

Henderson, Katie

From: Torrence, Rufus
Sent: Friday, February 17, 2012 8:34 AM
To: Dennis Brunson
Subject: AFIN 26-00145 AR0033880 City of Hot Springs Proposed Program Narrative
Attachments: HTSP Proposed Program Narrative 20120214.doc; RE: Program Narrative



February 17, 2012

Dennis R. Brunson, Pretreatment Coordinator
City of Hot Springs
P. O. Box 700
Hot Springs, Arkansas 71901

Re: City of Hot Springs Proposed Program Narrative
(Permit No. AR0033880 AFIN 26-00145 & AR0050148 AFIN 26-00444)

Dear Mr. Brunson:

The Department has completed the preliminary review of the program narrative. The Department will expect the official program submittal before March 15, 2012.

If you have any questions or concerns, please contact the Department at (501) 682-0626 or by email at torrence@adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink that reads "Rufus Torrence". The signature is written in a cursive style.

Rufus Torrence, Pretreatment Engineer
Water Division

DRAFT
HTSP PROPOSED PROGRAM NARRATIVE 20120214

Required Changes **Recommended Changes** **Attention Only**

TABLE OF CONTENTS

1.0 INTRODUCTION	2
2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS	3
2.1 Technical Information Support	
2.2 Legal Authority	
2.3 Program Implementation	
2.4 Staffing and Organization	
2.5 Funding	
3.0 EXISTING WASTEWATER TREATMENT FACILITIES.....	4
4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION	5
5.0 INDUSTRIAL USERS SURVEY	5
6.0 TECHNICAL INFORMATION.....	6
7.0 SLUDGE CONTROL EVALUATION	6
8.0 BEST MANAGEMENT PRACTICES (BMPs).....	7
9.0 EVALUATION OF LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR..	7
IMPLEMENTATION OF PRETREATMENT PROGRAM	
10.0 SPECIFIC LIMITATIONS FOR DISCHARGE OF PROHIBITED POLLUTANTS ..	7
11.0 ORGANIZATION AND STAFFING	9
12.0 PRETREATMENT MONITORING AND REPORTING	11
13.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST	17
14.0 PRETREATMENT PROGRAM IMPLEMENTATION	18
15.0 CONFIDENTIAL INFORMATION	18

1.0 INTRODUCTION

The Federal Water Pollution Act (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 95-217) established responsibilities of Federal, State, and Local governments, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTW's) or which may contaminate sewage sludge.

General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 103) were promulgated by the U.S. Environmental Protection Agency (EPA) on June 26, 1978 and have been amended. The basic objectives of the Pretreatment Program were defined as follows:

1. Prevent the introduction of pollutants into a POTW which will interfere with the treatment operations and the use of disposal of digested sludge.
2. Prevent the introduction of pollutants into a POTW which would pass through untreated and remain in unacceptably high concentrations in the plant effluent.
3. Improve the feasibility of recycling and reclaiming the industrial wastewaters and sludges.
4. Enforce applicable EPA Categorical Standards.
5. Generally, to reduce the health and environmental risk of pollution caused by discharges to POTW's.

The Pretreatment Regulations (40 CFR, Part 403) require any POTW with a total design flow of greater than 5 million gallons per day (MGD) and receiving from Industrial Users pollutants which could pass through or interfere with the operation of the POTW, or are otherwise subject to Categorical Pretreatment Standards, to establish a POTW Pretreatment ~~Categorical Pretreatment Standards, to establish a POTW Pretreatment~~ Program. The Regional Administrator or Director may require a POTW with a design flow of 5 MGD or less to develop a Pretreatment Program if he or she finds that the nature or volume of the industrial effluent causes: treatment plant upsets, violations of POTW effluent limitations, contamination of municipal sludge, or passes through untreated.

The EPA has deemed that the City of Hot Springs ~~must~~ develop a Pretreatment Program under the direction of the City of Hot Springs Control Authority Representative. This document outlines various Pretreatment Program requirements and serves as an instrument to

develop, implement and carry on an Industrial Pretreatment Program for the City of Hot Springs Utilities.

2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS

The EPA has defined five (5) essential components of any Pretreatment Program. They are:

1. Technical Information Support
2. Legal Authority
3. Program Implementation
4. Staffing and Organization
5. Funding

The following paragraphs provide a summary of the regulatory requirements of each of these five components.

2.1 Technical Information Support

This component of a Pretreatment Program requires a POTW to adequately identify the pollutants entering its systems from its Industrial Users. This information is normally obtained by conducting an Industrial Waste Survey. From the results of the survey, types of pollutants can be identified and appropriate sampling and analysis can then be conducted in order to quantify and qualify the volume and type of pollutants being discharged into the POTW system. The technical information component provides the necessary background to determine the extent and magnitude of the Pretreatment Program.

2.2 Legal Authority

One of the most significant components of a Pretreatment Program is the provision of adequate legal authority to develop, administer, and enforce the program. At a minimum, the POTW should have the legal authority to perform the following functions:

1. Deny or condition new or increased contributions.
2. Require compliance with applicable Pretreatment Standards.
3. Control industrial discharges to the POTW to insure compliance.
4. Require development of compliance schedules for installation of technology.
5. Require submission of notices and self-monitoring reports.
6. Carry out inspections, surveillance, and monitoring reports.
7. Obtain remedies for noncompliance.
8. Authority to immediately and effectively halt or prevent any discharge.

A required part of any Pretreatment Program is a letter from the utilities' attorney. The attorney's letter specifically refers to the basic statutory authority for the Pretreatment Program, and summarizes a review of the City's Pretreatment ~~Code~~ Ordinance 4577 ~~as amended and modified~~ and the Control Authority Representative or his Designee(s) ~~authority~~ to implement a Pretreatment Program.

2.3 Program Implementation

The success of a local Pretreatment Program largely depends upon the existence of procedures which are well thought out and easy to follow. The Pretreatment Program should be flexible enough to allow adjustments to day-to-day operating situations. At a minimum, a Pretreatment Program should provide procedures that will enable the Control Authority Representative or his Designee(s) to:

1. Identify and locate industrial users subject to discharge controls.
2. Identify the character and volume of pollutants discharged to the POTW system.
3. Notify industrial users of applicable standards and requirements.
4. Receive and analyze self-monitoring reports and other notices from industrial users subject to National Categorical Standards.
5. Randomly surveillance and inspection to identify noncompliance.
6. Investigate instances of noncompliance.
7. Provide for public participation and publish annually in the largest local newspaper a list of industrial users that were significantly not in compliance with pretreatment standards that year.

2.4 Staffing and Organization

The Control Authority Representative or his Designee(s) must have sufficient qualified personnel to carry out the authorities and procedures required by a Pretreatment Program. The Program includes a description of the POTW organization that will administer the Program, including organization charts.

2.5 Funding

Pretreatment Program regulatory requirements simply specify that the Control Authority Representative or his Designee(s) have sufficient resources to carry out the responsibilities and procedures required in the Program. A description of the POTW's funding levels is part of this document.

3.0 EXISTING WASTEWATER TREATMENT FACILITIES

The City of Hot Springs Utilities currently operates two wastewater treatment facilities. The Central WWTP is 11 MGD return activated sludge and the Southwest WWTP is 1.2 MGD sequencing batch reactor.

The Central Wastewater Treatment Facility consists of bar screening, 3 aerated grit removal chambers, 3 primary sedimentation clarifiers, 3 conventional activated sludge aeration basins, 4 secondary sedimentation clarifiers, 4 mixed media filtration chambers, 2 disinfection basins and de-chlorination. The sludge handling is comprised of 2 gravity thickeners, 2 anaerobic

digesters and 1 dewatering belt press. After the sludge is dewatered, it is disposed of at the Central Wastewater Treatment Plant's Composting Facility.

The Southwest Wastewater Treatment Facility consists of bar screening, 2 sequencing batch reactors, 1 aerobic digester, 1 decant chamber, nylon filtration, stair step effluent aeration and aerobic digester and 1 dewatering belt press. After the sludge is dewatered, it is transported and disposed of at the Central Wastewater Treatment Plant's Composting Facility.

4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION

The Water and Sewer System for Hot Springs is owned, operated and controlled by the Control Authority (City of Hot Springs Governing Entity) as defined in section 9-3-42.4 of the Industrial Pretreatment Code Ordinance 4577 under Article VI of Title 9.

The Control Authority Representative (as defined in section 9-3-42.4 of the Industrial Pretreatment Code Ordinance 4577 under Article VI of Title 9 of the City's Code of Ordinances) is responsible for all day-to-day administrative and management functions including all operation and maintenance responsibilities. Overall goals and objectives of the utilities are established by the Control Authority with assistance from the Control Authority's attorney and the Control authority Representative. The maintenance of the water distribution and wastewater collection system is performed by the Control Authority Representative's designee (s). Wastewater laboratory analyses are performed in-house at the Wastewater Treatment Plant. All billings are done through the Control Authority's customer service. Both water and sewer fees are billed to residential, commercial and industrial customers based upon monthly water consumption volumes.

5.0 INDUSTRIAL USERS SURVEY

Since the Pretreatment Program's inception, EPA model industrial user surveys are sent out periodical in order to make an evaluation of each industry operations. Industrial user surveys are also sent to smaller industries and commercial businesses in order to make an assessment of their operations. Any new waste stream generating industry that connects to the sewer system is issued an industrial user survey. If warranted, a site visit is conducted.

Since the Pretreatment Program's inception, periodic updates of the vital information from each significant industrial user (SIU) have been received. This list, as updated annually, will be included with the annual POTW Pretreatment Report, as required under 40 CFR 403.12(i).

Prior to allowing any discharge into the POTW by a user outside the City's legal jurisdiction, the utility shall require proof that discharges to be treated will not contain hazardous materials that would be regulated under the Resource Conservation and Recovery Act (RCRA), heavy metals, or toxic organic materials. The Control Authority Representative or his designee (s) shall notify potential users of any applicable requirements under subtitles C and D of RCRA. Currently the only users outside the City's legal jurisdiction are generators of household domestic waste whose wastewater is brought to the POTW via approved waste

haulers. Additionally, the City shall be able to subject the potential user to all provisions of the Pretreatment Code.

Since the population of industries is a dynamic, rather than static, factor, a system of periodically updating the industrial user survey is necessary. Updating is accomplished by review of water service installation records, the City's Planning and Development Department, review of new telephone directories, watching the local daily newspaper for articles in regard to industrial activity, and site review of the industrial areas for visual evidence of additions to the industrial population. New industry will be subject to permit application procedures as outlined in the Pretreatment Ordinance, and existing permitted industries' information are updated annually.

The Pretreatment Ordinance shall require any indirect discharger to the POTW to comply with the reporting requirements of Sections 204 (b), 307, and 308 of the Clean Water Act of 1977, including any requirements established under 40 CFR 403.

6.0 TECHNICAL INFORMATION HISTORY

Periodically, the Control Authority must determine the extent to which prohibited pollutants were being discharged to the sewer system. Twenty-four hour composite influent samples are collected at the head of the existing treatment facility and at designated areas of the sewer system that only service household domestic waste. This is conducted in order to determine TBILL (Technically Based Local Limits) for the wastewater treatment facility. The sample results are used as an indication of the quality of wastewater entering the treatment facility.

Influent and effluent samples of each process are taken daily and analyzed for pollutant parameters of concern.

The Control Authority Representative or his designee (s) conducts an annual scan for the priority pollutants in the plant influent, effluent, and sludge. The source(s) of the pollutants will be determined if present in the scans. All sludge will be processed on site and it is analyzed and disposed of in accordance with 40 CFR 503. The sludge is then dewatered and transported to the Central Wastewater Treatment Plant's Compost Facility.

7.0 SLUDGE CONTROL EVALUATION

All Significant Industrial Users (SIUs) are required to be evaluated for the need to implement a Sludge Control Plan. All existing SIUs were evaluated and are continuously evaluated during their annual inspection by the Control Authority or his Designee (s). Any new industry is evaluated immediately upon being designated as an SIU.

SIUs are required to notify the POTW immediately of changes that occurred at the industrial user's facility affecting the potential for a sludge discharge, thereby allow the Control

Authority Representative or his Designee to reevaluate the need for a Sludge Control Plan or other actions to prevent such discharges. The conditions are found in Section 9-3-44.3 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.

8.0 BEST MANAGEMENT PRACTICES (BMPs)

SIUs that are subject to BMP based categorical pretreatment standards will be required in their individual permits to maintain and submit to the Control Authority or his Designee (s) adequate documentation of their compliance with the BMP based standard. Some SIUs will be required to maintain compliance with BMPs in lieu of numerical limits, or may be required to maintain compliance in addition to having numerical limits. In either case, the SIU's individual permit will dictate the conditions. The conditions are found in Section 9-3-43.4 thru 9-3-46 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.

9.0 EVALUTATION OF LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR IMPLEMENTATION OF PRETREATMENT PROGRAM

An evaluation of the legal authority required by the Control Authority (City of Hot Springs Governing Entity) to enact, implement, operate and enforce a Pretreatment Program was conducted by the Control Authority's attorney. **A letter from the Control Authority's attorney addressing these various aspects is contained in Section A.** This section also includes applicable City ordinances relating to the City's wastewater treatment and sewer collection.

The matters in which the Control Authority Representative or his designee(s) will implement the Pretreatment Program requirements and enforce them are set forth in the industrial pretreatment code ordinances and their amendments.

10.0 SPECIFIC LIMITATIONS FOR DISCHARGE OF PHOHIBITED POLLUTANTS

National Pretreatment Standards for Prohibited Discharges are specified in 40 CFR 403.5. These general standards specify that pollutants discharged into POTW's by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the POTW nor cause Pass Through. These general and specific prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State or local pretreatment requirements. The following are classified as specific prohibitions and may not be introduced into a POTW.

1. Pollutants, which create a fire or explosion, hazard in the POTW, including, but not Limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60EC) using test methods specified in 40 CFR 261.21 and any Pollutants which cause an exceedence of 10% of the lower explosive limit (LEL) at any point in the POTW;

2. Wastewater having a pH less than 6.0 s.u. or more than 11.0 s.u. and/or otherwise cause corrosive structural damage to the POTW and/or equipment;
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interferences with the operation of the POTW;
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, will cause interference with the POTW;
5. Wastewater having a temperature greater than 110 F, or which will inhibit biological activity in the treatment plant resulting in interference at the introduction into the treatment plant to exceed 104 F (40 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 workers health and safety problems; and;
8. Any trucked or hauled pollutants, except at discharge points designated by the Control authority Representative or his Designee(s) in accordance with Section 9-3-44.4 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.
9. Fats, oils, and greases of animal or vegetable origin in concentrations greater than 150 mg/l.

The establishment of specific limits for prohibition may be required of the POTW by the State or EPA and may be incorporated in the NPDES Permit issued to the POTW.

The National Categorical Standards being developed by EPA also specify quantities or concentrations of pollutants, which may be discharged to a POTW by existing or new Industrial Users in specific industrial categories and subcategories. The Control Authority Representative or his Designee(s) will keep updated with all existing newly promulgated standards and information concerning newly issued National Categorical Standards or Revisions to Existing Standards be a review of the Federal Register, review of government regulatory literature, and annual participation in regional and State pretreatment seminars. The Control Authority Representative or his Designee(s) will notify all users subject to existing or newly issued or revised standards.

In accordance with 40 CFR 403.12(b), all existing industries subject to newly promulgated categorical standards will be informed of their responsibility to submit Baseline Monitoring Reports, as well as other monitoring requirements per Section 9-3-47 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances. While the Control Authority Representative or his Designee(s) is responsible for this notification and administrative process, failure of the Control Authority Representative or

his Designee(s) to do so does not remove the industry's responsibility to submit all the proper information at the proper time.

Industries will be notified in writing of any change in State and/or Local limitations that affects the monitoring and permit. Industries will be notified of these changes affecting them.

The Control Authority Representative or his Designee(s) establishes specific limits on pollutants that may interfere with or inhibit the treatment process by limiting the loading of various pollutants at the influent to the POTW.

To protect against pass through and/or interference, no Industrial User may discharge or cause to be discharged into the POTW and wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLS) developed from time to time by the Control Authority Representative of the City of Hot Springs Municipal Utilities as required by the City of Hot Springs NPDES permit No. AR0033880 authorized by 40 CFR 403.15 and approved by the Approval Authority. TBLLs based on calculated Maximum Allowable Industrial Loadings are located in the City Pretreatment Program. At the discretion of the Control Authority Representative, TBLLs may be 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 the Control Authority Representative, mass limitations may be imposed in addition to or in the place of concentration based TBLLs.

The Control Authority Representative may also develop Best Management Practices (BMPs) in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment standards. When new Local Limits are implemented and/or revised, the Control Authority Representative 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.

11.0 ORGANIZATION AND STAFFING

The Control Authority Representative or his Designee(s) will have the day-to-day responsibility of implementation and carrying out the Pretreatment Program.

The Control Authority Representative or his Designee(s) operates its Pretreatment Program by sharing various program tasks among its existing staff. As stated above, the Control Authority Representative or his Designee(s) is responsible for the day-to-day operation of the program and serves as the final reviewer of permit applications. The permits will be issued under the Control Authority Representative or his Designee(s) signature. The Control Authority Representative or his Designee(s) is responsible for establishing the monitoring schedule along with records and filing procedures. The Control Authority Representative or his Designee(s) will also be responsible for review of compliance reports and initiating noncompliance actions against any industry not complying with its particular permit. The final

decision of enforcement is the decision of the Control Authority Representative with the concurrence of the Control Authority. In addition to the current pretreatment staffing, the Control Authority Representative or his Designee(s) may have the management staff of the Wastewater Treatment Plant and Laboratory staff available to assist in the monitoring and implementation program, along with office employees for clerical support.

The Control Authority periodically has agreements with consulting engineer firms and legal counsel to assist in implementing and enforcing the Pretreatment Program. A wastewater laboratory is available as part of the wastewater treatment plant operations.

The responsibilities of the Pretreatment Program are proposed to be distributed as follows:

Control Authority (City of Hot Springs Governing Entity)

1. Set overall goals and objectives.
2. Provide support both financially and legislatively.

Control Authority Representative (City of Hot Springs Governing Entity's Designee)

1. Implement objectives and goals of the Board.
2. Provide appropriate staffing, budget, and administrative support for implementation and operation of the program.
3. Final review and assess enforcement action against industrial users and commercial businesses.

Control Authority Representative or his Designee(s)

1. Day-to-day responsibility of implementing and carrying out the Pretreatment Program.
2. Receive and review discharge permit applications.
3. Develop necessary permit conditions and compliance schedules.
4. Develops and issue discharge permits.
5. Review, develop and maintain permits, monitoring report records and filing procedures.
6. Reporting and documentation of instances of noncompliance.
7. Initiate noncompliance actions against any industry not complying with its particular permit.

8. Provide assistance to the Control Authority Representative on all administrative matters concerning the Pretreatment Program.
9. Provide assistance to the Consulting Engineer Firms and Legal Counsel.
10. Serve as primary contact on all matters requiring technical and legal assistance.
11. Publish yearly public notice in the local newspaper.
12. Keep updated on newly promulgated Federal and State standards and requirements. Identify to whom they apply and notify those industries of the conditions, which are applicable.
13. Assist and maintain all files and records of all permits, monitoring reports, and documentation of instances of noncompliance.

Legal Counsel

1. Provide assistance in the development and adoption of required ordinances and revisions of existing ordinances necessary to implement and maintain the Pretreatment Program.
2. Provide legal consultation with the Control Authority, Control Authority Representative and Control Authority Representative and Designee(s) in the administration of the Pretreatment Program.
3. Represent the Control Authority at show cause hearings. Administer enforcement or legal action as directed by the Control Authority.

12.0 PRETREATMENT MONITORING AND REPORTING

The Control Authority Representative or his Designee(s) defines an SIU as one which must meet the criteria per 40 CFR 403.3 (y) as noted in Section 9-3-42.4 of the Industrial Pretreatment Code 4577, of Article IV, under Title 9, of the City's Code of Ordinances.

Reporting requirements for POTWs and SIUs are described in 40 CFR 403.12 with paragraph (b) of that section discussing reporting requirements for SIUs upon the effective date of an applicable Categorical Pretreatment Standard; paragraph (e) describing periodic reports of continued compliance for Categorical SIUs; paragraph (g) discussing monitoring and analysis requirements to demonstrate compliance; paragraph (h) describing minimum reporting requirements for significant non-categorical industrial users (refer to Appendix j, 40 CFR 403, and Section 9-3-47 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances); and paragraph (p) outlining hazardous waste notification requirements under 40 CFR 261, and RCRA.

Comment [RT1]: Part 403 does not have an "Appendix j".

When sampling for BMR and initial permit applications, the Control Authority Representative or his Designee(s) intends for these guidelines to be used in establishing initial flow measurement, sampling, and analysis requirements in order to identify the volume and the concentration (average and maximum) of various pollutants in the discharges from new industries. Subsequent “spot sampling” of SIUs will determine if the parameters being required to be monitored in their permit actually reflect the parameters known to be present in the IU permit.

After submittal and review of all information from the new industries on their wastewater discharges; specific pollutant limits, pretreatment requirements, and any required compliance schedule will be proposed. The frequency of self-monitoring shall be as specified by the Control Authority Representative or his Designee(s). All other SIUs monitoring frequencies will be determined by the Control Authority Representative or his Designee(s). Necessary requirements will be specified and recorded on the discharge permit to be issued to the industrial user.

A wastewater discharge permit shall include such conditions as deemed reasonably necessary by the Control Authority Representative or his Designee(s) 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. Wastewater discharge permits shall contain:

- (a) A statement that indicates wastewater discharge permit duration, which in no Event shall exceed five (5) years;
- (b) A statement that the wastewater discharge permit is nontransferable without Prior notification to the Control Authority Representative or his Designee(s) In accordance with Section 9-3-46.5 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City’s Code of Ordinances and Provisions for furnishing the new owner or operator with a copy of the existing Wastewater discharge permit;
- (c) Effluent limits, Best Management Practices (BMPs), based on applicable Pretreatment standards;
- (d) 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;
- (e) 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;

- (f) Requirements to control sludge discharge, if determined by the Control Authority Representative or his Designee(s).

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

- (a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- (b) 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 POTW;
- (c) Requirement for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or no-routine discharges;
- (d) Development and implementation of waste minimization plans;
- (e) The unit charge or schedule of user charges and fees;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (g) A statement that compliance with the wastewater discharge permit does not relieve the industrial user 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;
- (h) Requirements for notifying the Control Authority Representative or his Designee(s) of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (i) Other conditions as deemed appropriate by the Control Authority Representative or his Designee(s) to ensure compliance with local, State and Federal laws, rules and regulations.

The Control Authority Representative or his Designee(s) shall be responsible for receiving and reviewing self-monitoring reports from the various industries. Annually, the Control Authority Representative or his Designee(s) shall submit a report to the Arkansas Department of Environmental Quality summarizing monitoring activity from the industrial dischargers required to monitor. The contents of this report are outlined in the Control Authority's NPDES permit. Depending on the industrial discharger, any or all of the following compliance sampling and analysis types will be followed:

- A. Scheduled monitoring (sampling and analysis on a fixed schedule)
- B. Random monitoring (sampling and analysis that is unannounced or performed with short notice.
- C. Demand monitoring (sampling and analysis triggered by an event such as a public complaint or an observed POTW operating problem)

Once a year the Control Authority Representative or his Designee(s) will publish in the local newspaper (The Sentinel Record) the names of SIUs which are significantly noncompliant of their established permit limits, and any other pretreatment standards. Section 9-3-50 of the Industrial Pretreatment Code Ordinance 4577 defines significantly noncompliant as being violations of such consequence to meet the latest 40 CFR 403 criteria.

12.1 Pretreatment Monitoring Equipment

The Control Authority has composite samplers which are used to collect samples from each industry and also to collect periodic composite samples of the influent to the Utilities' Wastewater Treatment Facilities and all permitted industries.

12.2 Industrial User Site Inspections

The Control Authority Representative or his Designee(s) shall retain the right of entry into the I.U.'s premises for the purpose of sampling, inspection, or wastewater records examination. All significant industries shall be inspected annually.

12.3 Procedures for Follow Up of Instances of Noncompliance

Procedures for follow up of instances of noncompliance if detected from self-monitoring reports, random sampling, or POTW monitoring shall be as follows:

A. Noncompliance Detected from Reviewing Self-Monitoring Reports

Should a noncompliance instance be detected from reviewing self-monitoring reports the Control Authority Representative or his Designee(s) shall notify the industry by telephone noting the date, time and parameter (s) resulting in noncompliance. The industry will be required to submit a written response within 30 days noting reason for noncompliance and stating a plan of action to get into compliance and to prevent future violations of noncompliance.

B. Noncompliance Detected from Random Sampling

Should a noncompliance instance be detected from a random sampling and should be the Control Authority Representative or his Designee(s) suspect or have reason to suspect that noncompliance is occurring frequently, the Control Authority Representative or his Designee(s)

shall perform a representative sample collection and analysis of the wastewater discharge from the industry in question. Should the analysis verify that the industry is in noncompliance, the Control Authority Representative or his Designee(s) shall notify the industry in writing of such noncompliance requesting a written response from the industry within 30 days noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violations of noncompliance.

C. Noncompliance Detected from Analysis of POTW Influent

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Control Authority Representative or his Designee(s) shall perform a follow up investigation to determine cause and probable source of pollutant.

The investigation shall include contacting suspected industry or industries, either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industry shall be notified in writing of the results of the investigation requesting written response within a specified time noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violation of noncompliance.

D. Emergency, Quick Response Sampling

Due to the nature of industrial wastes being discharged and the type of waste treatment employed at the City's POTW, a quick response for sampling and investigation for possible acute treatment plant disturbances is not likely to be required. Should it appear an emergency situation exists, however, the Control Authority Representative or his Designee(s) will be able to perform sample collection and analysis of discharges from suspected industry or industries. Should an industry be identified as the cause for treatment plant disturbance, they shall be notified in writing of any violations requesting written response within a specified time noting reason for violations and requesting plan of action to get into compliance and to prevent future violations of noncompliance.

E. Enforcement Procedures – Alternatives

In situations involving emergencies or where the involved industry has failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in Section 9-3-51 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances and as outlined in **the Enforcement Response Plan (Attachment H)**. The options include immediate cutoff of discharge, revocation of permit, administrative procedures, imposition of fines and suits by the utility for injunctive relief and/or damages caused to the system. All such remedies are authorized by the ordinances and can be utilized singly or in combination. These remedies, as appropriate, shall be promptly sought in cases of improper discharge

E1. Enforcement Hierarchy and Steps

Specific steps to be used in enforcement are listed below. These procedures can be used singly or in conjunction with each other in an effort to bring about I.U. compliance. Generally speaking, the steps are listed in the order of increasing severity. It should also be noted that the first item listed may or may not necessarily be the first step due to the severity of the violation. For example, a late self-monitoring report might bring about a (step 1) Notice of Violation. A chemical spill, on the other hand, may force an immediate (step 10) Termination of Service.

1. Telephone Call
2. Notice of Violation
3. 2nd Notice of Violation
4. Review Meeting
5. Increase monitoring frequency and/or parameters
6. Administrative Show Cause Order
7. Administrative Fines
8. Administrative Orders
9. Revocation of Permit
10. Termination of Water and/or Sewer Services
11. Civil Fines
12. Court Injunctions
13. Criminal Prosecution

Comment [RT2]: The old ERP requires a "Show Cause Hearing". The City has not submitted the new ERP; therefore, the reviewer cannot verify if this hierarchy is correct.

It has been the experience of the Control Authority Representative that by far the majority of the violations are rectified upon a telephone call or the issuance of a single Notice of Violation. Refer to the Enforcement Response Plan [in Attachment \(H\)](#) for more detailed enforcement information.

E.2. Enforcement Response Plan

40 CFR 403.8 (f) (5) describes the responsibility of the POTW to develop and set up an Enforcement Response Plan. [This plan is detailed in Attachment \(H\).](#)

12.4 Chain of Custody Provision

The Control Authority Representative or his Designee(s) utilizes the contract laboratory's sample containers. After a sampling tour is complete, the samples are transferred to the contract lab's sample containers. The contract laboratory's chain of custody form is used to relinquish all heavy metal, volatile, semi-volatile organics and priority pollutants of concern. Noncompliance sampling, i.e., sampling performed when the industry is suspected of being in noncompliance, will be done by the Control Authority Representative or his Designee(s). In the case of any in-house wet chemistry, the Control Authority Representative or his Designee(s) shall be trained and qualified in EPA approved methods of sample collection and wet chemistry analysis; shall be responsible for developing any required system of log books or other documents that documents and/or provides a sequential series of in-house chain of custodies from the time of sample collection through laboratory analysis.

12.5 Sampling and Analysis Methods and Procedures

As noted in the Section 9-3-47.10 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, the City's Code of Ordinances, all analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 301 (g) of the Clean Water Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administration, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR, Part 136, does not include a sampling and analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedure approved by ADEQ. (Further details for sample collection are stated in Section 9-3-47.11 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances

12.6 Safety

Whether sampling and monitoring activities are conducted in-house or by contract, appropriate safety equipment (e.g. first aid kits, gas masks, hard hats, ladders, traffic equipment, blowers, etc.) must be provided and maintained by the staff and/of contractor. The implementation of a sampling and monitoring program involving personnel working in and under hazardous conditions (industrial processors, manholes, sewer lines, etc.) must follow proper safety considerations. The Control Authority Representative or his Designee (s) should fully investigate each monitoring point for safety considerations prior to monitoring and sampling at the location.

13.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST

The original Pretreatment Program for, was approved on ~~July 21, 1988~~ **September 30, 1988** and later modified on ~~January 1, 2001~~ **February 25, 2002**. The industrial user survey is an ongoing process. The legal authority review was completed and updated. Sampling and analysis of the treatment plant influent is an ongoing process. Specific limitations have been developed and will be updated from time to time. A method of monitoring and reporting are outlined. The Pretreatment Program is properly staffed and organized. All of the above are necessary in order to gain basic information on the extent of industrial pollutants being discharge to the Control Authority's sewer system and to maintain an appropriate Pretreatment Program. Since the program has already been developed, the only costs still being incurred by the Control Authority are the daily operating costs. The current estimated Pretreatment Program operating cost varies from year to year.

The Control Authority does contract out on some occasion's technical assistance from the Consulting Engineer. The handling of the permit application from the industrial users and program administration will be handled by the Control Authority Representative or his

Designee (s). Legal assistance will be provided by the Control Authority's City attorney and on some occasion, outside legal firm. Sampling is performed by Control Authority Representative or his Designee (s) and analysis of those samples through the Control Authority's in-house and contract laboratories. Monitoring equipment has been purchased and is maintained through the Control Authority's normal purchasing procedures.

The Pretreatment Program continual operating cost is supported by Funding Resolution 3775, which was passed by the Control Authority on October 6, 1997. Those costs associated with technical and legal assistance should vary drastically from year to year depending on industrial and commercial business activities in the community. The cost associated with the Pretreatment Program will be funded from the Utilities' wastewater treatment plant operating budget. Section 9-3-1, of Rates and Charges Ordinance 5274, under Article I of Title 9, of the City's Code of Ordinances, allow the Control Authority to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the Pretreatment Program.

14.0 PRETREATMENT PROGRAM IMPLEMENTATION

As noted previously the major elements in implementing the Pretreatment Program is the development and adoption of a sewer use ordinance following EPA and ADEQ guidelines. An ordinance patterned after the EPA model ordinance has been passed by the Control Authority has been approved by ADEQ. This ordinance outlines the major components of the Pretreatment Program for the Control Authority. (See Section E)

The Control Authority recognizes the fact that Federal regulation are constantly changing to match the needs of the populations and to protect our water source and environment. Since original program approval, new Federal pretreatment regulations in the form of the Pretreatment Implementation Review Task (PIRT) Force recommendations, the Domestic Sewage Study and the Streamlining Regulation, have been brought to the forefront. An attempt has been made to incorporate the pertinent changes outlined in these regulatory revisions into this document.

As the Control Authority Representative or his Designee (s) continues to attend Pretreatment Seminars and review pending regulatory changes, it can be expected that this program will again be revised to meet the changes that come about.

15.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring program and from inspections shall be available to the public or other governmental agency without restriction unless the industry specifically requests and is able to demonstrate to the satisfaction of the Control Authority Representative or his Designee (s) that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industry.

When requested by the person furnishing a report, the portions of a report which might disclose trade secret processes, shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this program, and the National Pollutant Discharge Elimination System (NPDES) Permit; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Control Representative or his Designee (s) as confidential, shall not be transmitted to any governmental agency or to the general public by the Control Authority or his Designee (s) until and unless a ten day notification is given to the industry.

All public information concerning this program will be available for inspection and review during the hours of 0800hrs to 1630hrs at the City of Hot Springs Municipal Utilities WWTP, 320 Davidson Drive, Hot Springs, AR 71901

Henderson, Katie

From: Dennis Brunson <DBrunson@cityhs.net>
Sent: Tuesday, February 07, 2012 11:06 AM
To: Torrence, Rufus
Cc: Richard Penn
Subject: RE: Program Narrative
Attachments: Pretreatment Procedures.doc

Rufus,

The following attachment is ready for the review process. The attorney's statement is still pending with our city attorney. I will do another follow up with our utilities director to see where our attorney is on this. Once the program narrative and the attorney's statement have been satisfied by your office, I will send the official program submittal (program narrative, pretreatment code ordinance & attorney's statement) certified mail.

Thanks,

Dennis R. Brunson

Pretreatment Coordinator
City of Hot Springs Municipal Utilities WWTP
Industrial Pretreatment Division
dbrunson@cityhs.net
(501) 262-1881#15
(501) 262-0339 Fax
www.cityhs.net

Your Time and Energy is life's monetary currency. You have what you spend it on!

DRAFT

TABLE OF CONTENTS

1.0	INTRODUCTION	2
2.0	POTW PRETREATMENT PROGRAM REQUIREMENTS	3
2.1	Technical Information Support	
2.2	Legal Authority	
2.3	Program Implementation	
2.4	Staffing and Organization	
2.5	Funding	
3.0	EXISTING WASTEWATER TREATMENT FACILITIES.....	4
4.0	EXISTING WATER AND SEWER SYSTEM ORGANIZATION	5
5.0	INDUSTRIAL USERS SURVEY	5
6.0	TECHNICAL INFORMATION	6
7.0	SLUDGE CONTROL EVALUATION	6
8.0	BEST MANAGEMENT PRACTICES (BMPs).....	7
9.0	EVALUATION OF LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR.. IMPLEMENTATION OF PRETREATMENT PROGRAM	7
10.0	SPECIFIC LIMITATIONS FOR DISCHARGE OF PROHIBITED POLLUTANTS ..	7
11.0	ORGANIZATION AND STAFFING	9
12.0	PRETREATMENT MONITORING AND REPORTING	11
13.0	PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST	17
14.0	PRETREATMENT PROGRAM IMPLEMENTATION	18
15.0	CONFIDENTIAL INFORMATION	18

1.0 INTRODUCTION

The Federal Water Pollution Act (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 95-217) established responsibilities of Federal, State, and Local governments, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTW's) or which may contaminate sewage sludge.

General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 103) were promulgated by the U.S. Environmental Protection Agency (EPA) on June 26, 1978 and have been amended. The basic objectives of the Pretreatment Program were defined as follows:

1. Prevent the introduction of pollutants into a POTW which will interfere with the treatment operations and the use of disposal of digested sludge.
2. Prevent the introduction of pollutants into a POTW which would pass through untreated and remain in unacceptably high concentrations in the plant effluent.
3. Improve the feasibility of recycling and reclaiming the industrial wastewaters and sludges.
4. Enforce applicable EPA Categorical Standards.
5. Generally, to reduce the health and environmental risk of pollution caused by discharges to POTW's.

The Pretreatment Regulations (40 CFR, Part 403) require any POTW with a total design flow of greater than 5 million gallons per day (MGD) and receiving from Industrial Users pollutants which could pass through or interfere with the operation of the POTW, or are otherwise subject to Categorical Pretreatment Standards, to establish a POTW Pretreatment Program. The Regional Administrator or Director may require a POTW with a design flow of 5 MGD or less to develop a Pretreatment Program if he or she finds that the nature or volume of the industrial effluent causes: treatment plant upsets, violations of POTW effluent limitations, contamination of municipal sludge, or passes through untreated.

The EPA has deemed that the City of Hot Springs develop a Pretreatment Program under the direction of the City of Hot Springs Control Authority Representative. This document outlines various Pretreatment Program requirements and serves as an instrument to develop, implement and carry on an Industrial Pretreatment Program for the City of Hot Springs Utilities.

2.0 POTW PRETREATMENT PROGRAM REQUIREMENTS

The EPA has defined five (5) essential components of any Pretreatment Program. They are:

1. Technical Information Support
2. Legal Authority
3. Program Implementation
4. Staffing and Organization
5. Funding

The following paragraphs provide a summary of the regulatory requirements of each of these five components.

2.1 Technical Information Support

This component of a Pretreatment Program requires a POTW to adequately indentify the pollutants entering its systems from its Industrial Users. This information is normally obtained by conducting an industrial Waste Survey. From the results of the survey, types of pollutants can be indentified and appropriate sampling and analysis can then be conducted in order to quantify and qualify the volume and type of pollutants being discharged into the POTW system. The technical information component provides the necessary background to determine the extent and magnitude of the Pretreatment Program.

2.2 Legal Authority

One of the most significant components of a Pretreatment Program is the provision of adequate legal authority to develop, administer, and enforce the program. At a minimum, the POTW should have the legal authority to perform the following functions:

1. Deny or condition new or increased contributions.
2. Require compliance with applicable Pretreatment Standards.
3. Control industrial discharges to the POTW to insure compliance.
4. Require development of compliance schedules for installation of technology.
5. Require submission of notices and self-monitoring reports.
6. Carry out inspections, surveillance, and monitoring reports.
7. Obtain remedies for noncompliance.
8. Authority to immediately and effectively halt or prevent any discharge.

A required part of any Pretreatment Program is a letter from the utilities' attorney. The attorney's letter specifically refers to the basic statutory authority for the Pretreatment Program, and summarizes a review of the City's Pretreatment Code Ordinance 4577 and the Control Authority Representative or his Designee(s) to implement a Pretreatment Program.

2.3 Program Implementation

The success of a local Pretreatment Program largely depends upon the existence of procedures which are well thought out and easy to follow. The Pretreatment Program should be flexible enough to allow adjustments to day-to-day operating situations. At a minimum, a Pretreatment Program should provide procedures that will enable the Control Authority Representative or his Designee(s) to:

1. Identify and locate industrial users subject to discharge controls.
2. Identify the character and volume of pollutants discharged to the POTW system.
3. Notify industrial users of applicable standards and requirements.
4. Receive and analyze self-monitoring reports and other notices from industrial users subject to National Categorical Standards.
5. Randomly surveillance and inspection to identify noncompliance.
6. Investigate instances of noncompliance.
7. Provide for public participation and publish annually in the largest local newspaper a list of industrial users that were significantly not in compliance with pretreatment standards that year.

2.4 Staffing and Organization

The Control Authority Representative or his Designee(s) must have sufficient qualified personnel to carry out the authorities and procedures required by a Pretreatment Program. The Program includes a description of the POTW organization that will administer the Program, including organization charts.

2.5 Funding

Pretreatment Program regulatory requirements simply specify that the Control Authority Representative or his Designee(s) have sufficient resources to carry out the responsibilities and procedures required in the Program. A description of the POTW's funding levels is part of this document.

3.0 EXISTING WASTEWATER TREATMENT FACILITIES

The City of Hot Springs Utilities currently operates two wastewater treatment facilities. The Central WWTP is 11 MGD return activated sludge and the Southwest WWTP is 1.2 MGD sequencing batch reactor.

The Central Wastewater Treatment Facility consists of bar screening, 3 aerated grit removal chambers, 3 primary sedimentation clarifiers, 3 conventional activated sludge aeration basins, 4 secondary sedimentation clarifiers, 4 mixed media filtration chambers, 2 disinfection basins and de-chlorination. The sludge handling is comprised of 2 gravity thickeners, 2 anaerobic digesters and 1 dewatering belt press. After the sludge is dewatered, it is disposed of at the Central Wastewater Treatment Plant's Composting Facility.

The Southwest Wastewater Treatment Facility consists of bar screening, 2 sequencing batch reactors, 1 aerobic digester, 1 decant chamber, nylon filtration, stair step effluent aeration and aerobic digester and 1 dewatering belt press. After the sludge is dewatered, it is transported and disposed of at the Central Wastewater Treatment Plant's Composting Facility.

4.0 EXISTING WATER AND SEWER SYSTEM ORGANIZATION

The Water and Sewer System for Hot Springs is owned, operated and controlled by the Control Authority (City of Hot Springs Governing Entity) as defined in section 9-3-42.4 of the Industrial Pretreatment Code Ordinance 4577 under Article VI of Title 9.

The Control Authority Representative (as defined in section 9-3-42.4 of the Industrial Pretreatment Code Ordinance 4577 under Article VI of Title 9 of the City's Code of Ordinances) is responsible for all day-to-day administrative and management functions including all operation and maintenance responsibilities. Overall goals and objectives of the utilities are established by the Control Authority with assistance from the Control Authority's attorney and the Control authority Representative. The maintenance of the water distribution and wastewater collection system is performed by the Control Authority Representative's designee (s). Wastewater laboratory analyses are performed in-house at the Wastewater Treatment Plant. All billings are done through the Control Authority's customer service. Both water and sewer fees are billed to residential, commercial and industrial customers based upon monthly water consumption volumes.

5.0 INDUSTRIAL USERS SURVEY

Since the Pretreatment Program's inception, EPA model industrial user surveys are sent out periodical in order to make an evaluation of each industry operations. Industrial user surveys are also sent to smaller industries and commercial businesses in order to make an assessment of their operations. Any new waste stream generating industry that connects to the sewer system is issued an industrial user survey. If warranted, a site visit is conducted.

Since the Pretreatment Program's inception, periodic updates of the vital information from each significant industrial user (SIU) have been received. This list, as updated annually, will be included with the annual POTW Pretreatment Report, as required under 40 CFR 403.12(i).

Prior to allowing any discharge into the POTW by a user outside the City's legal jurisdiction, the utility shall require proof that discharges to be treated will not contain hazardous materials that would be regulated under the Resource Conservation and Recovery Act (RCRA), heavy metals, or toxic organic materials. The Control Authority Representative or his designee (s) shall notify potential users of any applicable requirements under subtitles C and D of RCRA. Currently the only users outside the City's legal jurisdiction are generators of household domestic waste whose wastewater is brought to the POTW via approved waste haulers. Additionally, the City shall be able to subject the potential user to all provisions of the Pretreatment Code.

Since the population of industries is a dynamic, rather than static, factor, a system of periodically updating the industrial user survey is necessary. Updating is accomplished by review of water service installation records, the City's Planning and Development Department, review of new telephone directories, watching the local daily newspaper for articles in regard to industrial activity, and site review of the industrial areas for visual evidence of additions to the industrial population. New industry will be subject to permit application procedures as outlined in the Pretreatment Ordinance, and existing permitted industries' information are updated annually.

The Pretreatment Ordinance shall require any indirect discharger to the POTW to comply with the reporting requirements of Sections 204 (b), 307, and 308 of the Clean Water Act of 1977, including any requirements established under 40 CFR 403.

6.0 TECHNICAL INFORMATION HISTORY

Periodically, the Control Authority must determine the extent to which prohibited pollutants were being discharged to the sewer system. Twenty-four hour composite influent samples are collected at the head of the existing treatment facility and at designated areas of the sewer system that only service household domestic waste. This is conducted in order to determine TBILL (Technically Based Local Limits) for the wastewater treatment facility. The sample results are used as an indication of the quality of wastewater entering the treatment facility.

Influent and effluent samples of each process are taken daily and analyzed for pollutant parameters of concern.

The Control Authority Representative or his designee (s) conducts an annual scan for the priority pollutants in the plant influent, effluent, and sludge. The source(s) of the pollutants will be determined if present in the scans. All sludge will be processed on site and it is analyzed and disposed of in accordance with 40 CFR 503. The sludge is then dewatered and transported to the Central Wastewater Treatment Plant's Compost Facility.

7.0 SLUDGE CONTROL EVALUATION

All Significant Industrial Users (SIUs) are required to be evaluated for the need to implement a Sludge Control Plan. All existing SIUs were evaluated and are continuously evaluated during their annual inspection by the Control Authority or his Designee (s). Any new industry is evaluated immediately upon being designated as an SIU.

SIUs are required to notify the POTW immediately of changes that occurred at the industrial user's facility affecting the potential for a sludge discharge, thereby allow the Control Authority Representative or his Designee to reevaluate the need for a Sludge Control Plan or other actions to prevent such discharges. The conditions are found in Section 9-3-44.3 of the

Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.

8.0 BEST MANAGEMENT PRACTICES (BMPs)

SIUs that are subject to BMP based categorical pretreatment standards will be required in their individual permits to maintain and submit to the Control Authority or his Designee (s) adequate documentation of their compliance with the BMP based standard. Some SIUs will be required to maintain compliance with BMPs in lieu of numerical limits, or may be required to maintain compliance in addition to having numerical limits. In either case, the SIU's individual permit will dictate the conditions. The conditions are found in Section 9-3-43.4 thru 9-3-46 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.

9.0 EVALUTATION OF LEGAL AUTHORITY AND PROPOSED AUTHORITY FOR IMPLEMENTATION OF PRETREATMENT PROGRAM

An evaluation of the legal authority required by the Control Authority (City of Hot Springs Governing Entity) to enact, implement, operate and enforce a Pretreatment Program was conducted by the Control Authority's attorney. A letter from the Control Authority's attorney addressing these various aspects is contained in Section A. This section also includes applicable City ordinances relating to the City's wastewater treatment and sewer collection.

The matters in which the Control Authority Representative or his designee(s) will implement the Pretreatment Program requirements and enforce them are set forth in the industrial pretreatment code ordinances and their amendments.

10.0 SPECIFIC LIMITATIONS FOR DISCHARGE OF PHOHIBITED POLLUTANTS

National Pretreatment Standards for Prohibited Discharges are specified in 40 CFR 403.5. These general standards specify that pollutants discharged into POTW's by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the POTW nor cause Pass Through. These general and specific prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State or local pretreatment requirements. The following are classified as specific prohibitions and may not be introduced into a POTW.

1. Pollutants, which create a fire or explosion, hazard in the POTW, including, but not Limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60EC) using test methods specified in 40 CFR 261.21 and any Pollutants which cause an exceedence of 10% of the lower explosive limit (LEL) at any point in the POTW;
2. Wastewater having a pH less than 6.0 s.u. or more than 11.0 s.u. and/or otherwise cause corrosive structural damage to the POTW and/or equipment;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers, or other interferences with the operation of the POTW;
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration, will cause interference with the POTW;
5. Wastewater having a temperature greater than 110 F, or which will inhibit biological activity in the treatment plant resulting in interference at the introduction into the treatment plant to exceed 104 F (40 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 workers health and safety problems; and;
8. Any trucked or hauled pollutants, except at discharge points designated by the Control authority Representative or his Designee(s) in accordance with Section 9-3-44.4 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances.
9. Fats, oils, and greases of animal or vegetable origin in concentrations greater than 150 mg/l.

The establishment of specific limits for prohibition may be required of the POTW by the State or EPA and may be incorporated in the NPDES Permit issued to the POTW.

The National Categorical Standards being developed by EPA also specify quantities or concentrations of pollutants, which may be discharged to a POTW by existing or new Industrial Users in specific industrial categories and subcategories. The Control Authority Representative or his Designee(s) will keep updated with all existing newly promulgated standards and information concerning newly issued National Categorical Standards or Revisions to Existing Standards be a review of the Federal Register, review of government regulatory literature, and annual participation in regional and State pretreatment seminars. The Control Authority Representative or his Designee(s) will notify all users subject to existing or newly issued or revised standards.

In accordance with 40 CFR 403.12(b), all existing industries subject to newly promulgated categorical standards will be informed of their responsibility to submit Baseline Monitoring Reports, as well as other monitoring requirements per Section 9-3-47 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9 of the City's Code of Ordinances. While the Control Authority Representative or his Designee(s) is responsible for this notification and administrative process, failure of the Control Authority Representative or his Designee(s) to do so does not remove the industry's responsibility to submit all the proper information at the proper time.

Industries will be notified in writing of any change in State and/or Local limitations that affects the monitoring and permit. Industries will be notified of these changes affecting them.

The Control Authority Representative or his Designee(s) establishes specific limits on pollutants that may interfere with or inhibit the treatment process by limiting the loading of various pollutants at the influent to the POTW.

To protect against pass through and/or interference, no Industrial User may discharge or cause to be discharged into the POTW and wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLS) developed from time to time by the Control Authority Representative of the City of Hot Springs Municipal Utilities as required by the City of Hot Springs NPDES permit No. AR0033880 authorized by 40 CFR 403.15 and approved by the Approval Authority. TBLLs based on calculated Maximum Allowable Industrial Loadings are located in the City Pretreatment Program. At the discretion of the Control Authority Representative, TBLLs may be 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 the Control Authority Representative, mass limitations may be imposed in addition to or in the place of concentration based TBLLs.

The Control Authority Representative may also develop Best Management Practices (BMPs) in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment standards. When new Local Limits are implemented and/or revised, the Control Authority Representative 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.

11.0 ORGANIZATION AND STAFFING

The Control Authority Representative or his Designee(s) will have the day-to-day responsibility of implementation and carrying out the Pretreatment Program.

The Control Authority Representative or his Designee(s) operates its Pretreatment Program by sharing various program tasks among its existing staff. As stated above, the Control Authority Representative or his Designee(s) is responsible for the day-to-day operation of the program and serves as the final reviewer of permit applications. The permits will be issued under the Control Authority Representative or his Designee(s) signature. The Control Authority Representative or his Designee(s) is responsible for establishing the monitoring schedule along with records and filing procedures. The Control Authority Representative or his Designee(s) will also be responsible for review of compliance reports and initiating noncompliance actions against any industry not complying with its particular permit. The final decision of enforcement is the decision of the Control Authority Representative with the concurrence of the Control Authority. In addition to the current pretreatment staffing, the

Control Authority Representative or his Designee(s) may have the management staff of the Wastewater Treatment Plant and Laboratory staff available to assist in the monitoring and implementation program, along with office employees for clerical support.

The Control Authority periodically has agreements with consulting engineer firms and legal counsel to assist in implementing and enforcing the Pretreatment Program. A wastewater laboratory is available as part of the wastewater treatment plant operations.

The responsibilities of the Pretreatment Program are proposed to be distributed as follows:

Control Authority (City of Hot Springs Governing Entity)

1. Set overall goals and objectives.
2. Provide support both financially and legislatively.

Control Authority Representative (City of Hot Springs Governing Entity's Designee)

1. Implement objectives and goals of the Board.
2. Provide appropriate staffing, budget, and administrative support for implementation and operation of the program.
3. Final review and assess enforcement action against industrial users and commercial businesses.

Control Authority Representative or his Designee(s)

1. Day-to-day responsibility of implementing and carrying out the Pretreatment Program.
2. Receive and review discharge permit applications.
3. Develop necessary permit conditions and compliance schedules.
4. Develops and issue discharge permits.
5. Review, develop and maintain permits, monitoring report records and filing procedures.
6. Reporting and documentation of instances of noncompliance.
7. Initiate noncompliance actions against any industry not complying with its particular permit.

8. Provide assistance to the Control Authority Representative on all administrative matters concerning the Pretreatment Program.
9. Provide assistance to the Consulting Engineer Firms and Legal Counsel.
10. Serve as primary contact on all matters requiring technical and legal assistance.
11. Publish yearly public notice in the local newspaper.
12. Keep updated on newly promulgated Federal and State standards and requirements. Identify to whom they apply and notify those industries of the conditions, which are applicable.
13. Assist and maintain all files and records of all permits, monitoring reports, and documentation of instances of noncompliance.

Legal Counsel

1. Provide assistance in the development and adoption of required ordinances and revisions of existing ordinances necessary to implement and maintain the Pretreatment Program.
2. Provide legal consultation with the Control Authority, Control Authority Representative and Control Authority Representative and Designee(s) in the administration of the Pretreatment Program.
3. Represent the Control Authority at show cause hearings. Administer enforcement or legal action as directed by the Control Authority.

12.0 PRETREATMENT MONITORING AND REPORTING

The Control Authority Representative or his Designee(s) defines an SIU as one which must meet the criteria per 40 CFR 403.3 (t), as noted in Section 9-3-42.4 of the Industrial Pretreatment Code 4577, of Article IV, under Title 9, of the City's Code of Ordinances.

Reporting requirements for POTWs and SIUs are described in 40 CFR 403.12 with paragraph (b) of that section discussing reporting requirements for SIUs upon the effective date of an applicable Categorical Pretreatment Standard; paragraph (e) describing periodic reports of continued compliance for Categorical SIUs; paragraph (g) discussing monitoring and analysis requirements to demonstrate compliance; paragraph (h) describing minimum reporting requirements for significant non-categorical industrial users (refer to Appendix j, 40 CFR 403, and Section 9-3-47 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances); and paragraph (p) outlining hazardous waste notification requirements under 40 CFR 261, and RCRA.

When sampling for BMR and initial permit applications, the Control Authority Representative or his Designee(s) intends for these guidelines to be used in establishing initial flow measurement, sampling, and analysis requirements in order to identify the volume and the concentration (average and maximum) of various pollutants in the discharges from new industries. Subsequent “spot sampling” of SIUs will determine if the parameters being required to be monitored in their permit actually reflect the parameters known to be present in the IU permit.

After submittal and review of all information from the new industries on their wastewater discharges; specific pollutant limits, pretreatment requirements, and any required compliance schedule will be proposed. The frequency of self-monitoring shall be as specified by the Control Authority Representative or his Designee(s). All other SIUs monitoring frequencies will be determined by the Control Authority Representative or his Designee(s). Necessary requirements will be specified and recorded on the discharge permit to be issued to the industrial user.

A wastewater discharge permit shall include such conditions as deemed reasonably necessary by the Control Authority Representative or his Designee(s) 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. Wastewater discharge permits shall contain:

- (a) A statement that indicates wastewater discharge permit duration, which in no Event shall exceed five (5) years;
- (b) A statement that the wastewater discharge permit is nontransferable without Prior notification to the Control Authority Representative or his Designee(s) In accordance with Section 9-3-46.5 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City’s Code of Ordinances and Provisions for furnishing the new owner or operator with a copy of the existing Wastewater discharge permit;
- (c) Effluent limits, Best Management Practices (BMPs), based on applicable Pretreatment standards;
- (d) 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;
- (e) 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;

- (f) Requirements to control sludge discharge, if determined by the Control Authority Representative or his Designee(s).

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

- (a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- (b) 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 POTW;
- (c) Requirement for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or no-routine discharges;
- (d) Development and implementation of waste minimization plans;
- (e) The unit charge or schedule of user charges and fees;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (g) A statement that compliance with the wastewater discharge permit does not relieve the industrial user 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;
- (h) Requirements for notifying the Control Authority Representative or his Designee(s) of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (i) Other conditions as deemed appropriate by the Control Authority Representative or his Designee(s) to ensure compliance with local, State and Federal laws, rules and regulations.

The Control Authority Representative or his Designee(s) shall be responsible for receiving and reviewing self-monitoring reports from the various industries. Annually, the Control Authority Representative or his Designee(s) shall submit a report to the Arkansas Department of Environmental Quality summarizing monitoring activity from the industrial dischargers required to monitor. The contents of this report are outlined in the Control Authority's NPDES permit. Depending on the industrial discharger, any or all of the following compliance sampling and analysis types will be followed:

- A. Scheduled monitoring (sampling and analysis on a fixed schedule)
- B. Random monitoring (sampling and analysis that is unannounced or performed with short notice.
- C. Demand monitoring (sampling and analysis triggered by an event such as a public complaint or an observed POTW operating problem)

Once a year the Control Authority Representative or his Designee(s) will publish in the local newspaper (The Sentinel Record) the names of SIUs which are significantly noncompliant of their established permit limits, and any other pretreatment standards. Section 9-3-50 of the Industrial Pretreatment Code Ordinance 4577 defines significantly noncompliant as being violations of such consequence to meet the latest 40 CFR 403 criteria.

12.1 Pretreatment Monitoring Equipment

The Control Authority has composite samplers which are used to collect samples from each industry and also to collect periodic composite samples of the influent to the Utilities' Wastewater Treatment Facilities and all permitted industries.

12.2 Industrial User Site Inspections

The Control Authority Representative or his Designee(s) shall retain the right of entry into the I.U.'s premises for the purpose of sampling, inspection, or wastewater records examination. All significant industries shall be inspected annually.

12.3 Procedures for Follow Up of Instances of Noncompliance

Procedures for follow up of instances of noncompliance if detected from self-monitoring reports, random sampling, or POTW monitoring shall be as follows:

A. Noncompliance Detected from Reviewing Self-Monitoring Reports

Should a noncompliance instance be detected from reviewing self-monitoring reports the Control Authority Representative or his Designee(s) shall notify the industry by telephone noting the date, time and parameter (s) resulting in noncompliance. The industry will be required to submit a written response within 30 days noting reason for noncompliance and stating a plan of action to get into compliance and to prevent future violations of noncompliance.

B. Noncompliance Detected from Random Sampling

Should a noncompliance instance be detected from a random sampling and should be Control Authority Representative or his Designee(s) suspect or have reason to suspect that noncompliance is occurring frequently the Control Authority Representative or his Designee(s)

shall perform a representative sample collection and analysis of the wastewater discharge from the industry in question. Should the analysis verify that the industry is in noncompliance, the Control Authority Representative or his Designee(s) shall notify the industry in writing of such noncompliance requesting a written response from the industry within 30 days noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violations of noncompliance.

C. Noncompliance Detected from Analysis of POTW Influent

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Control Authority Representative or his Designee(s) shall perform a follow up investigation to determine cause and probable source of pollutant.

The investigation shall include contacting suspected industry or industries, either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industry shall be notified in writing of the results of the investigation requesting written response within a specified time noting reason for noncompliance and stating plan of action to get into compliance and to prevent future violation of noncompliance.

D. Emergency, Quick Response Sampling

Due to the nature of industrial wastes being discharged and the type of waste treatment employed at the City's POTW, a quick response for sampling and investigation for possible acute treatment plant disturbances is not likely to be required. should it appear an emergency situation exists, however, the Control Authority Representative or his Designee(s) will be able to perform sample collection and analysis of discharges from suspected industry or industries. Should an industry be identified as the cause for treatment plant disturbance, they shall be notified in writing of any violations requesting written response within a specified time noting reason for violations and requesting plan of action to get into compliance and to prevent future violations of noncompliance.

E. Enforcement Procedures – Alternatives

In situations involving emergencies or where the involved industry has failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in Section 9-3-51 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances and as outlined in the Enforcement Response Plan (Attachment H). The options include immediate cutoff of discharge, revocation of permit, administrative procedures, imposition of fines and suits by the utility for injunctive relief and/or damages caused to the system. All such remedies are authorized by the ordinances and can be utilized singly or in combination. These remedies, as appropriate, shall be promptly sought in cases of improper discharge

E1. Enforcement Hierarchy and Steps

Specific steps to be used in enforcement are listed below. These procedures can be used singly or in conjunction with each other in an effort to bring about I.U. compliance. Generally speaking, the steps are listed in the order of increasing severity. It should also be noted that the first item listed may or may not necessarily be the first step due to the severity of the violation. For example, a late self-monitoring report might bring about a (step 1) Notice of Violation. A chemical spill, on the other hand, may force an immediate (step 10) Termination of Service.

1. Telephone Call
2. Notice of Violation
3. 2nd Notice of Violation
4. Review Meeting
5. Increase monitoring frequency and/or parameters
6. Administrative Show Cause Order
7. Administrative Fines
8. Administrative Orders
9. Revocation of Permit
10. Termination of Water and/or Sewer Services
11. Civil Fines
12. Court Injunctions
13. Criminal Prosecution

It has been the experience of the Control Authority Representative that by far the majority of the violations are rectified upon a telephone call or the issuance of a single Notice of Violation. Refer to the Enforcement Response Plan in Attachment (H) for more detailed enforcement information.

E.2. Enforcement Response Plan

40 CFR 403.8 (f) (5) describes the responsibility of the POTW to develop and set up an Enforcement Response Plan. This plan is detailed in Attachment (H),

12.4 Chain of Custody Provision

The Control Authority Representative or his Designee(s) utilizes the contract laboratory's sample containers. After a sampling tour is complete, the samples are transferred to the contract lab's sample containers. The contract laboratory's chain of custody form is used to relinquish all heavy metal, volatile, semi-volatile organics and priority pollutants of concern. Noncompliance sampling, i.e., sampling performed when the industry is suspected of being in noncompliance, will be done by the Control Authority Representative or his Designee(s). In the case of any in-house wet chemistry, the Control Authority Representative or his Designee(s) shall be trained and qualified in EPA approved methods of sample collection and wet chemistry analysis; shall be responsible for developing any required system of log books or other documents that documents and/or provides a sequential series of in-house chain of custodies from the time of sample collection through laboratory analysis.

12.5 Sampling and Analysis Methods and Procedures

As noted in the Section 9-3-47.10 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, the City's Code of Ordinances, all analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 301 (g) of the Clean Water Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administration, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR, Part 136, does not include a sampling and analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedure approved by ADEQ. (Further details for sample collection are stated in Section 9-3-47.11 of the Industrial Pretreatment Code Ordinance 4577, of Article IV, under Title 9, of the City's Code of Ordinances

12.6 Safety

Whether sampling and monitoring activities are conducted in-house or by contract, appropriate safety equipment (e.g. first aid kits, gas masks, hard hats, ladders, traffic equipment, blowers, etc.) must be provided and maintained by the staff and/of contractor. The implementation of a sampling and monitoring program involving personnel working in and under hazardous conditions (industrial processors, manholes, sewer lines, etc.) must follow proper safety considerations. The Control Authority Representative or his Designee (s) should fully investigate each monitoring point for safety considerations prior to monitoring and sampling at the location.

13.0 PRETREATMENT PROGRAM DEVELOPMENT AND OPERATING COST

The original Pretreatment Program for, was approved on July 21, 1988 and later modified on January 1, 2001. The industrial user survey is an ongoing process. The legal authority review was completed and updated. Sampling and analysis of the treatment plant influent is an ongoing process. Specific limitations have been developed and will be updated from time to time. A method of monitoring and reporting are outlined. The Pretreatment Program is properly staffed and organized. All of the above are necessary in order to gain basic information on the extent of industrial pollutants being discharge to the Control Authority's sewer system and to maintain an appropriate Pretreatment Program. Since the program has already been developed, the only costs still being incurred by the Control Authority are the daily operating costs. The current estimated Pretreatment Program operating cost varies from year to year.

The Control Authority does contract out on some occasion's technical assistance from the Consulting Engineer. The handling of the permit application from the industrial users and program administration will be handled by the Control Authority Representative or his

Designee (s). Legal assistance will be provided by the Control Authority's City attorney and on some occasion, outside legal firm. Sampling is performed by Control Authority Representative or his Designee (s) and analysis of those samples through the Control Authority's in-house and contract laboratories. Monitoring equipment has been purchased and is maintained through the Control Authority's normal purchasing procedures.

The Pretreatment Program continual operating cost is supported by Funding Resolution 3775, which was passed by the Control Authority on October 6, 1997. Those costs associated with technical and legal assistance should vary drastically from year to year depending on industrial and commercial business activities in the community. The cost associated with the Pretreatment Program will be funded from the Utilities' wastewater treatment plant operating budget. Section 9-3-1, of Rates and Charges Ordinance 5274, under Article I of Title 9, of the City's Code of Ordinances, allow the Control Authority to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the Pretreatment Program.

14.0 PRETREATMENT PROGRAM IMPLEMENTATION

As noted previously the major elements in implementing the Pretreatment Program is the development and adoption of a sewer use ordinance following EPA and ADEQ guidelines. An ordinance patterned after the EPA model ordinance has been passed by the Control Authority has been approved by ADEQ. This ordinance outlines the major components of the Pretreatment Program for the Control Authority. (See Section E)

The Control Authority recognizes the fact that Federal regulation are constantly changing to match the needs of the populations and to protect our water source and environment. Since original program approval, new Federal pretreatment regulations in the form of the Pretreatment Implementation Review Task (PIRT) Force recommendations, the Domestic Sewage Study and the Streamlining Regulation, have been brought to the forefront. An attempt has been made to incorporate the pertinent changes outlined in these regulatory revisions into this document.

As the Control Authority Representative or his Designee (s) continues to attend Pretreatment Seminars and review pending regulatory changes, it can be expected that this program will again be revised to meet the changes that come about.

15.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring program and from inspections shall be available to the public or other governmental agency without restriction unless the industry specifically requests and is able to demonstrate to the satisfaction of the Control Authority Representative or his Designee (s) that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industry.

When requested by the person furnishing a report, the portions of a report which might disclose trade secret processes, shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this program, and the National Pollutant Discharge Elimination System (NPDES) Permit; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Control Representative or his Designee (s) as confidential, shall not be transmitted to any governmental agency or to the general public by the Control Authority or his Designee (s) until and unless a ten day notification is given to the industry.

All public information concerning this program will be available for inspection and review during the hours of 0800hrs to 1630hrs at the City of Hot Springs Municipal Utilities WWTP, 320 Davidson Drive, Hot Springs, AR 71901