



ARKANSAS  
Department of Environmental Quality

July 24, 2009

Mr. Craig Noble  
General Manager  
City Corporation  
Russellville Water & Sewer System  
P. O. Box 3186  
Russellville, Arkansas 72811-3186

RE: Russellville City Corp Draft Ordinance for Streamlining Rule Requirements  
(NPDES Permit Number AR0021768, AFIN 58-00105)

Dear Mr. Noble:

On October 14, 2005 EPA modified 40 CFR Part 403. These modifications to Part 403 are commonly referred to as the "Streamlining Rule Revisions". After EPA published the Model Pretreatment Ordinance (MPO) in January 2007, Arkansas NPDES permits for cities with approved pretreatment programs were issued with Streamlining update requirements. City Corp's NPDES permit was originally issued in March 2005. Randy Bradley submitted a draft ordinance attached to his email dated 12-16-2008. The Department appreciates City Corp's voluntary efforts to comply with the Streamlining revisions.

The Department reviewed the City Corp's draft ordinance for compliance with the Streamlining revisions and noted some necessary corrections and updates to comply with the new rule. These required corrections and updates are indicated in red on the enclosures. The Department noted recommended changes in green which should enhance the City's existing legal authority. The Department also provided instructions and listed items which require attention. These instructions and items of attention are highlighted in yellow. The Department welcomes any concerns which you or members of the City staff may have. The City is encouraged to make suggestions on improving the Department's changes.

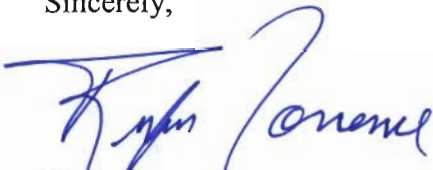
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The Department used the enclosed checklist to ensure that (1) all the required "Streamlining" updates were included in the attached draft and (2) all recommended language to enhance the existing legal authority was included.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rufus Torrence", is written over a light blue rectangular background.

Rufus Torrence  
ADEQ Engineer

CC: Cindy Gardner, Technical Assistance Manager, Enforcement Branch

Enclosures: DRAFT Proposed Sewer Use Ordinance  
Table of Contents for Sewer Use Ordinance  
ADEQ Checklist-Pretreatment Program Legal Authority Reviews

**ADEQ CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS**

NAME OF POTW: Russellville City Corporation, Inc.  
 DATE OF REVIEW: July 17, 2009

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

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A. Definitions [403.3 & 403.8(f)(2)]	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
1. Act, Clean Water Act	403.3(b)	\$ 1.4 A		X		\$1.2.a (1)	
2. Authorized or Duly Authorized Representative of the User	403.12(f)	\$ 1.4 C		X		\$1.2.a (3)	
3. Best Management Practices or BMPs	403.3(e)	\$ 1.4 E		X*	X	\$1.2.a (4)	
4. Categorical Pretreatment Standard or Categorical Standard		\$ 1.4 F		X		\$1.2.a (7)	
5. Indirect Discharge or Discharge	403.3(i)	\$ 1.4 M		X		\$1.2.a (21)	
6. Industrial User (or equivalent)	403.3(j)	\$ 1.4 LL		X		\$1.2.a (22) & (57)	May Change
7. Interference	403.3(k)	\$ 1.4 O		X		\$1.2.a (24)	
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	\$ 1.4 BB		X		\$1.2.a (40)	
9. New Source	403.3(m)	\$ 1.4 T		X		\$1.2.a (30)	
10. Pass Through	403.3(p)	\$ 1.4 V		X		\$1.2.a (33)	
11. Pretreatment Requirement	403.3(t)	\$ 1.4 AA		X		\$1.2.a (39)	
12. Publicly Owned Treatment Works or POTW	403.3(q)	\$ 1.4 DD		X		\$1.2.a (42)	
13. Significant Industrial User [NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]	403.3(v)	\$ 1.4 GG		X		\$1.2.a (47)	
14. Significant Noncompliance	403.8(f)(2)(vii)	\$ 9 (A-C)		X X		\$1.2.a (48) & §4.8	
14. Significant Noncompliance	403.8(f)(2)(vii)	\$ 9 (D-H)			X	\$1.2.a (48) & §4.8	

\*City is not required to allow BMPs but if the City elects to allow this option or has CIUs with BMP requirements as categorical standards, then a definition is required.

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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(d)(2)(vi)	§ 1.4 HH		X		\$1.2.a (49)	
16. Other definitions based on terms used in the POTW Ordinance						See Below	
17. Control Authority						\$1.2.a (12)	Must Change
18. Approval Authority						\$1.2.a (2)	
						*****	
						*****	
						*****	
<b>B. National Pretreatment Standards --</b>							
<b>Prohibited Discharges</b>							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A		X		\$2.1.a	
b. Pass Through	403.5(a)	§ 2.1A		X		\$2.1.a	
2. Specific Prohibitions [403.5(b)]							
a. Fire/Explosion Hazard (60° C or 140° F Flashpoint)	403.5(b)(1)	§ 2.1B(1)		X		\$2.1.b (1)	
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)		X		\$2.1.b (2)	
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)		X		\$2.1.b (3)	
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)		X		\$2.1.b (4)	
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	§ 2.1B(5)		X		\$2.1.b (5)	
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)		X		\$2.1.b (6)	
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)		X		\$2.1.b (7)	
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)		X		\$2.1.b (8)	



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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	\$ 2.2		X		\$2.2	May Change
4. Local Limits Development <i>[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i>	403.5(c) & (d)	\$ 2.4		X		\$2.4	May Change
5. Prohibition Against Dilution as Treatment	403.6(d)	\$ 2.6		X		\$2.7	
6. Best Management Practices Development <i>[NOTE: Optional streamlining provision.]</i>	403.5(c)(4)	\$ 2.4C			X	\$2.4.d	
<b>C. Control Discharges to POTW System</b>							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2		X		\$4.1	Must Change
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)	\$ 4.2		X		\$4.2.1	
a. Statement of Duration	403.8(f)(1)(iii)(B)(1)	§§ 5.1 & 5.2A(1)		X		\$4.2.4 (1)	
b. Statement of Nontransferability	403.8(f)(1)(iii)(B)(2)	\$5.2A(2)		X		\$4.2.4 (2)	
c. Effluent Limits	403.8(f)(1)(iii)(B)(3)	\$ 5.2A(3)		X		\$4.2.4 (3)	

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				NONE	REQ	REC		
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C)/]</i>		403.8(f)(1) (iii) (B)(3)	§ 5.2A(3)		XX		§4.2.4 (3)	
e. Self-Monitoring Requirements		403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)		X		§4.2.4 (4)	
f. Reporting & Notification Requirements		403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)		X		§4.2.4 (4) & (5)	
g. Recordkeeping Requirements		403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)		X		§4.2.4 (4)	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B o the Model SUO.]</i>		403.8(f)(1) (iii) (B)(4) & 403.12(e)(2)	§ 5.2A(5)			X	Not Applicable	
i. Statement of Applicable Civil and Criminal Penalties		403.8(f)(1) (iii) (B)(5)	§ 5.2A(6)		X		§4.2.4 (6)	
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>		403.8(f)(1) (iii) (B)(6)	§ 5.2A(7)		XX		§4.2.4 (5)	

	NONE = No Provision necessary	REQ = Required Provision	REC = Recommended Provision	PROVISIONS			POTW Ordinance Section	Comments / Notes
				NONE	REQ	REG		
k. Specific waived pollutant <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>			403.8(f)(1)(iii) (B)(4) § 5.2A(9) 6.4B			X	Not Applicable	
l. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>			§§ 5.3 & 5.7			X	\$4.2.2	Must Change
m. Permit Modification <i>[Note: Optional permit provision]</i>			§ 5.4			X	\$4.2.3	
n. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>			§§ 5.6 & 10.8			X	\$4.2.5	
o. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>			§ 3.1			X	\$4.7	
p. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>			§ 10.7			X	\$5.5 a	
q. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>						X	\$4.6 D	
3. General Control Mechanism to ensure compliance <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i> - Permit Content			403.8(f)(1)(iii) (A) § 4.2 & 4.6			X	Not Applicable	
a. Statement of Duration			403.8(f)(1)(iii) (B)(1) §§ 5.1 & 5.2A(1)			X	Not Applicable	
b. Statement of Nontransferability			403.8(f)(1)(iii) (B)(2) § 5.2A(2)			X	Not Applicable	



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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
c. Effluent Limits	403.8(f)(1) (iii) (B)(3)	§ 5.2A(3)			X	Not Applicable	
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4C).]</i>	403.8(f)(1) (iii) (B)(3)	§ 5.2A(3)		XX*	X	Not Applicable	
e. Self-Monitoring Requirements	403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)			X	Not Applicable	
f. Reporting & Notification Requirements	403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)			X	Not Applicable	
g. Recordkeeping Requirements	403.8(f)(1) (iii) (B)(4)	§ 5.2A(4)			X	Not Applicable	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>	403.8(f)(1) (iii) (B)(4) & 403.12(e) (2)	§ 5.2A(5)			X	Not Applicable	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1) (iii) (B)(5)	§ 5.2A(6)			X	Not Applicable	

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



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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i>	403.8(f)(1) (iii) (B)(6)	§ 5.2A(7)			X	Not Applicable	
k. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7			X	Not Applicable	
l. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4			X	Not Applicable	
m. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8			X	Not Applicable	
n. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1			X	Not Applicable	
o. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7			X	Not Applicable	
p. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>					X	Not Applicable	
<b>D. Required Reports</b>							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4			X	§4.2.4 b(8) §5.4.1	

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2. Reporting Requirements [403.12] <i>Types of Reports</i>	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
a. Baseline monitoring report	403.12(b)	§ 6.1		X		\$4.3.1	
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a		X		\$4.3.1	
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)		X		\$4.3.1	
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a		X		\$4.3.1	
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)		X		\$4.3.1	
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)		X		\$4.3.1	
(vi) Certification	403.12(b)(6)	§ 6.1B(3)		X		\$4.3	
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)		X		\$4.3.1	
b. Compliance schedule progress report	403.12(c)	§ 6.2		X		\$4.3.1	
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3		X		\$4.3.2	May Change
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A		XX		\$4.3.3	Must Change
- From significant non-categorical users	403.12(h)	§ 6.4A		XX		\$4.3.3	Must Change
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6		X		\$4.3.4	Must Add

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	Part 403 Citation	Model SUO Section	PROVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
f. Notification of changes affecting potential for a slug discharge <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(vi)	§§ 6.5 & 6.6		XX		\$2.8	Must Add
g. Notice of violation/sampling requirement <i>[NOTE: Required streamlining revision.]</i>	403.12(g)(2)	§ 6.8		XX		\$4.6 E	Must Add
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E		X		\$4.6	
i. Notification of changed discharge	403.12(f)	§ 6.5		X		\$4.10	Must Add
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9		X		\$4.10	Must Add
<b>Other Reporting Requirements</b>							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14		X		\$4.3	Must Add
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13		X		\$4.11	Must Add
- Including documentation associated with Best Management Practices <i>[NOTE: Required streamlining provision.]</i>	403.12(o)	§ 6.13		XX		\$4.11	Must Add
m. Submission of all monitoring data <i>[NOTE: Required streamlining revision]</i>	403.12(g)(6)	§ 6.4F		X		\$4.4 d	Must Add
n. Annual certification by Non-significant categorical Industrial Users <i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i>	403.3(v)(2)	§§ 4.7C & 6.14B			X	\$1.2 (47) c(ii)	May reformat this definition for clarification



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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present <i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i>	403.12(e)(2)(v)	§ 6.14C			X	Not Applicable	
<b>E. Test Procedures [40 CFR Part 136 &amp; 403.12(g)]</b>							
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	403.12(g)	§ 6.10		X		\$4.6	
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	403.12(g)(3) & (4)	§ 6.11 A&C		XX		\$4.6	
<b>F. Inspection and Monitoring Procedures [403.8(f)]</b>							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1		X		\$4.5	
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1		X		\$4.5	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(viii)	§ 7.1		X		\$4.5	
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1		X		\$4.4	
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1		X		\$4.5	
<b>G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]</b>							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1		X		\$5.7.1	
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3		X		\$5.7.1 / \$5.8	

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				Part 403 Citation	Model SUO Section	REVISIONS NONE    REQ    REC	POTW Ordinance Section	Comments / Notes		
2. Emergency response										
a. Immediately halt actual/threatened discharged				403.8(f)(1)(vi)(B)	§ 10.7		X		\$5.5	
3. Legal authority to enforce Enforcement Response Plan				403.8(f)(1)(vi)	§ 11.4		X		\$5.9.3	Must Add
<b>H. Public Participation</b>										
1. Publish list of Industrial Users in Significant Noncompliance <i>[NOTE: Required streamlining revision]</i>				403.8(f)(2)(viii)	§ 9			XX	\$4.8 \$5.9.1	
2. Access to data [403.8(f)(1)(vii) & 403.14]										
a. Government				403.14(a) & (c)	§ 8			X	\$4.9	
b. Public				403.14(b)	§ 8			X	\$4.9	
<b>I. Optional Provisions</b>										
1. Net/Gross adjustments <i>[streamlining provision]</i>				403.15	§ 2.2 D			X	Not Applicable	
2. Equivalent mass limits for concentration Limits <i>[streamlining provision]</i>				403.6(c)	§ 2.2 E			X	\$2.2 D	May Add
3. Equivalent concentration limits for mass limits <i>[streamlining provision]</i>				403.6(c)	§ 2.2 F			X	Not Applicable	
4. Upset Notification				403.16	§ 13.1			X	Not Applicable	
5. Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>				403.12(e)(2)	§ 6.4B			X	Not Applicable	
6. Reduce periodic compliance reporting <i>[streamlining provision]</i>				403.12(e)(3)	§ 6.4C			X	Not Applicable	
7. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements)								X	Not Applicable	



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			NONE	REQ			
8. Hauled Waste Reporting/Requirements					X	\$2.10	
9. Grease Interceptor Reporting/Requirements					X	\$4.7 b	May Add
10. Authority to issue Notice of Violations (NOVs)					X	\$5.1	
11. Authority to issue Administrative Orders (AOs)					X	\$5.4	
12. Authority to issue Administrative Penalties					X	\$5.4.3	May Add
13. Authority to enforce again falsification or tampering					X	\$5.8 b	
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan					X	See Below	
30 Day Limit on Monitoring Equip Installation						ERP # C.4	
5 Day limit on late reports						ERP #C.1	
5 Day limit on permit application					X	ERP #A.2	See Note 1 below.
15. Permit Appeals Procedures					X	Not Applicable	
16. Penalty or Enforcement Appeals Procedures					X	Not Applicable	See Note 1 below.
17. Bypass Notification					X	\$2.9	

Document(s) submitted for review:  
Russellville Revised Ordinance #1388

Name of Reviewers  
Rufus Torrence

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Note 1.* The City has listed fees for appeals in Section 3.2 but the draft ordinance did not contain any language for appeals. In reference to the MPO (Model Pretreatment Ordinance), Section 5.3 B has language for permit appeals, Section 10.6 C has language for Administrative Fine appeals, etc



**RUSSELLVILLE DRAFT ORDINANCE  
REVISIONS TO ORD #1388  
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Section 7. Amended

Section 8. Effective Date

Color Code: Red => Required Changes  
Green => Recommended Changes  
Yellow => Attention Only

ORDINANCE NO. 1388

AN ORDINANCE 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

(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 wastewater 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 November, 2007 . 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.

**Comment:** Permit No. AR0021768 is issued under the name of "Russellville City Corporation". Please show this name in the definition of "Control Authority" below.

## 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.

(3) Authorized Representative of **a the** 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.

(5) Biochemical Oxygen Demand (BODs): The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory condition 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.

**Comment:** Under 40CFR403.17(a)(1) "Bypass" is only intentional. "Accidental" applies under 40CFR403.16(a) when an "Upset" occurs.

(7) ~~National Categorical Pretreatment Standard,~~ 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.

**Comment:** Delete redundant definition in paragraph (29) below.

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

(9) City ~~(The City)~~: The City of Russellville, ~~City Corporation, Inc~~ or the City Council.

**Comment:** . The POTW has interchanged "the City" and "The City" throughout this ordinance. For consistency and clarity to the readers, the reviewer recommends replacing the phrase "The City" in this ordinance with "the City". The same applies to "The Control Authority". Furthermore, since the terms "City" and "City Corporation" are interchanged in the ordinance, they should be defined together. In either case, the POTW must establish a legal connection between "Control Authority" and "City".

(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 ~~403.12(a)~~ ~~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, ~~the~~ Control Authority is ~~Russellville~~ City Corporation, ~~a~~ ~~City owned utility.~~

**Comment:** The POTW must establish a legal connection between "Control Authority" and "City of Russellville".



(13) Control Mechanism: Control through permits, orders or other means the contribution of each Significant Industrial user 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 Maximum: The arithmetic average of all effluent samples for a pollutant collected during a calendar day~~

~~(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.~~

~~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. Concentration Calculations: For pollutants with limitations expressed in other units of measurement, determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day by using the following formula: where C = daily concentration, F = daily flow and n = number of daily samples~~

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

(16) Daily Maximum Limit (Daily Maximum): The maximum highest allowable daily discharge limit of a pollutant during a calendar month. day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Comment:** Strike this definition; the MPO definition refers to "sampling" while the NPDES direct discharger definition refers to "limitation". "Daily Maximum" is "correctly" defined in paragraph (16) below and in paragraph 8 on page 2 of Part IV in NPDES permit #AR0021768. For consistency within the NPDES program the reviewer recommends using the language in the NPDES direct discharger permits.

**Comment:** EPA did not define "daily discharge" in the MPO.

**Comment:** While City Corp may use the recommended language, City Corp must strike "day" from this definition and replace with "month".

(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): ~~Any business User discharging any materials other than normal domestic sanitary wastewater. A source of indirect discharge.~~

**Comment:** While City Corp may use the MPO definition, City Corp must strike "User" from this definition because "business User" not only suggests that "residential Users" exist but also employs the term (User) to be defined.

(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.

(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) National Categorical Pretreatment Standard, categorical Pretreatment Standard, or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, Title 33 U.S.C. 1347, which applies to a specific category of Significant Industrial Users.~~

**Comment:** Defined above in paragraph (7).

(30) New Source:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act 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.

(2) ~~(4)~~ 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)(1)~~ (b) or (c) above but otherwise alters, replaces, or adds to the existing process or production equipment.

(3) ~~(4)~~ 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

(D) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(31) 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.

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

(33) Pass Through: A discharge which exits the POTW into the waters of the State in quantities or concentration levels which, ~~alone 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.

(34) 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.

(35) 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 ~~[SUs]~~.

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

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

(38) Pretreatment or Treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except by diluting the concentration of the pollutant unless allowed by an applicable Pretreatment Standard.

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

(40) Pretreatment Standards or Standards: Prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

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

(42) 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.



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

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

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

(46) Shall is mandatory; May is permissive.

(47) Significant Industrial User (SIU):

(a) Any User of the POTW subject to Categorical Pretreatment Standards; or

(b) any other user that:

(i) 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);

(ii) 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

(iii) 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.

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

(1) ~~1-~~ The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(11) ~~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

(11) ~~3-~~ The Industrial User never discharges any untreated concentrated wastewater.

(d) ~~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 of 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.

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

(49) 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.

(50) State: State of Arkansas.

(51) 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.

(52) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting ~~here from~~.

(53) Superintendent: The ~~person individual~~ designated by ~~the~~ Control Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

**Comment:** The POTW has defined "Person" above as a "legal entity".

(54) 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.

(55) 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.

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

(57) User ~~(or Industrial User): Any person who, directly or indirectly, contributes, causes or permits the contribution of wastewater into The City's POTW. The term user, depending on the context in which the term is used, includes Industrial Users and Significant Industrial Users. A source of indirect discharge.~~

**Comment:** The POTW should be consistent with its definitions. "User/Industrial User" here should match "Industrial User/User" in paragraph (22) above.

(58) 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.



(59) 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

SNC - Significant Noncompliance

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.

USC - United States Code

TSS - Total Suspended Solids

TTO - Total Toxic Organics

## SECTION 2 - REGULATIONS

### 2.1 **General** Discharge Prohibition

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(33) 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 singly 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 50 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 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 singly 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, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Noncontact 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.

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.

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 of 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 calculation 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 City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in 40 CFR 403.6(c) (5).

**Comment:** The City has attempted to allow equivalent mass limits in periodic reports; see Section 4.3.3.b below. If the City had CIUs that discharged significant mass loading of metals to the POTW, then the City could encourage the CIUs to reduce these loadings by imposing equivalent mass limits.

### 2.3 State Pretreatment Standards: **[Reserved]**

~~State pretreatment standards located in Section 4 of Regulation No. 6: Regulations for State Administration of the National Pollutant Discharge Elimination System for a particular industrial sub-category, if more stringent than the requirements of this Ordinance, are hereby incorporated by reference and will be imposed where applicable and shall include, but is not limited to, discharge limitations and reporting requirements. This shall include those regulations currently promulgated or which will be promulgated in the future including any amendments, and shall be recognized as part of this Ordinance.~~

**Comment:** The POTW may "Reserve" this section. Reg 6 has been updated and the incorporation of federal regs is in Section 6.104 now. The POTW has already incorporated federal regs in Section 2.2 above and ADEQ has no future plans to develop pretreatment standards more stringent than federal requirements. Furthermore, ADEQ may update Reg 6 from time to time and the location of federal incorporation may change again. The POTW should mark this section as "Reserved".

## 2.4 Local Limitations

- a. The Control Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- 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 of Russellville Council.
- 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.

**Comment:** In accordance with 40 CFR 403.5(c) the POTW must continue to update the TBLL Dev Doc. The POTW should also specify that Local Limit development is a permit requirement.

## 2.5 [Reserved]



2.6 The City's Right of Revision: [Reserved]

~~The City reserves the right to establish by ordinance more stringent limitations to requirements on discharge to the POTW if deemed necessary to comply with the objectives presented in this Ordinance, or the "Technically Based Local Limits Document". 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 will be established on a case by case basis by The Control Authority.~~

**Comment:** This section is applicable when the city has adopted numerical limits in Section 2.4. The POTW has already reserved the right to establish more stringent limitations in section 2.4 above and is required by 40 CFR 403.5(c) to continue to update the limitations. Therefore, this section is redundant and should be "Reserved".

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.

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:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;

- C. Procedures for immediately notifying the Control Authority of any accidental or Slug Discharges, as required by Section 6.7 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

**b. Notification Requirements**

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

**Comment:** Required Streamlining update; see 40 CFR 403.8(f)(2)(vi).

**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 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 is unanticipated 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 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 City Corporation. 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 locations 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, know or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- 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 City's** Schedule of Charges and Fees.

#### 3.2 Fees:

- a. The City 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 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.

### 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 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;

(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** **the** Control Authority and incorporated into the Wastewater Contribution Permit of the **significant** Industrial User.

**Comment:** The POTW should reserve the right to permit "Non-Significant" Industrial Users.

## 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** **the** Control Authority in accordance with the provisions of this Ordinance.

~~b. It shall be unlawful to discharge wastewater to any natural outlet within the city, or in any area under the jurisdiction of The City without an NPDES permit issued by the Arkansas Department of Environmental Quality .~~

**Comment:** The General Pretreatment Regulations found in Part 403 applies only to Indirect Discharge from Industrial Users of POTWs. ADEQ has delegated the authority under Part 403 to the POTW. ADEQ has not delegated any authority under Part 122 to the POTW. ADEQ will control direct discharge to waters of the state.

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.

**Comment:** Recommend moving this paragraph from Section 4.2.1 to here.

#### 4.2 Wastewater Contribution Permits:

##### 4.2.1 ~~General Permits~~ Individual Wastewater Discharge Permit Requirement

**Comment:** The POTW has not elected to issue "General Permits" as shown in Section 4.6 in the MPO.

~~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.~~

**Comment:** This language more closely resemble requirement for "Industrial Waste Survey" then permitting requirement and should be moved to Section 4.1 above.

~~b. 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. All existing Significant Industrial Users, currently not permitted by the Control Authority, connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.~~

**Comment:** This language applies to POTWs implementing a new program. City Corp must have already permitted all existing SIUs to avoid SNC.



#### 4.2.2 Permit Application

a. ~~Significant Industrial~~ 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's schedule of charges and fees. ~~Existing Significant Industrial Users so required shall apply for a Wastewater Contribution Permit within 90 days after the effective date of this Ordinance, and Existing users shall apply for permit reissuance no later than 180 days prior to the expiration of the User's existing permit.~~

**Comment:** The POTW may require "Non-Significant" industrial users to apply for a permit.

**Comment:** Existing SIUs must already have permits. This provision is for POTWs implementing a new program. The following provision from Section 4.2.5 is more applicable to City Corp.

**Comment:** From Section 4.2.5

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, ~~the Significant Industrial Users~~ shall submit, in units and terms 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 characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(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, and appurtenances by the size, location and elevation;

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

~~(8) Where known, the nature and concentration of any substances in the discharge which are limited by any City, State, or Federal Pretreatment Standard, and a Statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Significant Industrial user to meet applicable pretreatment standards; and~~

**Comment:** This language is applicable to 40 CFR 403.12 reporting (Baseline Monitoring Report) and should not appear in the permit application requirements in this ordinance.

~~(9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the Significant Industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply:~~

~~(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Significant Industrial user to meet the applicable pretreatment standard (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).~~

~~(b) No increment referred to in paragraph (9)(a) above shall exceed 9 months.~~

(e) Not later than 14 days following each date in the schedule and the final date for compliance, the Significant Industrial user shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to meet on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Significant Industrial user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

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

9. Measurement of Pollutants.

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

ii. 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.

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

iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6-10 4.6 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.



v. Sampling must be performed in accordance with procedures set out in Section ~~6.11~~ 4.6 of this ordinance.

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

(1) Each product produced by type, amount, process or processes 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 ~~Significant Industrial~~ users pretreatment facility.

c. The Control Authority will evaluate the data furnished by the ~~Significant Industrial~~ 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."

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.

#### 4.2.3 Permit Modification

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Significant Industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a Significant Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit, as required by 4.2.2 of the Ordinance, the Significant Industrial User shall apply for a Wastewater Contribution permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the Significant Industrial user with an existing Wastewater Contribution Permit shall submit to the Control Authority within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (8) and (9) of Section 4.2.2 of this Ordinance.

**Comment:** Again this language appears more applicable to 40 CFR 403.12 reporting then permit modification. The reviewer recommends replacing this language with the language below found in Section 5.4 in the MPO.

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

**Comment:** From Section 5.4 in MPO

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

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

(4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

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

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

**Comment:** Recommend adding this paragraph from Section 4.2.5

#### 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 chages and fees established by the Control Authority. Permits shall contain the following:

(1) Statement of permit duration;

(2) Statement of non-transferability wihtout, at a minimum, prior notification to the Control Authority;

(3) Applicable effluent limits, including Best Management Practices 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

(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.

~~The Significant Industrial User shall apply for permit reissuance no later than 180 days prior to the expiration of the Significant Industrial User's existing permit.~~

**Comment:** Recommend moving this sentence to Section 4.2.2

~~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 Significant 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.~~

**Comment:** Recommend moving this paragraph to Section 4.2.3

#### 4.2.6 Permit Transfer:

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

- 1) 30 days advance notice of an intent to transfer or assign;
- 2) a certified statement by the assignee or transferee that upon the permits assignment or transfer, there will be not 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 premises 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 Significant Industrial User shall also comply with the terms and conditions of the existing permit.

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 provision that allows for the adoption of any and all rules and/or regulations promulgated by the Control Authority and shall delegate to the City of Russellville 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 section shall include the certification statement as set forth in Section 4.2.2.d in this ordinance and shall be signed by an Authorized Representative of the User as set forth in Section 1.2.3 in this ordinance.

**Comment:** In accordance with 40 CFR 403.12(l) all reports in this section must have the proper certification and signature.

##### 4.3.1 Baseline Monitoring Reports

Within 180 days ~~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 ~~a~~ ~~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 **Significant Industrial** 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 Significant Industrial User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the **Significant Industrial** 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. **Any person signing a submittal to the Control Authority shall make the following certification:**

**Comment:** Signatory and Certification requirements shown in Section 4.3 above.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this facility, or those persons directly responsible for gathering 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."

#### 4.3.3 Periodic Compliance Reports

a. Any Significant Industrial User subject to a 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 noncategorical Significant Industrial 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 noncategorical 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.

**Comment:** All SIUs must submit periodic reports.

b. The Control Authority may impose equivalent mass limitations of on Significant Industrial Users where the imposition of mass limitations is appropriate. In such cases, the periodic reports required by Section 4.3.3.a ~~subparagraph 1)~~ of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the Significant Industrial 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.

**Comment:** The City did not elect the option in Section 2.2 above to impose equivalent mass limits. In accordance with 40 CFR 403.6(c)(5), the SIU must be eligible for this option.

If the City elects the option in Section 2.2 to impose mass limits on CIUs, this section becomes applicable.

#### 4.3.4 Notification of Potential Problems

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

**Comment:** Required by 40 CFR 403.12(f).



#### 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 premises, 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, 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 Authoritys 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 Superintendent, 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 premises 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 premises 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, ~~ADEC~~ ~~or the City~~ ~~or the State of Arkansas~~ 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 premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from ~~the~~ City, ~~the~~ Control Authority, ~~the State~~ ~~ADEC~~ or EPA will be permitted to enter, without delay, for the purposes 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 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 Industrial 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 4.3.1 and 4.3.2 [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 4.3 (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 with applicable Pretreatment Standards and Requirements.
- 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:

**Comment:** Required Streamlining update; see 40 CFR 403.12(g)(2).

(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 Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, ~~{shall comply with {the City's Oil and Grease Management ordinance (if applicable, cite), and}~~ shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired ~~{in accordance with {the City's Oil and Grease Management ordinance (if applicable, cite)}~~ 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 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 **person 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 ~~this Ordinance,~~ the National Pollutant Discharge Elimination System (NPDES) ~~Program Permit, State Disposal System permit~~ ~~and~~ 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 **person 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**.

**Comment:** For consistency, continue to refer to "User".

**Comment:** This ordinance applies only to the General Pretreatment regulations administered by the NPDES program.

#### 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 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 City, or where the User has been specifically notified of a longer retention period by the Superintendent.

**Comment:** Per 40 CFR 403.12 (o). Streamlining rule requirement for BMPs See Section 6.13 in MPO.



## 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 ~~or applicable state or Federal laws or regulations,~~ **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.

**Comment:** The City cannot enforce state and federal laws. The City has incorporated national categorical standards and must adopt them along with certain sections from 40 CFR 403. The City can only enforce "this ordinance".

### 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, the permit, or applicable state or Federal laws or regulations to show cause before **the** Control Authority 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 Superintendent of or 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 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.

#### 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 selfmonitoring 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:

**Comment:** See Section 10.6 in the MPO for more details.

When the Superintendent 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 Superintendent may fine such User in an amount not to exceed \$1000. 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.

**Comment:** The City may find that the legal fees and court cost to enforce some civil penalties may be prohibitive and the City may be reluctant to sue. The reviewer recommends that City Corp empower the Superintendent with the authority to impose Administrative Fines. If the City or the City Council reserves this authority, the associated cost may also be prohibitive. The Superintendent can issue a fine for \$250 that cost the User only \$250.

#### 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 Supervisor 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 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 endangering discharges 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 premises 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, any other applicable ordinances, federal or state Pretreatment Requirements, or any order of the City or the Control Authority, or otherwise violates provisions of this Ordinance, the Wastewater Contribution Permit, 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 City and/or 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 One Thousand Dollars (\$1,000.00) for each offense. Jurisdiction to determine such penalties shall be in the City 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 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 or by imprisonment for not more than six (6) months or both.

## 5.9 Supplemental Enforcement Remedies:

### 5.9.1 Annual Publication of Users is Significant Noncompliance:

The Control Authority shall publish, at least annually in the largest daily newspaper circulated in the area, 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 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 pretreatment violations will generally be in accordance with the City'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.

**Comment:** The City must have legal authority to enforce its ERP (Enforcement Response Plan) located in Appendix E in "Pretreatment Program City Corporation Russellville, Arkansas". For example, the ordinance does not specify a "30 day" limit for installing monitoring equipment but Noncompliance #C.4 in the ERP has a "30 day" limit.

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 - AMENDED

As of the effective date of this Ordinance, all other Ordinances or parts of Ordinances in conflict with this Ordinance are amended.

SECTION 8 - EFFECTIVE DATE

This Ordinance being necessary for the health, safety and welfare of the citizens of Russellville, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage, approval and publication, as provided by law.

PASSED AND APPROVED this .