



CITY OF PINE BLUFF, ARKANSAS

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October 4, 2012

Arkansas Department of Environmental Quality
Attn: Mr. Steve Drown, Water Chief
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: City Attorney Statement as to Pine Bluff Wastewater Utility Legal Authority to Implement and Enforce its Pretreatment Program

Dear Mr. Drown:

The City of Pine Bluff, Arkansas, is currently seeking approval for Modifications to its Pretreatment Program. As part of this approval process, the City is required to obtain a statement of counsel pursuant to 40 C.F.R. 403.9(b)(1) and 403.8 (f) of the applicable regulations promulgated under the Federal Clean Water Act. This letter is submitted in order to fulfill that requirement.

It is the opinion of this office that the Pine Bluff Wastewater Utility has adequate authority and power to implement and enforce the provisions of the program and impose penalties for noncompliance with the program, as set forth in Pine Bluff Ordinance No. 6381.

Pine Bluff Wastewater Utility is empowered to have full charge, supervision, management and control of the building, construction, repairing and maintaining of all sanitary sewers, pursuant to A.C.A. § 14-235-203.

The City Council and Mayor of the City of Pine Bluff is empowered by A.C.A. §14-55-102 to adopt such ordinances and by-laws relating to the system, pumping stations, treatment plant or other appurtenant structures as are required for proper maintenance and operation.

The following references to the Pretreatment Ordinance are correlated to the procedures listed in Section 403.8 (f)(2):

<u>Section of Regulations</u>	<u>Brief Description</u>	<u>Citation to City's Authority (To be Found in Ordinance 6381, References are to section of the Ordinance)</u>
403.8 (f) (I) (i)	Denial of Pollutant Contribution	2.1 Prohibited Discharge Standards 2.4 Specific Pollutant Limitations 4.2 Permit Requirements 5.5 Revocation of Permits
403.8 (f) (I) (ii)	Requirement of compliance with applicable standards	2.2 National Categorical Pretreatment Standards 5.3 Modification of Standards 2.4 Specific Pollution Limitations 1.1 Title, Purpose & Policy
403.8 (f) (I) (iii)	Control Contribution by Permit	4.2 Wastewater Contribution Permits (with all Subsections)
403.8 (f) (I) (iv)	Compliance schedules and notices of self monitoring reports	6.2 Compliance Schedule Progress Report 6.4 Periodic Progress Report 6.5 Report of Changed Condition 6.6 Notice of Violation/Repeat Sampling and Reporting
403.8 (f) (I) (v)	Inspection and monitoring	7.1 Right of Entry: Inspection and Sampling
403.8 (f) (I) (vi) (A)	Legal and equitable remedies available	5.5 Revocation of Permits 10.5 Compliance Order 10.4 Show Cause Hearing 11.1 Injunctive Relief 10.7 Administrative Fines 11.2 & 11.3 Civil and Criminal

403.8 (f) (I) (vi) (B)

Halt harmful
discharge

Remedies

2.1 Prohibited Discharge
Standards

5.5 Revocation of Permits

403.8 (f) (I) (vii)

Confidentiality
of trade secrets

8.0 Confidential
Information

The pretreatment program requirements will be implemented and pretreatment standards applied to individual industrial users pursuant to this ordinance, which utilizes a permit system and pursuant to the surcharge ordinance.

Sincerely,



Althea Hadden-Scott

Cc:

Ken Johnson

Vincent Miles

Rufus Torrence



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