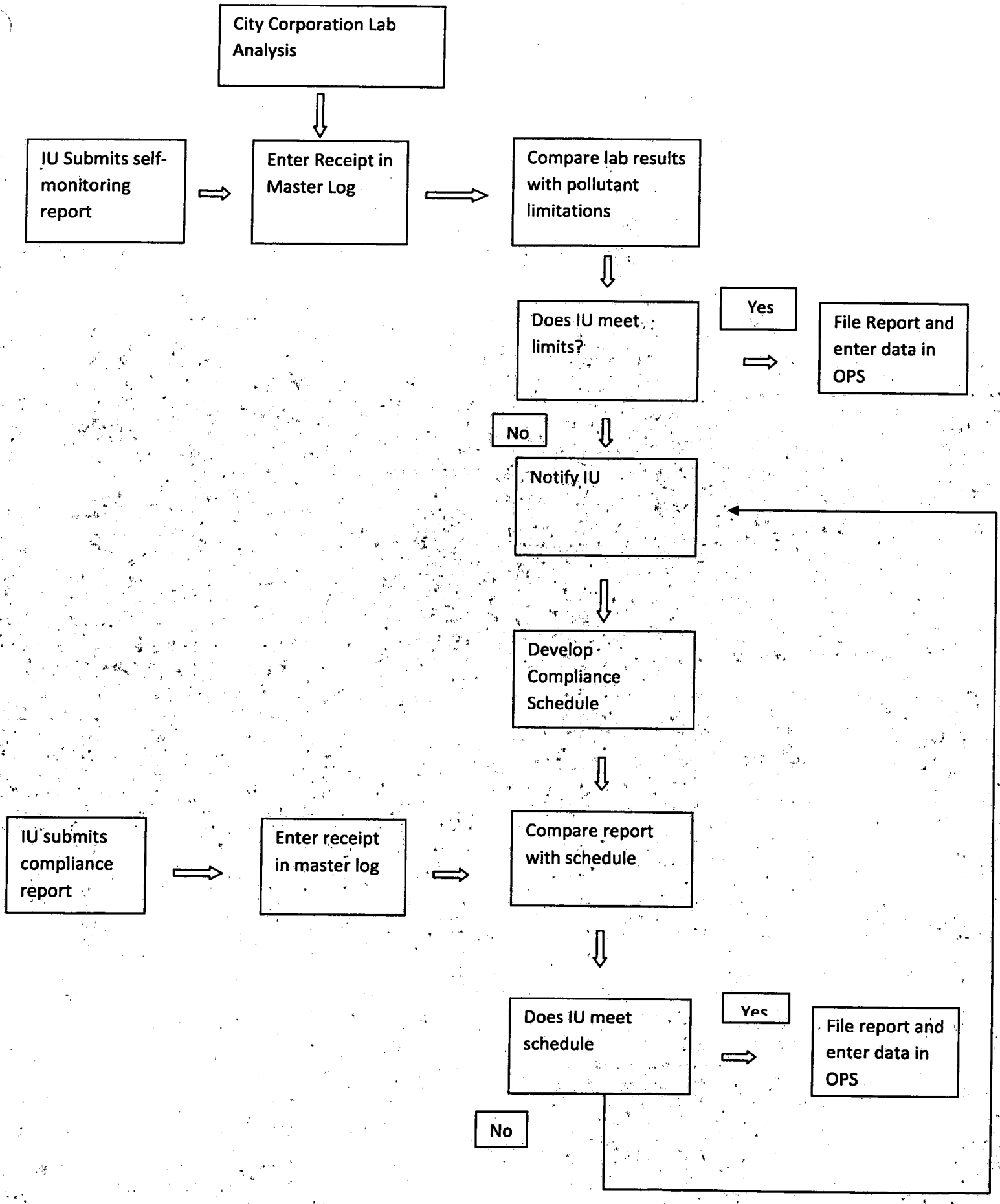
If answered no to any question, detail all instances of noncompliance.

K

LABORATORY CHAIN OF CUSTODY

City Corporation Russellville Water & Sewer System (479) 968-4989								REQUESTED ANALYSIS						
Sample Location:														
Sampler's Signature														REMARKS
Sample ID	Date	Time	24 hr. Comp	Grab	# Con-tainers	Method Preserved	Sample Matrix							
RELINQUISHED BY:				DATE:		TIME:	RECEIVED BY:				DATE:		TIME:	
RELINQUISHED BY:				DATE:		TIME:	RECEIVED BY:				DATE:		TIME:	
COMMENTS:							DISCARDED BY:				DATE:		TIME:	
							DISCARDED BY:				DATE:		TIME:	

Comment [L1]:


City Corporation Lab Analysis
IU Submits self-monitoring report
Enter Receipt in Master Log
Compare lab results with pollutant limitations
Does IU meet limits?
Yes
File Report and enter data in OPS
No
Notify IU
Develop Compliance Schedule
IU submits compliance report
Enter receipt in master log
Compare report with schedule
Does IU meet schedule
Yes
File report and enter data in OPS
No

M

as follows: "That the following schedule of charges, which include a portion designated as the user charges, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

	User Charge Portion	Capital Charge Portion	Total
Minimum Bill:	$2.53 per mo.	$0.89 per mo.	$3.42 per mo.
Volume Charge			
First 1 Mg per mo.	Minimum Bill	Minimum Bill	Minimum Bill
Next 19 Mg per mo.	$0.78 per Mg	$0.55 per Mg	$1.33 per Mg
Over 20 Mg per mo.	$0.78 per Mg	$0.35 per Mg	$1.13 per Mg

Mg - Thousand Gallons

mo. - Month

Section 2. That this Ordinance, being necessary for the proper operation of the City of Russellville Sanitary Sewer System, and this Ordinance, being necessary for the preservation of the public, health and safety, an emergency is hereby deemed to exist and this Ordinance shall be in full force and effect after the 12th day of Sept., 1991.

DATED this 12th day of Sept., 1991.

APPROVED:

Woody Harris

ATTEST:

Helen Price
City Clerk

(SEAL)

ORDINANCE NO. 1294

AN ORDINANCE AMENDING ORDINANCE NO. 1022
OF THE CITY OF RUSSELLVILLE, ARKANSAS
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

Section 1. That Ordinance No. 1022 is hereby amended to read as follows: "That the following schedule of charges, which include a portion designated as the user charges, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

	User Charge Portion	Capital Charge Portion	Total
Minimum bill:	$2.11 per mo.	$0.74 per mo.	$2.85 per mo.
Volume Charge			
First 1 Mg per mo.	Minimum Bill	Mimimum Bill	Mimimum Bill
Next 19 Mg. per mo.	$0.65 per Mg	$0.46 per Mg	$1.11 per Mg
Over 20 Mg per mo.	$0.65 per Mg	$0.29 per Mg	$0.94 per Mg

Mg - thousand gallons

mo - month

Section 2. That this Ordinance, being necessary for the proper operation of the City of Russellville Sanitary Sewer System, and this Ordinance, being necessary for the preservation of the public, health and safety, an emergency is hereby deemed to exist and this Ordiancne shall be in full force and effect after the 8th day of December, 1988.

DATED this 8th day of December, 1988.

APPROVED:

Nine

ORDINANCE NO. 1022

AN ORDINANCE AMENDING ORDINANCE NO. 949
OF THE CITY OF RUSSELLVILLE, ARKANSAS
AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

Section 1. That Section 6 of Ordinance No. 949 is hereby amended to read as follows: "That the following schedule of charges, which include a portion designated as the user charges, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

	User Charge Portion	Capital Charge Portion	Total
Minimum Bill:	$1.69 per mo	$0.59 per mo	$2.28 per mo
Volume Charge:			
First 1 Mg per mo.	Minimum Bill	Minimum Bill	Minimum Bill
Next 19 Mg per mo.	$0.52 per Mg	$0.37 per Mg	$0.89 per Mg
Over 20 Mg per mo.	$0.52 per Mg	$0.23 per Mg	$0.75 per Mg

Mg - thousand gallons

mo - month

Section 2. That this Ordinance being necessary for the proper operation of the City of Russellville Sanitary Sewer System, and this Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is hereby deemed to exist and this Ordinance shall be in full force and effect after April 1, 1982.

DATED this 14 day of Jan, 1982.

Dec 13, 1979

ORDINANCE NO. 949

AN ORDINANCE FIXING RATES FOR SERVICE TO BE FURNISHED BY THE SEWER SYSTEM OF THE CITY OF RUSSELLVILLE, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

Section 1. That unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

a. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20°C, expressed in milligrams per liter.

b. CAPITAL CHARGE shall mean that portion of the total wastewater service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

c. CITY shall mean the City of Russellville, Arkansas

d. SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

e. USER CHARGE shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the Wastewater Treatment and Collection System. Also Treatment Charge or Service Charge.

f. NET REVENUES shall mean the amount of revenues remaining after deducting from the sewer system operating revenues the cost of operation and maintenance of the sewer system.

Section 2. That there is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions and all other entities using the wastewater collection and treatment system of the City of Russellville a schedule of charges as hereinafter provided.

Section 3. That in the event such charges for the use of the wastewater collection and treatment system are not paid within the time and in the manner as by this Article provided, the City Clerk shall certify to the County Clerk of Pope County the legal description of the real property enjoying the use of the wastewater collection and treatment system together with the amount of such charge or charges remaining unpaid, such amount to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable, and shall become a lien upon the real property so served.

Section 4. That users connected to and served by the sewer system of the City be classified as either domestic or commercial, depending upon whether the water consumed by the individual user is used for domestic or commercial purposes.

Section 5. That the monthly rates for sewer services furnished to domestic users be based on the average water consumption in the months of January, February, and March.

Section 6. That the following schedule of charges, which include a portion designated as the user charges, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

	User Charge Portion	Capital Charge Portion	Total
Minimum Bill:	$1.41 per mo.	$0.49 per mo.	$1.90 per mo.
Volume Charge:			
First 1 Mg per mo.	Minimum Bill	Minimum Bill	Minimum Bill
Next 19 Mg per mo.	$0.43 per Mg	$0.31 per Mg	$0.74 per Mg
Over 20 Mg per mo.	$0.43 per Mg	$0.19 per Mg	$0.62 per Mg

Mg - thousand gallons
mo. - month

Section 7. That all new domestic users initiating service after April 1, of each year, be charged on the basis of the water consumption of a typical user of the same or similar class and type of service until an average for the user is established for the following months of January, February, and March.

Section 8. That the monthly rates for sewer services furnished to each commercial user be based on the water consumed by the commercial user each month at the rates set out in Section 6 hereof.

Section 9. That upon a showing by a commercial user the water consumed by the user does not reach the sanitary sewer system of the City, a reduction be allowed for the water shown to the satisfaction of the City not to reach the sanitary sewer system of the City, provided, however, that the volume of water shown not to reach the sanitary sewer system exceeds 50,000 gallons per month or twenty per cent (20%), whichever is more, of the total water consumed by the user and provided,

further, that no reduction be allowed to any commercial user whose water consumption is less than an average of 50,000 gallons per month.

Section 10. That every user who discharges sanitary sewage, industrial wastes, water or other liquids other than normal sewage be charged and pay a surcharge in addition to the charge for normal sewage. Normal sewage shall mean sewage which, when analyzed, shows by weight a daily average of not more than 350 parts per million of suspended solids and/or not more than 350 parts per million of BOD.

Section 11. That the following surcharge schedule, which includes a portion designated as the user charge, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system. Charges shall be based on one hundred per cent (100%) of metered water use in accordance with the following formula:

$$S = .00834 [\$0.0727 (Vs) (BOD-350) + \$0.0624 (Vs)(SS-350)]$$

where:

S = Surcharge in dollars monthly.

Vs = Sewage volume in thousand gallons per month

.00834 = Conversion factor for pounds per thousand gallons

$0.0727 = Unit charge for BOD in dollars per pound; of which $0.0382 represents the user charge portion and $0.0345 represents capital charges.

BOD = (Biochemical Oxygen Demand) Five day strength index in milligrams per liter by weight.

350 = Allowed BOD and SS strengths in milligrams per liter by weight.

$0.0624 = Unit Charge for suspended solids in dollars per pound; of which $0.0438 represents the user charge portion and $0.0186 represents capital charges.

SS = Suspended Solids strength index in milligrams per liter by weight.

Section 12. That the user charge portion of the rate structure will be reviewed at least biennially to accomplish the following:

A. Insure that the extant user charge rate is adequate to cover Operation, Maintenance and Replacement costs;

B. Insure that Operation, Maintenance, and Replacement costs are being distributed proportionally among users and user classes.

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

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

Section 15. That the said rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the said sewer system and for the payment of the principal of and interest on existing bonds, and shall, when necessary, be increased to provide for said operation and maintenance and for the payment of the principal of and interest on existing bonds; provided, however, that in the event the said rates produce net revenues in excess of 135% of the average annual debt service requirements of existing bonds, the said rates shall, from time to time, be reduced to such rates as shall be sufficient to provide net revenues equal to 135% of the average annual debt service requirements of existing bonds.

Section 16. That none of the facilities or services afforded by the sewer system shall be furnished without a charge being made therefore. In the event the City or any department, agency, or instrumentality thereof shall avail itself on any of the facilities or

services so afforded, the reasonable value thereof shall be charged against the City, or such department, agency or instrumentality, and shall be paid for as the charges therefore accrue. The revenues so received from the City shall be deemed to be revenues from the operation of the sewer system, and shall be used and accounted for in the same manner as any other revenues derived from its operation; provided, however, that nothing herein shall be construed as requiring the City, or any department, agency, or instrumentality thereof to avail itself of the facilities or services afforded by the sewer system.

Section 17. That the invalidity of any part of this ordinance shall not invalidate any other part thereof.

Section 18. That all ordinances and parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 19. That this ordinance shall take effect and be in force upon the earliest date permissible under federal regulation.

PASSED: Dec. 13, 1979

APPROVED: [signature]
Mayor

ATTEST: [signature]
City Clerk

(SEAL)

Dec 13 ,1979

ORDINANCE NO. 949

AN ORDINANCE FIXING RATES FOR SERVICE TO BE FURNISHED BY THE SEWER SYSTEM OF THE CITY OF RUSSELLVILLE, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

Section 1. That unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

a. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20°C, expressed in milligrams per liter.

b. CAPITAL CHARGE shall mean that portion of the total wastewater service charge which is levied for local capital costs, local investment in plant facilities and other local costs excluding operation, maintenance and replacement costs.

c. CITY shall mean the City of Russellville, Arkansas

d. SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

e. USER CHARGE shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the Wastewater Treatment and Collection System. Also Treatment Charge or Service Charge.

f. NET REVENUES shall mean the amount of revenues remaining after deducting from the sewer system operating revenues the cost of operation and maintenance of the sewer system.

Section 2. That there is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions and all other entities using the wastewater collection and treatment system of the City of Russellville a schedule of charges as hereinafter provided.

Section 3. That in the event such charges for the use of the wastewater collection and treatment system are not paid within the time and in the manner as by this Article provided, the City Clerk shall certify to the County Clerk of Pope County the legal description of the real property enjoying the use of the wastewater collection and treatment system together with the amount of such charge or charges remaining unpaid, such amount to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectable, and shall become a lien upon the real property so served.

Section 4. That users connected to and served by the sewer system of the City be classified as either domestic or commercial, depending upon whether the water consumed by the individual user is used for domestic or commercial purposes.

Section 5. That the monthly rates for sewer services furnished to domestic users be based on the average water consumption in the months of January, February, and March.

Section 6. That the following schedule of charges, which include a portion designated as the user charges, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system.

	User Charge Portion	Capital Charge Portion	Total
Minimum Bill:	$1.41 per mo.	$0.49 per mo.	$1.90 per mo.
Volume Charge:			
First 1 Mg per mo.	Minimum Bill	Minimum Bill	Minimum Bill
Next 19 Mg per mo.	$0.43 per Mg	$0.31 per Mg	$0.74 per Mg
Over 20 Mg per mo.	$0.43 per Mg	$0.19 per Mg	$0.62 per Mg

Mg - thousand gallons
mo. - month

Section 7. That all new domestic users initiating service after April 1, of each year, be charged on the basis of the water consumption of a typical user of the same or similar class and type of service until an average for the user is established for the following months of January, February, and March.

Section 8. That the monthly rates for sewer services furnished to each commercial user be based on the water consumed by the commercial user each month at the rates set out in Section 6 hereof.

Section 9. That upon a showing by a commercial user the water consumed by the user does not reach the sanitary sewer system of the City, a reduction be allowed for the water shown to the satisfaction of the City not to reach the sanitary sewer system of the City, provided, however, that the volume of water shown not to reach the sanitary sewer system exceeds 50,000 gallons per month or twenty per cent (20%), whichever is more, of the total water consumed by the user and provided,

further, that no reduction be allowed to any commercial user whose water consumption is less than an average of 50,000 gallons per month.

Section 10. That every user who discharges sanitary sewage, industrial wastes, water or other liquids other than normal sewage be charged and pay a surcharge in addition to the charge for normal sewage. Normal sewage shall mean sewage which, when analyzed, shows by weight a daily average of not more than 350 parts per million of suspended solids and/or not more than 350 parts per million of BOD.

Section 11. That the following surcharge schedule, which includes a portion designated as the user charge, will be implemented. The user charge portion is to be for the payment of the costs of operation and maintenance (including replacement) of the wastewater collection and treatment system. Charges shall be based on one hundred per cent (100%) of metered water use in accordance with the following formula:

$$S = .00834 [\$0.0727 (Vs) (BOD-350) + \$0.0624 (Vs)(SS-350)]$$

where:

S = Surcharge in dollars monthly.

Vs = Sewage volume in thousand gallons per month

.00834 = Conversion factor for pounds per thousand gallons

$0.0727 = Unit charge for BOD in dollars per pound; of which $0.0382 represents the user charge portion and $0.0345 represents capital charges.

BOD = (Biochemical Oxygen Demand) Five day strength index in milligrams per liter by weight.

350 = Allowed BOD and SS strengths in milligrams per liter by weight.

$0.0624 = Unit Charge for suspended solids in dollars per pound; of which $0.0438 represents the user charge portion and $0.0186 represents capital charges.

SS = Suspended Solids strength index in milligrams per liter by weight.

Section 12. That the user charge portion of the rate structure will be reviewed at least biennially to accomplish the following:

A. Insure that the extant user charge rate is adequate to cover Operation, Maintenance and Replacement costs;

B. Insure that Operation, Maintenance, and Replacement costs are being distributed proportionally among users and user classes.

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

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

Section 15. That the said rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the said sewer system and for the payment of the principal of and interest on existing bonds, and shall, when necessary, be increased to provide for said operation and maintenance and for the payment of the principal of and interest on existing bonds; provided, however, that in the event the said rates produce net revenues in excess of 135% of the average annual debt service requirements of existing bonds, the said rates shall, from time to time, be reduced to such rates as shall be sufficient to provide net revenues equal to 135% of the average annual debt service requirements of existing bonds.

Section 16. That none of the facilities or services afforded by the sewer system shall be furnished without a charge being made therefore. In the event the City or any department, agency, or instrumentality thereof shall avail itself on any of the facilities or

services so afforded, the reasonable value thereof shall be charged against the City, or such department, agency or instrumentality, and shall be paid for as the charges therefore accrue. The revenues so received from the City shall be deemed to be revenues from the operation of the sewer system, and shall be used and accounted for in the same manner as any other revenues derived from its operation; provided, however, that nothing herein shall be construed as requiring the City, or any department, agency, or instrumentality thereof to avail itself of the facilities or services afforded by the sewer system.

Section 17. That the invalidity of any part of this ordinance shall not invalidate any other part thereof.

Section 18. That all ordinances and parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 19. That this ordinance shall take effect and be in force upon the earliest date permissible under federal regulation.

PASSED: Dec. 13, 1979

APPROVED: R. D. Russell
Mayor

ATTEST: Phyllis Lowell
City Clerk

(SEAL)

N

RESOLUTION NO. 358

WHEREAS, the CITY OF DOVER has contacted the CITY OF RUSSELLVILLE with reference to the treatment of its sewer wastes; and

WHEREAS, such an agreement is in keeping with the rules and regulations of the Environmental Protection Agency; and

WHEREAS, the CITY OF RUSSELLVILLE, at the present time, is improving the pretreatment plant with assistance of funds provided by the Environmental Protection Agency; and

WHEREAS, it would be in the best interest of the inhabitants of the CITY OF RUSSELLVILLE to treat the sewage waste from the CITY OF DOVER.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Clerk of the CITY OF RUSSELLVILLE, ARKANSAS, are authorized, instructed and directed to execute a contract for such waste water treatment with the CITY OF DOVER, a copy of which said agreement is attached and made a part of this resolution; that upon the signing of the agreement by the CITY OF RUSSELLVILLE and the CITY OF DOVER, that this agreement shall be in full force and effect.

This 11th day of January, 1979.

Ron Russell
RON RUSSELL, MAYOR

ATTEST: Charles Howell
CHARLES HOWELL, CITY CLERK

SEWER SERVICE AGREEMENT

BETWEEN

RUSSELLVILLE, POPE COUNTY, ARKANSAS AND
DOVER, POPE COUNTY, ARKANSAS

THIS AGREEMENT made and entered into this 11 day of Jan of 1979, by and between the CITY OF RUSSELLVILLE, a municipal corporation of Russellville, Pope County, Arkansas, hereinafter referred to as "RUSSELLVILLE" and the CITY OF DOVER, a municipal corporation, of Pope County, Arkansas, hereinafter referred to as "DOVER."

In consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION I: Scope of Agreement. RUSSELLVILLE will and shall permit the connection of the sewer service system of DOVER with the sewer system of RUSSELLVILLE at such locations as approved by RUSSELLVILLE and will handle and treat sewage delivered to the RUSSELLVILLE sewage system through the connection therewith of DOVER sewer under the terms and conditions hereinafter more specifically set forth.

SECTION II: Extent of Service. DOVER shall limit its sewer service connections to the residential and commercial establishments now located along the proposed sewer lines and shall not permit additional industrial or commercial connections without the written approval of RUSSELLVILLE, first obtained.

SECTION III: Amount of Charges and Billing Periods. DOVER agrees to pay to RUSSELLVILLE for all costs incurred in the handling, transporting and treatment of raw sewage delivered to the RUSSELLVILLE sewer facilities. Charges for such services will be billed monthly and shall be based upon the wholesale rates adopted by RUSSELLVILLE which currently are established as follows:

A. Two and 25/100 Dollars ($2.25) per month minimum for the first twenty-five hundred (2,500) gallons. Sixty Eight Cents ($0.68) per thousand for the next seventeen thousand five hundred (17,500) gallons will be charged. Forty Six Cents ($0.46) per thousand gallons will be charged for all sewage in excess of twenty thousand gallons (20,000). Said flowage will be metered by the CITY OF RUSSELLVILLE with DOVER installing such meter systems as may be required by RUSSELLVILLE and at the place so designated by RUSSELLVILLE.

B. DOVER will pay all the costes incurred in the administration of this contract. Such costs will include but not be limited to:

Contract Development
Legal Fees
Testing Costs
Metering Costs

C. If and when replacements or additional facilities are required for the treating, testing or metering of said sewage, DOVER shall, upon notificaion by RUSSELLVILLE, commence forthwith to provide the necessary facilities and equipment.

D. In the event the metering device fails to function, the sewage flow shall be determined based upon the most recent corresponding period to which the meter was in satisfactory operating condition, and if no such period is available, the flow shall be determined by RUSSELLVILLE.

E. The parties herto agree that the sewage delivered to the RUSSELLVILLE system shall be of standard household strength and in satisfactory condition, and should the same not be in satisfactory condition, DOVER will construct such pretreatment facilities as may be required by RUSSELLVILLE. Such facilities shall include but not limited to:

Chlorinator
All Expense of Operating such facilities

SECTION IV: Construction of System. DOVER agrees to construct its system in accordance with the plans and

specifications now used by RUSSELLVILLE and shall prevent the infiltration of surface water or storm drainage into the system. RUSSELLVILLE shall have the right to review plans and specifications for sewer system improvements or additions at DOVER, to inspect the DOVER system, and to require such maintenance or repair work as may be necessary to prevent the infiltration of surface water or storm drainage.

SECTION V: Conditional Indurstrial or Commercial Uses. In the event DOVER desires to connect an industrial or commercial user, RUSSELLVILLE shall be notified forthwith and an investigation shall be made to determine the strength and content of said effluent from said user. In the event it is deemed necessary by RUSSELLVILLE, DOVER shall construct whatever facilities are necessary for the pretreatment of the effluent from such establishment to lower the strength and content down to normal domestic sewage. RUSSELLVILLE shall not arbitrarily withhold approval for the connection of industrial or commercial customers.

SECTION VI: Dumping of Certain Material Prohibited. DOVER shall not discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic of 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 publice nuisance, or create any hazard. The concentrations of such wastes discharged to the public sewer shall conform to the limitations set forth by the Russellville Sewer Ordinance.

C. Any waters or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. 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.

DOVER shall not discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of RUSSELLVILLE, their consulting engineers of the Arkansas Department of Pollution Control and Ecology Board 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 an opinion as to the acceptability of these waters, consideration will be given 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 facilities, degree of treatability of wastes in the sewage treatment facilities and other pertinent factors. The substances are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65)°C.

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F and (65) °C.

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor or three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to review and approval.

4. Any waters or wastes containing strong acid none pickling wastes or concentrated plating solutions whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials by State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.

8. Any waters or wastes having a pH in excess of (9.5).

9. Materials which exert or cause:

   a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

   b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.

   c. Unusual BOD, chenical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

   d. Unusual volume of flow of concentration of wastes constituting "slugs."

10. 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 facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION VII: Downspouts and Rain Leaders Not to be Connected to Sewer. DOVER shall not allow, suffer, or permit during the life of this agreement the existence or use of any downspout, rain leader, gutter or drain which is designed to be used or which shall be used in conducting rain or surface waters from any premise connected with the sanitary sewer of DOVER.

SECTION VIII: Penalty for Dumping Prohibited Materials. DOVER expressly agrees that if drainage other than sanitary sewage and waste not detrimental to RUSSELLVILLE sewage system or treatment processes does pass from DOVER'S system to RUSSELLVILLE' sewage system, DOVER will pay, within ninety (90) days after written notice requesting such payment, RUSSELLVILLE for any damage incurred by DOVER resulting from such drainage. If DOVER fails to prevent the passage from its sewers into the sewage system of RUSSELLVILLE of any drainage other than sanitary sewage or waste not detrimental to RUSSELLVILLE'S sewage system or treatment processes within thirty (30) days after written notice by RUSSELLVILLE informing DOVER of such drainage, then DOVER will disconnect its sewage system from RUSSELLVILLE'S sewage system within seven (7) days after notice from RUSSELLVILLE to do so. In addition to damages, DOVER will pay RUSSELLVILLE a charge of One Hundred Dollars ($100.00) per day for such violation from the first date of written notice.

SECTION IX: DOVER to Adopt and Enforce Regulations. DOVER will and shall enact, adopt, and strictly enforce all such resolutions, ordinances or regulations, as the case may be, as may or shall be necessary to give full effect to the stipulations contained in this agreement.

SECTION X: DOVER Must Conform to State Regulations. DOVER will and shall design, plan, lay, install, construct,

maintain, and keep in repair its own sewer facilities so that such facilities shall at all times strictly conform with all rules and regulations issued or promulgated by the STATE OF ARKANSAS and the CITY OF RUSSELLVILLE.

SECTION XI: Liability for Negligence. DOVER shall indemnify and hold harmless RUSSELLVILLE from any and all loss or damage to any property, incurred by RUSSELLVILLE by reason of any act or omission of DOVER, its agents or employees in connection with the operation and maintenance of the sanitary sewer facilities belonging to DOVER, unless the same shall be due to the negligence of RUSSELLVILLE, its agents or employees; and RUSSELLVILLE shall indemnify and hold harmless DOVER by reason of any act or omission on the part of RUSSELLVILLE, its agents or employees, in connection with the operation and maintenance of RUSSELLVILLE'S sanitary sewer system, unless the same shall be due to the negligence of DOVER, its agents or employees.

SECTION XII: Non-Liability of RUSSELLVILLE under Certain Circumstances. RUSSELLVILLE shall exercise diligence in operating its sewage systems, and if it be prevented from receiving and discharging sewage from DOVER, in accordance with the terms of this agreement, by any cause not reasonably within the control of RUSSELLVILLE, including, but not limited to, fire, explosion, flood, strike and unavoidable accident, rupture of pipe resulting from temperature change or ground disturbances, Federal or State interference, RUSSELLVILLE agrees (except in the case of practically total destruction of its properties) diligently to put its works in condition again to dispose of sewage in the manner provided for in this agreement. DOVER shall hold RUSSELLVILLE blameless for any damage or loss resulting from such interruption or suspension.

SECTION XIII: Terms of Agreement. This agreement shall be effective for a period of two (2) years at which time

the charges will be subject to change based upon the cost of providing service related to handling, transporting, and treatment. The length of term thereafter shall be a one (1) year period and shall remain in effect until terminated by mutual agreement of RUSSELLVILLE and DOVER. Should any portion of the charges specified in this agreement not be acceptable to EPA, the charges specified may be revised so that RUSSELLVILLE may conform to EPA requirements.

SECTION XV: Title to Remain with RUSSELLVILLE. It is understood and agreed that the title to the present sewer facilities of the CITY OF RUSSELLVILLE shall remain in RUSSELLVILLE and that title to the DOVER facility shall remain in DOVER. That RUSSELLVILLE shall have the duty for the care and upkeep of its facilities, and DOVER shall have the duty of the care and upkeep of its facilities.

This agreement shall be binding upon and inure to the benefits of the respective successors and assigns of RUSSELLVILLE and DOVER.

IN WITNESS WHEREOF, the CITY OF RUSSELLVILLE has caused this agreement to be signed in duplicate by its Mayor, attested by its Clerk, and its corporate seal to be hereunto affixed, pursuant to a resolution of the City Council of the CITY OF RUSSELLVILLE, a certified copy whereof is hereto annexed, and the CITY OF DOVER has caused this agreement to be executed by its Mayor, attested by its Clerk, and its corporate seal to be hereunto affixed pursuant to a resolution duly adopted by the City Council of DOVER, a certified copy whereof is hereto annexed.

CITY OF RUSSELLVILLE

BY: Ron Russell
MAYOR

ATTEST: Robert Howell

CITY OF DOVER

"Gateway to the Ozarks"

P.O. Box 258
DOVER, ARKANSAS 72837
1-501-331-3270

September 12, 1991

Mr. Kenneth Lutz
Pre-treatment Coordinator
City Corporation
P.O. Box 458
Russellville, AR 72801

RE: City of Dover

Dear Mr. Lutz:

This is to confirm recent contacts you have had with our City Attorney, David H. McCormick, concerning Dover City Ordinance No. 89-3. This is to formally advise you that the City of Dover intends to pre-treat all sewage to whatever standard may be required by the Arkansas Department of Pollution Control and Ecology. This is to further confirm that Dover will adopt any new ordinance or amend existing ordinances as may be required in order to evidence the fact that they will comply with requirements of the DPC & E.

If you need further confirmation of the above information on behalf of the City, please contact our City Attorney, David H. McCormick, and advise him of what additional information or documentation you need.

Sincerely,

Johnny Waldo, Mayor

ROBERT W. HARDIN, P.A.
ATTORNEY AT LAW

203 WEST THIRD STREET
P.O. BOX 866
RUSSELLVILLE, AR 72811

479-968-5333
FAX 479-968-2373
E-mail: rwh@suddenlink.net

April 2, 2012

Mr. Rufus Torrence
Engineer-Water Division
ADEQ
5301 North Shore Drive
North Little Rock, AR 72118

Re: Attorney's Statement as to Legal Authority of the City of Russellville to implement and enforce its Pretreatment Program

Dear Mr. Torrence:

I am an attorney for City Corporation, a non-profit corporation established to manage the City of Russellville's water and sewer systems, and the following statement is submitted pursuant to the requirements contained in Code of Federal Regulations (CFR) Section 403.9(b)(1) regarding legal authority for City Corporation, the current Control Authority , and the City of Russellville ("The City") to implement The City's Pretreatment Program.

It is my opinion that The City and its Control Authority have adequate authority to carry out the program described in 40 CFR Section 403.8, based on the authority granted to The City and its Control Authority by The City's Pretreatment Ordinance, Ordinance No: 2105 passed April 21, 2011.

The following references to the legal authority requirements of 40 CFR 403.8(f)(1) are correlated with appropriate sections of The City's Pretreatment Ordinance which provide the required authority. Where the authority is not apparent from a reading of the Ordinance provision, an explanation is provided.

General – Section 1.1.D. of The City's Pretreatment Ordinance provides that it shall apply to all connections of lateral or other sewer lines to the sewerage system of the POTW whether within or outside The City and to all persons within The City and outside The City who are, by contract or agreement with The City, users of The City's POTW. Pursuant to this authority The City Council has adopted its Ordinance No. 1075 setting forth the terms and conditions upon which users may connect to the system.

403.8(f)(1)(i) – It is unlawful for a Significant Industrial User to discharge wastewater to the POTW without a current wastewater contribution permit issued by the Control Authority in accordance with the provisions of this Ordinance (Section 4.1.A.). All users, currently not permitted by the Control Authority, who may discharge anything other than normal domestic sanitary wastewater must, if they have not previously done so, provide sufficient information or make an application for a wastewater contribution permit so that the Control Authority can determine whether the applicant is a Significant Industrial User who must obtain a permit (Section 4.1.B). The wastewater contribution permit may contain various conditions and prohibitions set out in Section 4.2.4., et seq. Existing Significant Industrial Users (those connected to the system prior to the date of The City's Pretreatment Ordinance, shall obtain a wastewater contribution permit before connecting to or contributing to the POTW (Section 4.2.1.A). The Control Authority may modify an individual wastewater discharge permit for good cause, including, among other things, to address significant alterations to the user's operation, process, or wastewater volume or character since the time of the individual wastewater discharge permit issuance (Section 4.2.3(2)).

403.8(f)(1)(ii) – In order to require compliance with applicable Pretreatment Standards and Requirements by Industrial Users, The City must be able to require compliance with EPA's listed general prohibitions (403.5(a)), specific prohibitions (403.5(b)), local limits developed to implement the general and specific standards (403.5 (c) and (d), Section 2.1.A. makes it unlawful for any user to contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, causes a pass-through which is defined in Section 1.2.(a)(32) of the Ordinance, or which violates any statute, rule, regulation or Ordinance of any public agency. Section 2.2 prohibits those discharges prohibited by EPA's categorical Pretreatment Standards. These three sections empower The City to enforce the general and specific prohibitions contained in 40 CFR 403.5(a) and (b). When local discharge limits are developed pursuant to 403.5(c) and (d), they may be imposed by the Control Authority as a permit condition pursuant to Ordinance Section 2.4. Section 2.2 of the Ordinance provides that users must comply with the National Categorical Pretreatment Standards found in 40 CFR, Chapter I, Subchapter N, Parts 405 – 471.

403.8(f)(1)(iii) – The Control Authority has control through a permit system authorized by Ordinance Section 4. The requirements for the permit application are set forth in Section 4.2.2-4.6. of The City's Pretreatment Ordinance.

403.8(f)(1)(iv)(A) – The Control Authority may issue a compliance order pursuant to Ordinance Section 5.4.1 which states that following a specified time period, sewer service shall be discontinued unless user's pretreatment facility has installed devices or other appurtenances and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation of pretreatment technology, additional self-monitoring and management practices.

403.8(f)(1)(iv)(B) – The City Ordinance requires the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to the reports required in Section 403.12. This is set out in Section 4.3 of the Ordinance addressing the reporting requirements for permitees, in Section 4.3.1. of the Ordinance requiring baseline monitoring reports from existing users , in Section 4.3.2 of the Ordinance requiring compliance data report from existing users, and in Section 4.3.3 of the Ordinance requiring periodic compliance reports from any user subject to pretreatment standards.

403.8(f)(1)(v) – The Control Authority may carry out inspection, surveillance, and monitoring procedures necessary to determine compliance or noncompliance with applicable pretreatment standards and requirements by industrial user pursuant to Ordinance Section 4.4, Monitoring Factors, Section 4.5, Inspection and Sampling, and Section 4.6, Sampling and Analytical Procedures.

403.8(f)(1)(vi)(A) – The City may obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. As a matter of general law, The City may seek injunctive relief for non-compliance since any such non-compliance might result in irreparable harm to the treatment plant, to the health and safety of plant workers, and to the environment; Ordinance Section 5.7.1. The Ordinance gives the City authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements. Ordinance Section 5.7.2 deals with civil penalties and Ordinance Section 5.8 provides for criminal prosecution.

403.8(f)(1)(vi)(B) – The Control Authority may under the emergency authority provision of Ordinance Section 5.5.A.; following only oral notice to the User, suspend the wastewater treatment service or the Wastewater Contribution Permit of any person when, in the opinion of the control authority, such suspension is necessary to immediately and effectively halt to prevent any actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health, safety, or welfare of persons. The Control Authority has emergency authority under Ordinance Section 5.5.B. following a notice with the opportunity to respond, halt or prevent any discharge to the POTW which presents, or may present, an endangerment to the environment, or which threatens to interfere with the operation of the POTW. The Control Authority has authority to seek judicial remedies under Ordinance Section 5.7, and may also use administrative penalty authority under Ordinance Section 5.4. et seq.

403.8(f)(1)(vii) – Confidentiality requirements are provided for in Ordinance Section 4.9 "Confidential Information".

As previously stated, the Control Authority will implement the requirements of its pretreatment program and apply pretreatment standards to individual Significant Industrial Users through use of a sewer use permit system, and by direct enforcement of its pretreatment Ordinance.

The Control Authority intends to insure compliance with Pretreatment Standards and Requirements through an inspection and sampling program authorized under Section 4.5 of the Ordinance, which would allow for the determination of non-compliance with discharge limitations and requirements independent of information supplied by the Significant Industrial User.

Those violating permit conditions may be ordered to "Cease and Desist" pursuant to Ordinance Section 5.4.2, and are subject to having service terminated pursuant to Section 5.5.A, and their permit revoked pursuant to Section 5.6 of the Ordinance. The City is prepared to take court action where necessary to enforce compliance with its Ordinance, permits, or orders.

Sincerely,

ROBERT W. HARDIN, P.A.

Robert W. Hardin

Robert W. Hardin

RWH:rw

CERTIFIED MAIL™

7010 1670 0001 5089 4852

049J82054973

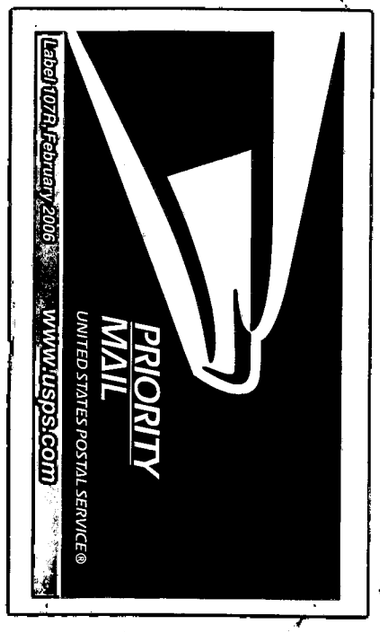
$ 11.35⁰

04/05/2012

Mailed From 72801

US POSTAGE

neopost



City Corporation RW & SS

From

CITY CORPORATION

Russellville Water & Sewer System
P.O. Box 3186 Russellville, AR 72811

To: Rufus Torrence
ADEQ
5301 Northshore Dr.
North Little Rock, AR 72118