

## Henderson, Katie

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**From:** Gilliam, Allen  
**Sent:** Friday, February 03, 2012 2:22 PM  
**To:** 'Lisa Ellington'  
**Cc:** Henderson, Katie  
**Subject:** FW: AR0033766\_Paragoulds Draft Ord Revisions to meet the Streamlining revisions to CFR 403 First Review Letter\_20120203  
**Attachments:** Paragould's Jan 2012 Pretreatment Ordinance Review.doc

Lisa,

Great job on the draft Pretreatment Ordinance. I really appreciate the time and thought you put into it.

Please find attached my first (and hopefully last) review of that draft Ord. with revisions/comments/suggestions to meet the required minimum revisions according to EPA's model Ordinance (and it has a few errors).

Please call if you have any questions. The MS Word attachment ought to be easy enough for you to make (cut and paste?) changes for a final draft to be submitted within sixty days of a (on supv's desk currently) letter addressed to Darrell.

Again, thank you for your work.

Sincerely,

Allen Gilliam  
ADEQ State Pretreatment Coordinator  
50j1.682.0625



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**PARAGOULD LIGHT, WATER AND CABLE**

**SEWER USE AND  
PRETREATMENT ORDINANCE**

October 2009

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL EXISTING SEWER USE ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF PARAGOULD, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARAGOULD, ARKANSAS.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Mike Gaskill, Mayor

Attest:

\_\_\_\_\_  
City Clerk

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PARAGOULD LIGHT, WATER AND CABLE  
SEWER USE AND PRETREATMENT ORDINANCE

ORDINANCE NO. \_\_\_\_\_

SECTION 1—GENERAL PROVISIONS

1.0 Short Title

This ordinance shall be known and described herein as the “Paragould Sewer Use -- Pretreatment Ordinance”.

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the wastewater collection system and the Publicly Owned Treatment Works (POTW) for the City of Paragould, Arkansas and enables the City of Paragould to comply with all applicable State and Federal laws, including 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). The objectives of this ordinance are:

- A. to prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. to prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. to ensure that the quality of the wastewater treatment plant biosolids is maintained at a level to allows its use and disposal in compliance with applicable statutes and regulations;
- D. to protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
- E. to improve the opportunity for promoting the reuse and recycling of wastewater and biosolids from the POTW;
- F. to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

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- G. to enable the City of Paragould 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 POTW is subject; and
  - H. to encourage industrial user waste minimization; recycling/reuse; ~~and~~ best management practices: water and energy conservation through Pollution Prevention Activities.

**Comment [GA1]:** Recommend including.

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## 1.2 Administration

- A. The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The Paragould Light and Water Commission shall, in compliance with Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et seq., authorize any judicial enforcement remedy taken by the Paragould Light and Water Commission against any POTW user in violation of the Paragould Sewer Use--Pretreatment Ordinance.
- B. Except as otherwise provided herein, the Paragould Light and Water Commission of the City of Paragould through its designated Manager shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other Paragould Light and Water Commission personnel.

## 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

ADEQ – Arkansas Department of Environmental Quality  
BOD – Biochemical Oxygen Demand  
BMP – Best Management Practice  
BMR – Baseline Monitoring Report  
CFR – *Code of Federal Regulations*  
CIU – Categorical Industrial User  
COD – Chemical Oxygen Demand  
EPA – U.S. Environmental Protection Agency  
FOG – Fats, Oils and Grease  
gpd – gallons per day  
IU – Industrial User  
mg/l – milligrams per liter



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NPDES – National Pollutant Discharge Elimination System  
NSCIU – Non-Significant Categorical Industrial User  
O&M – Operation and Maintenance  
OSHA – Occupational Safety and Health Administration (Title 29, Chapter XVII CFR)  
PLWC – Paragould Light, Water and Cable  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
NAICS – North American Industrial Classification System  
SIC – Standard Industrial Classification  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
SWDA – Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)  
TSS – Total Suspended Solids  
U.S.C. – United States Code

Comment [GA2]: Recommend including.

#### 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. Currently the Arkansas Department of Environmental Quality (ADEQ).
- C. Authorized or Duly Authorized Representative of the User.
  - (1) If the User is a corporation, authorized representative shall mean:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating 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 wastewater discharge permit requirements; and where authority to sign documents has

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been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
  - (3) If the User is a Federal, State, or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;
  - (4) 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 Paragould Light and Water Commission.
- D. Best Management Practices or BMPs. Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.**
- E. Biochemical Oxygen Demand (BOD<sub>5</sub>). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- F. 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.
- G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- H. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic.
- I. City. The City of Paragould, County of Greene, in the State of Arkansas.

**Comment [GA3]:** Require including.

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- J. Collector Building Sewer. Shall mean a sewer on private property, privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with pipe having a diameter of at least six (6) inches and such sewers shall be located outside building walls and footings.
- K. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- L. Commission. Paragould Light and Water Commission
- M. Combined Sewer. A sewer receiving both surface runoff and sewage.
- N. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- O. Control Authority. Under the provisions of 40 CFR 403.12 (a) the term “Control Authority” shall mean the Paragould Light and Water Commission of the City of Paragould, acting through its Manager, who is charged with certain duties and responsibilities by this ordinance, or his duly appointed or authorized representative.
- P. Council or City Council. Shall mean the duly elected or appointed governing body of the City of Paragould.
- Q. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- R. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar 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.
- S. Environmental Protection Agency or 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.
- T. Existing Source. Any source of discharge that is not a “New Source”.

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- U. Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- V. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- W. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act.
- X. Industrial Wastes. The liquid and/or liquid borne wastes from ~~industrial non-domestic~~ manufacturing processes, trade, or business as distinct from sanitary sewage.
- Y. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant (or loading) 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.
- Z. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources:
- (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
  - (2) therefore, is a cause of a violation of the City of Paragould's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- AA. Local Limit. Specific discharge limits developed and enforced by the City of Paragould upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- BB. Manager. The person designated by the Paragould Light and Water Commission of the City of Paragould to manage and supervise the water and wastewater utilities of the City of Paragould, Arkansas, and who is charged with certain duties, responsibilities by this ordinance, or the duly appointed or authorized representative of such person.

Comment [GA4]: Recommend revising.

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- CC. Mayor. The Mayor of the City of Paragould, Arkansas.
- DD. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- EE. Milligrams per Liter (mg/L). The same as parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water.
- FF. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- GG. 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.
- HH. National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- II. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5.
- JJ. Natural Outlet. Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- KK. 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 that 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

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an existing Source at the same site. 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) 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 (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) 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
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to 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.

LL. 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.

MM. Normal Domestic Wastewater. Mean wastewater, excluding that from non-residential uses, discharged by a person into the POTW, in which the average concentration of BOD<sub>5</sub> is not more than 300 mg/L, TSS is not more than 300 mg/L, and FOG is not more than 100 mg/L.

?? North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the

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auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

Comment [GA5]: Recommend including.

- NN. Owner. The “person” or “persons” who possess any interest in the structure or property to which such ownership relates.
- OO. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City of Paragould’s NPDES permit, including an increase in the magnitude or duration of a violation.
- PP. 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. This definition includes all Federal, State, and local governmental entities.
- QQ. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

???. Pharmaceutical drug, also referred to as medicine, medication or medicament, can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.

Comment [GA6]: Recommend including.

RR. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

???. Pollution Prevention (P2) shall mean waste reduction prior to recycling, treatment, or disposal. Pollution prevention means "source reduction," as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through: Increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation.

Comment [GA7]: Recommend including.

SS. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

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- TT. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- UU. Pretreatment Standards or Standards. Prohibited discharge standards, categorical Pretreatment Standards, narrative BMPs and Local Limits.
- VV. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
- WW. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Paragould. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also applies to the municipal entity having jurisdiction over the POTW users and responsibility for the operation and maintenance of the treatment works.
- XX. Public Sewer. A sewer in which all the owners of abutting properties have equal rights, and is controlled by the City of Paragould.
- YY. Sanitary Sewer. A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- ~~ZZ. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).~~
- AAA. Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.
- BBB. Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.
- CCC. Sewer Surcharge or Surcharge. A sewer service charge above the normal monthly sewer rates which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD<sub>5</sub> in excess of 300 mg/L, suspended solids content in excess of 300 mg/L, or FOG in excess of 100 mg/L.
- DDD. Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) below, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:

**Comment [GA8]:** Recommend including

**Comment [GA9]:** Recommend deleting as it's redundant w/WW above.



- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (c) Is designated as such by the City of Paragould 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.
- (d) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation, the City of Paragould may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

**Comment [GA10]:** Recommend including this EPA model Ord. language.

- EEE. Slug Load or 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 a 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.
- FFF. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- GGG. Standard Methods. The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association.
- HHH. Storm Drain (or Storm Sewer). A sewer which carries storm, surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.
- III. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- JJJ. Surface Waters. Any watercourse, pond, stream, ditch, lake or other body of water occurring on the earth's surface.

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- KKK. To Discharge. Includes deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.
- LLL. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- MMM. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- NNN. Trap. A device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.
- OOO. Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the state.
- PPP. Unusual BOD<sub>5</sub>. BOD<sub>5</sub> value in excess of 300 mg/L.
- QQQ. Unusual FOG. FOG value in excess of 100 mg/L.
- RRR. Unusual Suspended Solids. Total Suspended Solids value in excess of 300 mg/L.
- SSS. User or Industrial User. A source of indirect discharge.
- TTT. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- UUU. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- VVV. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

In the definitions, “shall” is mandatory; “may” is permissive or discretionary. The use of the singular shall be construed to include the plural and plural shall include the singular as indicated by the context of its use.

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## SECTION 2—GENERAL SEWER USE REQUIREMENTS

### 2.0 Use of Public Sewers

- ~~(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City of Paragould, Arkansas, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable wastes.~~
- (2) It shall be unlawful to discharge to any natural outlet within the City of Paragould, Arkansas, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- (4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city of Paragould and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located an accessible public sanitary sewer of the City of Paragould, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper accessible public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said accessible public sewer is within three hundred (300) feet of the property line. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System Permit.
- (5) Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights of way and shall be constructed by such owner to the standards required by the City for public sewers. No sewer shall be constructed within any public easement or right of way or connected to an existing public sewer without approval by the Paragould Light and Water Commission.
- (6) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to the POTW.
- (7) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet.

**Comment [GA11]:** Recommend removing as it has nothing to do with the City's sewer use or Pretreatment.

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## 2.1 Private Sewage Disposal

- (1) Where a public sanitary sewer is not available under the provisions of Section 2.0 above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) Before commencement of construction of a private wastewater disposal system within the City of Paragould, Arkansas, or in any area under the jurisdiction of said City, all persons shall first obtain a permit for such construction from the City of Paragould. The application for such permit shall be made on a form furnished by the City of Paragould, which the applicant shall supplement by plans, specifications, and construction permits approved by the Arkansas Department of Health and/or the Arkansas Department of Environmental Quality. A permit and inspection fee as set by the City Code for the City of Paragould shall be paid to the City of Paragould at the time the application is filed.
- (3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Paragould Light and Water Commission. It shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Paragould Light and Water Commission when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Paragould Light and Water Commission.
- (4) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 8,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (5) At such time as an accessible public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2.0 (4), the building sewer shall be connected to said sewer within ninety (90) days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.
- (6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Paragould.
- (7) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

## 2.2 Building Sewers and Connections

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- (1) No unauthorized person shall uncover, make any connection with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the City of Paragould Building Inspector. No permit shall be issued for a sewer connection until the current tie-on fee prescribed by Section 2.1 (2) of the Paragould Sewer Use -- Pretreatment Ordinance has been paid.
  - (2) Prior to the initiation of sewer service to potential new customers who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey, (on forms furnished by the PLWC Environmental Services Manager), no less than one hundred and twenty (120) days prior to date on which they plan to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 4 of the Paragould Sewer Use--Pretreatment Ordinance, complete an application for an Industrial Waste Discharge Permit, (on forms furnished by the PLWC Environmental Services Manager), no less than ninety (90) days prior to date on which they plan to discharge wastewater. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent by the PLWC Environmental Services Manager.
  - (3) The Environmental Services Manager will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 4.7 of the Paragould Sewer Use-- Pretreatment Ordinance, whether or not to issue the applicant an Industrial Waste Discharge Permit.
  - (4) A separate and independent building sewer shall be provided for each individual building except:
    - (A) where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a common building sewer provided that only one person is responsible for maintenance of the building sewer; or
    - (B) temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on a lot or tract and maintained in common ownership.
  - (5) Pipe for building sewers for service to the City of Paragould public sewer may be of any approved material listed in the City of Paragould Plumbing Code.

The City Inspector for the City of Paragould shall approve:

- (A) type of material and size of pipe to be used in the construction of buildings sewers; and

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- (B) methods of installation of building sewer pipe prior to and/or during construction of building sewers.
- (6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Inspector for the City of Paragould, to meet all requirements of this ordinance.
- (7) The size, slope and alignment of building sewers and methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Paragould. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the Ten States Standards, American Society for Testing and Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.
- (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (9) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (10) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Paragould, or the procedures set forth in appropriate specifications of the Ten State Standards, A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Paragould Light and Water Commission before installation.
- (11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Paragould Light and Water Commission.
- (12) Persons possessing building sewer permits shall notify the City of Paragould Building Inspector when the building sewer is ready for inspection and connection to the POTW. The connection shall be accomplished under the supervision of the City of Paragould Building Inspector.

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- (13) Persons possessing building sewer permits shall indemnify the City of Paragould from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.
  - (14) Persons possessing building sewer permits shall hold the City of Paragould harmless from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

### 2.3 Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection system and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.5 or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering Paragould Light and Water Commission personnel;
  - (3) Solids or viscous substances in quantities or of such size capable of creating a stoppage, plugging breakage, or any reduction in sewer capacity or any other damage to the POTW such as, but not limited to, commercial food service oil and grease, ashes, cinders, sand, plastic, wood, ungrounded garbage, whole blood, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc. Any additional sewer or sewerage maintenance expenses attributable thereto will be charged to the User by PLWC. Any refusal to pay the additional maintenance expense duly authorized by the Manager shall constitute a violation of the provisions contained herein;
  - (4) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - (5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant

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resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

- (6) 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) Trucked or hauled pollutants **except at discharge points designated by PLWC;**
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Paragould's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Paragould Light and Water Commission in an Industrial Wastewater Discharge Permit in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the Paragould Light and Water Commission in an Industrial Waste Discharge Permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

**Comment [GA12]:** Require including this additional language per EPA's model Ord. even though it's stated in Section 3.4 "Hauled waste is not accepted..."



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- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l];

~~(18)~~ Pharmaceutical drugs from any commercial, for-profit entity.

**Comment [GA13]:** Recommend including this prohibition.

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. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

#### 2.4 National Categorical Pretreatment Standards

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

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Environmental Services Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Environmental Services Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6(c)(2).
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Environmental Services Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).

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## 2.5 State Pretreatment Standards

~~Users must comply with the Arkansas Department of Environmental Quality Pretreatment Standards found in ADEQ Regulation No. 6, which may be promulgated from time to time. In the event that a particular state pretreatment requirement may be more stringent than that imposed by Federal Law or by the Paragould Sewer Use Pretreatment Ordinance, such State requirement shall immediately supersede the others and shall then become the applicable pretreatment requirement or pretreatment standard. This shall include all regulations currently promulgated or which will be promulgated in the future including any amendments, and shall be recognized as part of this Ordinance.~~

[RESERVED]

## 2.6 Local Limits

A. The Environmental Services Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

~~B. To protect against pass through and interference, no SIU may discharge or cause to be discharged into the POTW wastewater having concentrations of pollutants exceeding Technically Based Local Limits developed by the Environmental Services Manager as required by Part III of PLWC's Permit No. AR0033766, adopted by the Paragould Light and Water Commission by Resolution, and implemented by inclusion by the Environmental Services Manager in effected SIU's discharge permits. Adopted Technically Based Local Limits also shall be as approved by the Arkansas Department of Environmental Quality. Technically Based Local Limits shall apply at the "monitoring point" described in Industrial Wastewater Discharge Permits.~~

C. Local Limits are developed, implemented and enforced to protect against pass through and interference. No Industrial User shall discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by PLWC as required in City's NPDES permit, 40 CFR 403.5 (c) and approved by ADEQ. TBLLs (if necessary) based on calculated site specific Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Section [x]. At the discretion of PLWC, TBLLs shall be allocated, imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of PLWC, mass limitations may be imposed in addition to or in place of concentration based TBLLs.

PLWC may also develop BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards.

**Comment [GA14]:** Recommend "Reserving" this section and striking current language as ADEQ has and probably will not promulgate Pretreatment Standards. And you've already established that users will comply with the National Categorical Pret. Standards above.

**Comment [GA15]:** Will have to identify section of the City's Pretreatment Program where TBLLs/MAHLs are discussed.

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When new Local Limits are implemented or revised, PLWC will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3). This requirement of notice also applies when Local Limits are set on a case-by-case basis.

**Comment [GA16]:** Recommend using ADEQ's "standardized" language striking current language.

## 2.7 City's Right of Revision

The City of Paragould reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of the Paragould Sewer Use – Pretreatment Ordinance or the general or specific prohibitions in Section 2.3 of the Paragould Sewer Use – Pretreatment Ordinance.

## 2.8 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Environmental Services Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards / Requirements or in other cases when the imposition of mass limitations is appropriate.

## 2.9 Special Agreement

The City of Paragould reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement.

**Comment [GA17]:** This has been successfully used throughout the State, but there is no EPA guidance. R6 enforcement does not support these.

# SECTION 3—PRETREATMENT OF WASTEWATER

## 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.3 of this ordinance within the time limitations specified by EPA, the State, or the Paragould Light and Water Commission, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Paragould Light and Water Commission for review, and shall be acceptable to the Environmental Services Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of

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modifying such facilities as necessary to produce a discharge acceptable to the Paragould Light and Water Commission under the provisions of this ordinance.

### 3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary for proper operation of the POTW, the Paragould Light and Water Commission may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this ordinance.
- B. The Paragould Light and Water Commission may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four (24) hour period. The Paragould Light and Water Commission may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the Paragould Light and Water Commission. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Environmental Services Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, flammable wastes, sand or other objectionable wastes; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity as approved by the Environmental Services Manager and shall be so located to be easily accessible for cleaning and inspection. All interceptors shall be inspected, cleaned, repaired and continuously maintained in satisfactory and effective operation by the owner at his expense. All wastes generated shall be disposed of in accordance with all applicable Federal, State and local regulations that pertain to that type and/or class of waste.
- D. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. When required by the Environmental Services Manager, the owner of any property serviced by a building sewer carrying industrial waste shall provide a secure sampling point or sampling/inspection manhole as approved by the Environmental Services Manager. The secure sample point or sampling/inspection manhole shall be safely located and accessible to duly authorized representatives of PLWC at all times. When deemed necessary by the Environmental Services Manager, the secure sample point or sampling/inspection manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the wastewater. The cost of the installation and maintenance of a secure sample point or sampling/inspection manhole

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shall be borne by the owner. Any construction and/or alteration of a secure sample point or sampling/inspection manhole shall be approved by the Environmental Services Manager before any construction has begun.

### 3.3 Accidental Discharge/Slug Discharge Control Plans

The Paragould Light and Water Commission may require any industrial user to develop and implement an accidental discharge/slug control plan. The Environmental Services Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Environmental Services Manager 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. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Environmental Services Manager of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2.3 of the Paragould Sewer Use – Pretreatment 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.

### 3.4 Hauled Wastewater

Hauled waste is not accepted by the PLWC POTW.

### 3.5 Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

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### 3.6 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10 through 12 of the Paragould Sewer Use – Pretreatment Ordinance.

## SECTION 4—WASTEWATER DISCHARGE PERMITS

### 4.1 Wastewater Analysis/Survey

When requested by the Paragould Light and Water Commission, a User must submit information on the nature and characteristics of its wastewater by completing a wastewater survey prior to commencing their discharge. Surveys are to be completed and returned within thirty (30) days of the request. The Environmental Services Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this ordinance.

### 4.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any Significant Industrial User to discharge wastewater into the POTW without first obtaining a wastewater discharge from the Paragould Light and Water Commission, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Paragould Light and Water Commission may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### 4.3 Wastewater Discharge Permitting: Existing Connections

The Paragould Light and Water Commission may, within 30 days of determining that an existing industrial user is a significant industrial user, notify the significant industrial user of its status as a

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significant industrial user and of the requirement to obtain a wastewater discharge permit. The Environmental Services Manager will furnish the existing significant industrial user an appropriate permit application package. Any industrial user who, after notification of the requirement to obtain a wastewater discharge permit, wishes to continue such discharges in the future, shall within ninety (90) days after notification, apply to the Paragould Light and Water Commission for a wastewater discharge permit in accordance with Section 4.5 of this ordinance. Existing significant industrial users shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after notification of the requirement to obtain a wastewater discharge permit except in accordance with a wastewater discharge permit issued by the Paragould Light and Water Commission.

#### 4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

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#### 4.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit must submit a permit application. The Environmental Services Manager may require Users to submit all or some of the following information as part of a permit application.

- (1) Identifying Information.
  - a. The name and address of the facility, including the name of the operator and owner.
  - b. Contact information, description of activities, facilities, and plant production processes on the premises.
- (2) Environmental Permits.

A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
  - a. A **comprehensive** ~~brief narrative~~ description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a **comprehensive** schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals (**not trade names**) used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
  - d. Type and amount of raw materials processed (average and maximum per day).
  - e. **Comprehensive** site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Time and duration of discharges.
- (5) The location for monitoring all wastes covered by the permit.
- (6) Flow Measurement.

The average daily and maximum daily flow rates, including any daily, monthly or seasonal variations. Information must show the measured average daily and maximum daily flow rates, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.4C of this ordinance.
- (7) Measurement of Pollutants.
  - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

**Comment [GA18]:** Recommend revising.

**Comment [GA19]:** Recommend including.

**Comment [GA20]:** Recommend including.

**Comment [GA21]:** Recommend revising.



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- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Environmental Services Manager, of regulated pollutants in the discharge from each regulated process.
  - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Environmental Services Manager or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

(8) Pollution Prevention (P2) activities such as source reduction, waste minimization, environmental management systems, water and energy conservation.

Comment [GA22]: Recommend including.

(9) Any other information as may be deemed necessary by the Environmental Services Manager to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. This could result in a delay in the issuance of the discharge permit.

#### 4.6 Application Signatories and Certifications

A. All wastewater discharge permit applications must be signed by an Authorized Representative 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.”

B. 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 Paragould Light and Water Commission prior to or together with any reports to be signed by an Authorized Representative.

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#### 4.7 Wastewater Discharge Permit Decisions

The Environmental Services Manager will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Environmental Services Manager will determine whether to issue a wastewater discharge. If no determination is made within this time period, the application will be deemed denied. The Environmental Services Manager may deny any application for a wastewater discharge permit where it reasonably appears to the Environmental Services Manager that the applicant's proposed wastewater, if discharged into the POTW, would interfere with the operation of the POTW, would otherwise be incompatible with the POTW, would interfere with reuse of sludge from the POTW, or would pass through the POTW, inadequately treated, into the receiving waters of the State.

### SECTION 5—WASTEWATER DISCHARGE PERMIT ISSUANCE

#### 5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Environmental Services Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### 5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Environmental Services Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date, which in no case shall exceed five (5) years;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Paragould Light and Water Commission in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

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~~(3) Effluent limits based on applicable Pretreatment Standards including Federal, State and local law;~~

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

**Comment [GA23]:** Required Streamlining rule change.

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and

(6) Requirements to control Slug Discharge, if determined by the Environmental Services Manager to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(5) Development and implementation of Pollution Prevention (P2) activities such as source reduction and waste minimization plans to reduce the amount of pollutants discharged to the POTW;

**Comment [GA24]:** Recommend including.

(6) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

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- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
  - (9) Other conditions as deemed appropriate by the Environmental Services Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 5.3 Permit Issuance Process

#### A. User Notification

The Environmental Services Manager shall provide a draft permit to the permittee allowing them to petition the Environmental Services Manager to reconsider the terms of the permit within thirty (30) days of its issuance.

#### B. Permit Appeals

If a User petitions the permit, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

If the Environmental Services Manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions.

Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decisions must do so by filing a complaint with a court of competent jurisdiction.

### 5.4 Permit Modification

The Environmental Services Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

**Comment [GA25]:** Recommend including per EPA's model Ord.

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- (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 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 POTW, POTW personnel, the receiving waters, or threats to the POTW's beneficial sludge use;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

**Comment [GA26]:** Recommend revising per EPA model Ord.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any existing wastewater discharge permit condition.

#### 5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Environmental Services Manager and the Environmental Services Manager approves the wastewater discharge permit transfer. The notice to the Environmental Services Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and

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C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

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## 5.6 Wastewater Discharge Permit Revocation

The Environmental Services Manager may revoke a wastewater discharge permit for good cause subject to procedures set forth in Section 10 of this Ordinance, including, but not limited to, the following reasons:

- A. Failure to notify the Environmental Services Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Environmental Services Manager of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Environmental Services Manager timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.



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## 5.7 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing wastewater discharge permit.

## 5.8 Regulation of Waste Received from Other Jurisdictions

No extrajurisdictional industrial user or non-industrial user, including any neighboring jurisdictional entity, will be permitted by the Paragould Light and Water Commission to discharge to the Paragould POTW.

**Comment [GA27]:** Are you certain there will never be a case in future where the City might be in a position to accept wastewater from a user outside it's jurisdictional boundaries?

## SECTION 6—REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Significant Industrial Uses subject to Categorical Standards currently discharging to or scheduled to discharge to the POTW shall submit to the Environmental Services Manager a report which contains the information listed in paragraph B below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Significant Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Environmental Services Manager a report which contains the information listed in paragraph B below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

**Comment [GA28]:** Yes, these reporting requirements are basically the same as what's required in your permit applications.

B. Users described above shall submit the information set forth below.

(1) Identifying Information.

The name and address of the facility including the name of the operators and owners.

(2) Wastewater Discharge Permits.

A list of any environmental control wastewater discharge permits held by or for the facility.

(3) Description of Operations.

A **brief comprehensive narrative** description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a **comprehensive** schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

**Comment [GA29]:** Recommend revising.

**Comment [GA30]:** Recommend including.

(4) Flow Measurement.

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

- a. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- b. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- c. Sampling and analysis shall be performed in accordance with Sections 6.10 and 6.11 of this ordinance;
- d. The Environmental Services Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- e. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(6) Compliance Certification.

A statement reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule.

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If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(8) Signature and Report Certification.

All baseline monitoring reports must be certified in accordance with Section 4.6 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4 C.

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Environmental Services Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Environmental Services Manager.

## 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Environmental Services Manager a report containing the information described in Section 4.5 (6) and (7) and 6.1(B)(5) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures

in Section 2.4 and 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 A of this ordinance. All sampling will be done in conformance with Section 6.11.

#### 6.4 Periodic Compliance Reports

A. All Significant Industrial Users shall, at a frequency determined by the Environmental Services Manager, but in no case less than twice per year (June and December **[or on dates specified]**), submit reports indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Environmental Services Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6 A of this Ordinance.

**Comment [GA31]:** Recommend including per EPA's model Ord.

**[At the discretion of the Environmental Services Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Environmental Services Manager may modify the months during which the above reports are to be submitted.]**

**Comment [GA32]:** Recommend including as per 40 CFR 403.12(e).

B. When PLWC conducts the sampling and flow data collection for the User, the reporting requirements in Section 6.4 A above shall be waived.

D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Environmental Services Manager, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

F. **[All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.]**

**Comment [GA33]:** Check for correct citation reference.

**Comment [GA34]:** Recommend including per EPA's model Ord. although redundant.

#### 6.5 Reports of Changed Conditions

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Each User must notify the Environmental Services Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. The Environmental Services Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Environmental Services Manager may issue a wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

#### 6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Environmental Services Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Environmental Services Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Environmental Services Manager immediately of any changes at its facility affecting the potential for a slug discharge.

**Comment [GA35]:** Grammar check?

**Comment [GA36]:** If intended to enforce, next audit will confirm implementation.

#### 6.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports and/or information to the Environmental Services Manager as may be required.

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Reports/information which may be requested include, but are not limited to, the nature and characteristic of the Users wastewater. Failure to complete the requested reports or provide information shall be considered a violation of this Ordinance and considered reasonable grounds for legal action as provided in this Ordinance.

#### 6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Environmental Services Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Environmental Services Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if PLWC performs sampling at the User's facility at least once a month, or if PLWC performs sampling at the User between the time when the initial sampling was conducted and the time when the User or PLWC receives the results of this sampling, or if PLWC has performed the sampling and analysis in lieu of the Industrial User. If PLWC performed the sampling and analysis in lieu of the Industrial User, PLWC will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

#### 6.9 Notification of the Discharge of Hazardous Waste

The Paragould Light and Water Commission prohibits the discharge of hazardous waste into the PLWC collection system.

A. Any User who commences the discharge of hazardous waste shall notify PLWC, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

**Comment [GA37]:** Almost impossible to identify sources and enforce. Do you know absolutely all of your X-ray and photo processors have Ag recovery units or have gone digital? Reconsider using EPA's model Ord. language below to at least have the authority to require haz waste generators to notify.

**Comment [GA38]:** Check for correct Ord. citation.

**Comment [GA39]:** Check for correct Ord. citations.

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B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify PLWC, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

**Comment [GA40]:** Recommend including EPA's model Ord. language.

#### 6.10 Analytical Requirements

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 Environmental Services Manager or other parties approved by EPA.

All independent laboratories performing analyses for Users, including, but not limited to, self monitoring, periodic reports on continuing compliance, baseline monitoring reports and/or split sample verification, shall be certified by the ADEQ Laboratory Certification Program for the specific analysis being performed. The Environmental Services Manager reserves the right to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.

#### 6.11 Sample Collection

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

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data that is representative of conditions occurring during the reporting period. The Environmental Services Manager under the authorization of the Paragould Light and Water Commission is required to indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

- 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 Environmental Services Manager. Where time-proportional composite sampling or grab sampling is authorized by PLWC, 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 Environmental Services Manager, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for FOG (oil and grease), temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, FOG, 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 Environmental Services Manager may authorize a lower minimum. For the reports required by paragraphs Section 6.4 [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- D. Sampling methods performed shall include, at a minimum, procedures for sampling, sample chain of custody, preservation techniques and holding times.
- E. Any sampling, testing and/or sample delivery associated with duplicate sample analysis performed by PLWC that is requested by an industrial user for the purpose of assessing a surcharge or enforcement of this Ordinance will be borne by the owner or operator of the facility.
- F. If as a result of any sampling and analyses authorized by the Environmental Services Manager, or due to the existence of any other information, the Environmental Services Manager may have sufficient reason to suspect the presence of toxic or prohibited substances as limited or prohibited by this Ordinance to exist in the wastewater discharge of a facility, the Environmental Services Manager may direct



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the owner or operator of said facility to have a representative of that facility's wastewater subjected to the appropriate physical, chemical, and biological tests performed by **an ADEQ certified qualified** laboratory acceptable to the Environmental Services Manager. Results of the test(s) shall be promptly reported in writing to the Environmental Services Manager. All costs associated with sample collection and analyses shall be borne by the owner or operator of the facility.

**Comment [GA41]:** Recommend revising.

G. The Environmental Services Manager may use a grab sample(s) to determine noncompliance with pretreatment standards **upon written concurrence from the User a grab sample(s) is representative of their wastewater characteristics throughout the User's discharge period.**

**Comment [GA42]:** Caution here. EPA has guidance on this procedure. Recommend including this additional language.

#### 6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

#### 6.13 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 2.6. 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 Paragould Light and Water Commission, or where the User has been specifically notified of a longer retention period by the Environmental Services Manager.

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## 6.14 Certification Statements

Certification of Permit Applications and User Reports and Initial Monitoring Waiver.

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.5; Users submitting baseline monitoring reports under Section 6.1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

**Comment [GA43]:** Did you mean to include this?

“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.”

## SECTION 7—COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

The Environmental Services Manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Environmental Services Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from PLWC, EPA and the State shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Environmental Services Manager, EPA and the State shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s operations.
- C. The Environmental Services Manager may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own

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expense. All devices used to measure wastewater flow and quality shall be calibrated annually at a minimum to ensure their accuracy.

- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Environmental Services Manager and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Environmental Services Manager access to the User's premises shall be a violation of this ordinance.

## 7.2 Search Warrants

If the Environmental Services Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Paragould Light and Water Commission designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application of Paragould Light and Water Commission Attorney, the Municipal Court of the City of Paragould shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Environmental Services Manager in the company of a uniformed police officer of the City of Paragould.

## SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Environmental Services Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Environmental Services Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as

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defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Environmental Services Manager shall publish annually, in the largest newspaper of general circulation within the jurisdictions served by PLWC, 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 wastewater measurements taken for the same pollutant parameter taken during a six (6) month period exceed the daily maximum, daily minimum or average limit by any amount (includes instantaneous limits);
- 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 daily maximum, daily minimum or average limit (including instantaneous limits), multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, 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 Environmental Services Manager 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 Environmental Services Manager's 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 a 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

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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 violations(s), which may include a violation of Best Management Practices, which the Environmental Services Manager determines will adversely affect the operation or implementation of the local pretreatment program.

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## SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notification of Violation

When the Environmental Services Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Environmental Services Manager may, under the direction of the General Manager or Assistant General Manager, serve upon that User an oral and written Notice of Violation. The oral notification is to be given within twenty-four (24) hours of determining a violation has occurred. Within twenty (20) calendar days of the receipt of the written notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Environmental Services Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Environmental Services Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 10.2 Consent Orders

The Environmental Services Manager, under the direction of the General Manager or Assistant General Manager, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

### 10.3 Show Cause Hearing

The Environmental Services Manager may order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Environmental Services Manager, Assistant General Manager and General Manager to show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. Such notice may be served in any method or manner permitted under Arkansas Law, or Arkansas Rules of Civil Procedure. Service of notice shall be sufficient when served personally or by certified mail (return receipt requested) and delivered to the addressee only at the address of the User shown on any wastewater discharge permit issued by the Paragould Light and Water Commission. The notice of the meeting shall be served at least ten (10) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.6 A. Whether

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or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### 10.4 Compliance Orders and Schedules

When the Environmental Services Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Environmental Services Manager may issue an order or schedule to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued subject to notice and right to a hearing as provided herein unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 10.5 Cease and Desist Orders

When the Environmental Services Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Environmental Services Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 10.6 Administrative Fines

- A. When the Environmental Services Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the

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Environmental Services Manager, under the direction of the General Manager or Assistant General Manager, may fine such User in an amount not to exceed \$1,000. 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.

- B. Users desiring to dispute such fines must file a written request for the Environmental Services Manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Environmental Services Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Environmental Services Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User. In no event shall legal proceedings be initiated to collect said fine or penalty without a resolution of the Commission authorizing such court action.

#### 10.7 Emergency Suspensions

The Environmental Services Manager may immediately suspend a User's discharge, after notice to the User and a hearing within five (5) days of the suspension, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Environmental Services Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Environmental Services Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Environmental Services Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Environmental Services Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the



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Environmental Services Manager prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

#### 10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this Ordinance, any User who violates the following conditions of this Ordinance or orders issued pursuant to any provision of this Ordinance is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- D. Violation of the Pretreatment Standards in Section 2 of this ordinance.
- E. Falsifying Pretreatment documents or tampering with sampling equipment in an attempt to alter representative sampling.

**Comment [GA44]:** Recommend including.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Environmental Services Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

### SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

#### 11.1 Injunctive Relief

When the Environmental Services Manager finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Environmental Services

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Manager may petition the Court of competent jurisdiction through the Paragould Light and Water Commission Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Environmental Services Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

**Comment [GA45]:** Can the actual name of the Court be placed here as suggested by EPA's model Ord.?

## 11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Paragould Light and Water Commission for a maximum civil penalty of one-thousand dollars (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Environmental Services Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Paragould Light and Water Commission.
- C. In determining the amount of civil liability, 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 through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 11.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000) per violation, per day, or imprisonment for such term as allowed by State law, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one-thousand dollars (\$1,000) or be subject to imprisonment for such term as allowed by State law, or both. This

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penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. PLWC may recover reasonable attorney’s fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by PLWC.

**Comment [GA46]:** Recommend including.

#### 11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Environmental Services Manager 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 PLWC Pretreatment Program’s Enforcement Response Plan. However, the Environmental Services Manager, with the direction of the General Manager and Assistant General Manager, may take other action against any User when the circumstances warrant. Further, the Environmental Services Manager is empowered to take more than one enforcement action against any noncompliant User.

**Comment [GA47]:** Recommend emphasizing this.

### SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

#### 12.1 Performance Bonds

The Environmental Services Manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Paragould Light and Water Commission, in a sum not to exceed a value determined by the General Manager or Assistant General Manager to be necessary to achieve consistent compliance.

#### 12.2 Liability Insurance

The Environmental Services Manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### 12.3 Payment of Outstanding Fees and Penalties

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The Environmental Services Manager may decline to issue or reissue a wastewater discharge to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder.

#### 12.4 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

**Comment [GA48]:** Recommend corresponding with your local fire chief to see if this provision is legal.

#### 12.5 Public Nuisances

A violation of any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Environmental Services Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code for the City of Paragould governing such nuisances, including reimbursing the Paragould Light and Water Commission for any costs incurred in removing, abating, or remedying said nuisance.

### SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

#### 13.1 Upset

- A. For the purposes of this section, “upset: means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the User can identify the cause(s) of the upset;

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- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The User has submitted the following information to the Environmental Services Manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including the exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3(A) of this Ordinance or the specific prohibitions in Sections 2.3(B)(3) through (16) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Paragould Light and Water

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Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 Bypass

- A. For the purposes of this Section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Environmental Services Manager at least ten (10) days before the date of the bypass, if possible.
  - (2) A User shall submit oral notice to the Environmental Services Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Environmental Services Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass
- (1) Bypass is prohibited, and the Environmental Services Manager may take an enforcement action against a User for a bypass, unless:

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- (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The Environmental Services Manager may approve an anticipated bypass, after considering its adverse effects, if the Environmental Services Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## SECTION 14—WASTEWATER TREATMENT RATES

### 14.1 General

The Environmental Services Manager may at any time collect appropriate samples from any Industrial or Commercial User's discharge and conduct analyses to determine the concentrations of BOD<sub>5</sub>, TSS, FOG, and pH. If the sampling and analyses performed by the Environmental Services Manager or his designated assistant indicates concentrations of BOD<sub>5</sub>, TSS and FOG exceeding the limits set forth in Section 14.2 below, an extra strength surcharge shall be computed as set forth by the formula outlined in Section 14.2 of this Ordinance using unit charges defined in the City Code for the City of Paragould, and the User shall be liable for payment of the amount thereof. The collection of an extra strength surcharge is not a penalty, but rather allows the Paragould Light and Water Commission to defray the costs of treating industrial wastewater concentrations that are above average domestic wastewater concentrations. The surcharge shall be considered a sewer charge for which the owner shall be liable in accordance with the applicable law of the State of Arkansas, as amended and upon default in such payment, the Paragould Light and Water Commission shall be entitled to those remedies set forth in said statute.

### 14.2 Computations

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The extra strength surcharge shall be calculated in accordance with the provisions of this Ordinance and the City Code for the City of Paragould (the same being incorporated by reference) using the following limits and calculations.

For any user, when the BOD exceeds 300 mg/l, the suspended solids exceed 300 mg/l, the FOG exceeds 100 mg/l, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$S = V_{\text{WW}} \times 8.34 [C_{\text{BOD}_5} (\text{BOD}_5 - 300) + C_{\text{SS}} (\text{SS} - 300) + C_{\text{FOG}} (\text{FOG} - 100)]$$

Where:

S = Surcharge in dollars

$V_{\text{WW}}$  = Volume of Wastewater in millions of gallons

8.34 = Weight of water in pounds per gallon

$C_{\text{BOD}_5}$  = Unit charge for  $\text{BOD}_5$  in dollars per pound

$\text{BOD}_5$  = Monthly average five-day BOD of User's wastewater, in mg/l  
(300 mg/l or more)

300 = Concentrations in mg/l above which both  $\text{BOD}_5$  and SS are considered unusually high and above which may be assessed a surcharge

$C_{\text{SS}}$  = Unit charge for SS in dollars per pound

SS = Monthly average suspended solids content of User's wastewater, in mg/l (300 mg/l or more)

$C_{\text{FOG}}$  = Unit charge for FOG in dollars per pound

FOG = Daily FOG content of User's wastewater, in mg/l  
(100 mg/l or more)

100 = Concentrations in mg/l above which FOG are considered unusually high and above which may be assessed a surcharge

## SECTION 15—MISCELLANEOUS PROVISIONS



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### 15.1 Pretreatment Charges and Fees

The Paragould Light and Water Commission may adopt reasonable fees for reimbursement of costs of setting up and operating the Paragould Light, Water and Cable Pretreatment Program, which may include, but is not limited to, the following:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications and reviewing construction plans;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Environmental Services Manager to address User noncompliance; and
- F. Other fees as the Paragould Light and Water Commission may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the Paragould Light and Water Commission.

### 15.2 Severability

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

### SECTION 16 – REPEAL OF PRIOR ORDINANCE

All Ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

### SECTION 17 — EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

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