

# ADEQ

ARKANSAS  
Department of Environmental Quality

December 19, 2008

NPDES PERMIT FILE  
NPDES # AR0041335  
AFIN # 60-00543  
Permit PN  
 Correspondence  
 Technical Backup  
12/23/08 NL Date Scanned

Jon Boyles, Pretreatment Coordinator  
Jacksonville Wastewater Utility  
248 Cloverdale Road  
Jacksonville, AR 72078

Re: City of Jacksonville (AR0041335 AFIN 60-00543) Draft Ordinance

Dear Mr. Boyles:

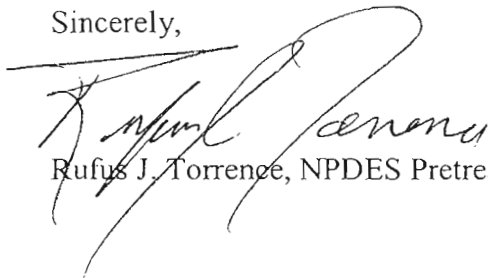
In reference to Jacksonville Wastewater Utility letter dated September 10, 2008 I have reviewed the enclosed draft ordinance and I have indicated some changes. The required changes are shown in red and the recommended changes are shown in green. In either case, I welcome any concerns which you or members of the City staff may have. The City is encouraged to make suggestions on improving my changes.

I have also enclosed the checklist used to ensure that all the required "Streamlining" updates were included in the draft. The checklist also indicates other required and recommended language.

I look forward to working with you and your staff on these "Streamlining" changes.

I can be reached at 501-682-0626 or [torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us).

Sincerely,



Rufus J. Torrence, NPDES Pretreatment Engineer

Encl: Draft Ordinance  
Checklist

## ADEQ CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: Jacksonville Wastewater Utility  
 DATE OF REVIEW: December 2008

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

|  | NONE = No Provision necessary | REQ = Required Provision | REC = Recommended Provision | X | X | Required Streamlining Rule Change | Part 403 Citation | Model SUO Section | PROVISIONS |     |     | POTW Ordinance Section | Comments / Notes |            |
|--|-------------------------------|--------------------------|-----------------------------|---|---|-----------------------------------|-------------------|-------------------|------------|-----|-----|------------------------|------------------|------------|
|  |                               |                          |                             |   |   |                                   |                   |                   | NONE       | REQ | REC |                        |                  |            |
| <b>A. Definitions [403.3 &amp; 403.8(f)(2)]</b>  |                               |                          |                             |   |   |                                   |                   |                   |            |     |     |                        |                  |            |
| 1. Act, Clean Water Act  |                               |                          |                             |   |   |                                   | 403.3(b)          | \$ 1.4 A          |            |     |     |                        | \$13.24.03(1)    |            |
| 2. Authorized or Duly Authorized Representative of the User  |                               |                          |                             |   |   |                                   | 403.12(i)         | \$ 1.4 C          |            |     | X   |                        | \$13.24.03(4)    |            |
| 3. Best Management Practices or BMPs   |                               |                          |                             |   |   |                                   | 403.3(e)          | \$ 1.4 E          |            |     | X*  |                        | Missing          |            |
| 4. Categorical Pretreatment Standard or Categorical Standard   |                               |                          |                             |   |   |                                   |                   | \$ 1.4 F          |            |     | X   |                        | \$13.24.03(10)   |            |
| 5. Indirect Discharge or Discharge   |                               |                          |                             |   |   |                                   | 403.3(i)          | \$ 1.4 M          |            |     | X   |                        | \$13.24.03(23)   |            |
| 6. Industrial User (or equivalent)   |                               |                          |                             |   |   |                                   | 403.3(j)          | \$ 1.4 LL         |            |     | X   |                        | \$13.24.03(24)   |            |
| 7. Interference  |                               |                          |                             |   |   |                                   | 403.3(k)          | \$ 1.4 O          |            |     | X   |                        | \$13.24.03(25)   |            |
| 8. National Pretreatment Standard, Pretreatment Standard or Standard   |                               |                          |                             |   |   |                                   | 403.3(l)          | \$ 1.4 BB         |            |     | X   |                        | \$13.24.03(38)   |            |
| 9. New Source  |                               |                          |                             |   |   |                                   | 403.3(m)          | \$ 1.4 T          |            |     | X   |                        | \$13.24.03(28)   |            |
| 10. Pass Through   |                               |                          |                             |   |   |                                   | 403.3(p)          | \$ 1.4 V          |            |     | X   |                        | \$13.24.03(32)   |            |
| 11. Pretreatment Requirement   |                               |                          |                             |   |   |                                   | 403.3(t)          | \$ 1.4 AA         |            |     | X   |                        | \$13.24.03(38)   |            |
| 12. Publicly Owned Treatment Works or POTW   |                               |                          |                             |   |   |                                   | 403.3(q)          | \$ 1.4 DD         |            |     | X   |                        | \$13.24.03(40)   |            |
| 13. Significant Industrial User<br><i>[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]</i> |                               |                          |                             |   |   |                                   | 403.3(v)          | \$ 1.4 GG         |            |     | X   |                        | \$13.24.03(45)   |            |
| 14. Significant Noncompliance  |                               |                          |                             |   |   |                                   | 403.8(f)(2)(vii)  | \$ 9 (A-C)        |            |     | X   | X                      | \$13.24.29(4)    | May Change |
| 14. Significant Noncompliance  |                               |                          |                             |   |   |                                   | 403.8(f)(2)(vii)  | \$ 9 (D-H)        |            |     |     | X                      | \$13.24.29(4)    | May Change |

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



ONE = No Provision necessary REQ = Required Provision REC = Recommended Provision X X = Required Streamlining Rule Change

|  | Part 403 Citation | Model SUO Section | PROVISIONS |     | POTW Ordinance Section | Comments / Notes |
|--|-------------------|-------------------|------------|-----|------------------------|------------------|
|  |                   |                   | NONE       | REQ |                        |                  |
| i. National Categorical Standards  | 403.8(f)(1)(ii)   | § 2.2             |            | X   | \$13.24.10             |                  |
| i. Local Limits Development<br><i>[NOTE: POTW's may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i> | 403.5(c) & (d)    | § 2.4             |            | X   | \$13.24.12             | BMPs included    |
| . Prohibition Against Dilution as Treatment  | 403.6(d)          | § 2.6             |            | X   | \$13.24.14             |                  |
| . Best Management Practices Development<br><i>[NOTE: Optional streamlining provision.]</i>   | 403.5(c)(4)       | § 2.4C            |            |     | X                      | \$13.24.12       |
| <b>Control Discharges to POTW System</b>   |                   |                   |            |     |                        |                  |
| . Deny/Condition New or Increased Contributions  | 403.8(f)(1)(i)    | §§ 4.8 & 5.2      |            | X   | \$13.24.19             |                  |
| . Individual Control Mechanism (e.g., permit) to ensure compliance<br>- <i>Permit Content</i>  | 403.8(f)(1)(iii)  | § 4.2             |            | X   | \$13.24.19(1)          |                  |
| a. Statement of Duration   | 403.8(f)(1)(B)(1) | §§ 5.1 & 5.2A(1)  |            | X   | \$13.24.19(6)          |                  |
| b. Statement of Nontransferability   | 403.8(f)(1)(B)(2) | §5.2A(2)          |            | X   | \$13.24.19(8)          |                  |
| c. Effluent Limits   | 403.8(f)(1)(B)(3) | § 5.2A(3)         |            | X   | \$13.24.19(5)(b)       |                  |

|   | INE = No Provision necessary | REQ = Required Provision                 | REC = Recommended Provision    | PROVISIONS |     | POTW Ordinance Section | Comments / Notes                                      |
|---|------------------------------|--|--------------------------------|------------|-----|------------------------|---|
|   |                              |  |                                | NONE       | REQ |                        |   |
| d. Best Management Practices<br><i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]</i> |                              | 403.8(f)(1)(B)<br>(3)                    | Model SUO Section<br>§ 5.2A(3) |            | X X | \$13.24.12             | See last paragraph in this section for BMP provision. |
| e. Self-Monitoring Requirements   |                              | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                      |            | X   | \$13.24.19(5)(e)       |   |
| f. Reporting & Notification Requirements  |                              | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                      |            | X   | \$13.24.19(5)(i)       |   |
| g. Recordkeeping Requirements   |                              | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                      |            | X   | \$13.24.19(5)(h)       |   |
| h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present<br><i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B o the Model SUO.]</i>  |                              | 403.8(f)(1)(B)<br>(4) & 403.12(e)<br>(2) | § 5.2A(5)                      | X          |     | *****                  | The City has elected to omit this provision.          |
| i. Statement of Applicable Civil and Criminal Penalties   |                              | 403.8(f)(1)(B)<br>(5)                    | § 5.2A(6)                      |            | X   | \$13.24.19(o)          | ██████████  |
| j. Slug Discharge Requirements (if necessary)<br><i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>   |                              | 403.8(f)(1)(B)<br>(6)                    | § 5.2A(7)                      |            | XX  | \$13.24.19(p)          | ██████████  |

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|  | Part 403 Citation   | Model SUO Section | PROVISIONS |     |     | POTW Ordinance Section   | Comments / Notes  |
|--|---------------------|-------------------|------------|-----|-----|--------------------------|---|
|  |                     |                   | NONE       | REQ | REC |                          |   |
| k. Specific waived pollutant<br><i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>  | 403.8(f)(1)(B)(4)   | § 6.4B            | X          |     |     | *****                    | The City has elected to omit this provision.                |
| l. Permit Application/Reapplication Requirements<br><i>[Note: Optional permit provision]</i>   |                     | §§ 5.3 & 5.7      |            |     | X   | \$13.24.19(4), (6) & (9) |   |
| m. Permit Modification<br><i>[Note: Optional permit provision]</i>   |                     | § 5.4             |            |     | X   | \$13.24.19(7)            |   |
| n. Permit Revocation/Termination<br><i>[Note: Optional permit provision]</i>   |                     | §§ 5.6 & 10.8     |            |     | X   | \$13.24.29(2)            |   |
| o. Proper Operation and Maintenance<br><i>[Note: Optional permit provision]</i>  |                     | § 3.1             |            |     | X   | \$13.24.22               |   |
| p. Duty of Halt/Reduce<br><i>[Note: Optional permit provision]</i>   |                     | § 10.7            |            |     | X   | \$13.24.29(1)            |   |
| q. Requirement to submit Chain-of-Custody forms with monitoring data<br><i>[Note: Optional permit provision]</i>   |                     |                   |            | X   |     | *****                    | May Omit.   |
| General Control Mechanism to ensure compliance<br><i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i><br>- <i>Permit Content</i> | 403.8(f)(1)(iii)(A) | § 4.2 & 4.6       |            | X   | X   | \$13.24.12               | The City may include the term "General Permit" in §13.24.19 |
| a. Statement of Duration   | 403.8(f)(1)(B)(1)   | §§ 5.1 & 5.2A(1)  |            |     | X   | \$13.24.19(6)            |   |
| b. Statement of Nontransferability   | 403.8(f)(1)(B)(2)   | § 5.2A(2)         |            |     | X   | \$13.24.19(8)            |   |

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|---|-------------------------------|--|-----------------------------|------------|-----|-----|------------------------|------------------|
|   |                               |  |                             | NONE       | REQ | REC |                        |                  |
| c. Effluent Limits  |                               | 403.8(f)(1)(B)<br>(3)                    | Model SUO Section § 5.2A(3) |            |     | X   | \$13.24.19(5)(b)       |                  |
| d. Best Management Practices<br><i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 24C).]</i> |                               | 403.8(f)(1)(B)<br>(3)                    | Model SUO Section § 5.2A(3) |            | XX* | X   | \$13.24.12             |                  |
| e. Self-Monitoring Requirements   |                               | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                   |            |     | X   | \$13.24.19(5)(e)       |                  |
| f. Reporting & Notification Requirements  |                               | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                   |            |     | X   | \$13.24.19(5)(i)       |                  |
| g. Recordkeeping Requirements   |                               | 403.8(f)(1)(B)<br>(4)                    | § 5.2A(4)                   |            |     | X   | \$13.24.19(5)(h)       |                  |
| h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present<br><i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>   |                               | 403.8(f)(1)(B)<br>(4) & 403.12(e)<br>(2) | § 5.2A(5)                   |            |     | X   | *****                  | May Omit         |
| i. Statement of Applicable Civil and Criminal Penalties   |                               | 403.8(f)(1)(B)<br>(5)                    | § 5.2A(6)                   |            |     | X   | \$13.24.19(o)          |                  |

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

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|---|-----------------------------|--------------------------|-----------------------------|------------|-----|------------------------|--------------------------|-----------|
|   |                             |                          |                             | NONE       | REQ |                        |                          |           |
| j. Slug Discharge Requirements (if necessary)<br><i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i> |                             | 403.8(f)(1)(B)(6)        | § 5.2A(7)                   |            |     | X                      | \$13.24.19(p)            |           |
| k. Permit Application/Reapplication Requirements<br><i>[Note: Optional permit provision]</i>  |                             |                          | §§ 5.3 & 5.7                |            |     | X                      | \$13.24.19(4), (6) & (9) |           |
| l. Permit Modification<br><i>[Note: Optional permit provision]</i>  |                             |                          | § 5.4                       |            |     | X                      | \$13.24.19(7)            |           |
| m. Permit Revocation/Termination<br><i>[Note: Optional permit provision]</i>  |                             |                          | §§ 5.6 & 10.8               |            |     | X                      | \$13.24.29(2)            |           |
| n. Proper Operation and Maintenance<br><i>[Note: Optional permit provision]</i>   |                             |                          | § 3.1                       |            |     | X                      | \$13.24.22               |           |
| o. Duty of Halt/Reduce<br><i>[Note: Optional permit provision]</i>  |                             |                          | § 10.7                      |            |     | X                      | \$13.24.29(1)            |           |
| p. Requirement to submit Chain-of-Custody forms with monitoring data<br><i>[Note: Optional permit provision]</i>  |                             |                          |                             |            |     | X                      | *****                    | May Omit. |
| <b>Required Reports</b>   |                             |                          |                             |            |     |                        |                          |           |
| Develop compliance schedule for installation of technology  |                             | 403.8(f)(1)(iv)          | §§ 5.2b(2) & 10.4           |            |     | X                      | \$13.24.19(5)(f)         |           |



| Reporting Requirements [403.12]<br><i>Types of Reports</i>                           | Part 403<br>Citation | Model<br>SUO<br>Section      | PROVISIONS |     |     | POTW<br>Ordinance<br>Section | Comments /<br>Notes |
|--|----------------------|------------------------------|------------|-----|-----|------------------------------|---------------------|
|  |                      |                              | NONE       | REQ | REC |                              |                     |
| a. Baseline monitoring report  | 403.12(b)            | § 6.1                        |            | X   |     | \$13.24.19(5)(g)             |                     |
| (i) Identifying Information  | 403.12(b)(1)         | § 6.1B(1)<br>& §<br>4.5A(1)a |            | X   |     | \$13.24.19(5)(g)             |                     |
| (ii) Other Environmental Permits Held  | 403.12(b)(2)         | §§ 6.1B(1)<br>& 4.5A(2)      |            | X   |     | \$13.24.19(5)(g)             |                     |
| (iii) Description of operations  | 403.12(b)(3)         | §§ 6.1B(1)<br>&<br>4.5A(3)a  |            | X   |     | \$13.24.19(5)(g)             |                     |
| (iv) Flow measurements   | 403.12(b)(4)         | §§<br>6.1(b)(2)<br>& 4.5A(6) |            | X   |     | \$13.24.19(5)(g)             |                     |
| (v) Measurement of pollutants  | 403.12(b)(5)         | § 6.1B(2)                    |            | X   |     | \$13.24.19(5)(g)             |                     |
| (vi) Certification   | 403.12(b)(6)         | § 6.1B(3)                    |            | X   |     | \$13.24.19(5)(g)             |                     |
| (vii) Compliance schedule  | 403.12(b)(7)         | § 6.1B(4)                    |            | X   |     | \$13.24.19(5)(g)             |                     |
| b. Compliance schedule progress report   | 403.12(c)            | § 6.2                        |            | X   |     | \$13.24.19(5)(g)             |                     |
| c. Report on compliance with categorical<br>Pretreatment Standard deadline           | 403.12(d)            | § 6.3                        |            | X   |     | \$13.24.19(5)(g)             |                     |
| d. Periodic reports on continued compliance  |                      |                              |            |     |     |                              |                     |
| - From categorical users   | 403.12(e)            | § 6.4A                       |            | XX  |     | \$13.24.19(5)(g)             |                     |
| - From significant non-categorical users   | 403.12(h)            | § 6.4A                       |            | XX  |     | \$13.24.19(5)(g)             |                     |
| e. Notice of potential problems to be reported<br>immediately (including slug loads) | 403.12(f)            | § 6.6                        |            | X   |     | \$13.24.16                   |                     |

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|--|-----------------------------|-----------------------------|-----------------------------|------------|-----|-----|------------------------|------------------|
|  |                             |                             |                             | NONE       | REQ | REC |                        |                  |
| f. Notification of changes affecting potential for a slug discharge<br><i>[NOTE: Required streamlining revision]</i>   |                             | 403.8(f)(2)(vi)             | § § 6.5 & 6.6               |            | XX  |     | \$13.24.16(e)          |                  |
| g. Notice of violation/sampling requirement<br><i>[NOTE: Required streamlining revision,]</i>  |                             | 403.12(g)(2)                | § 6.8                       |            | XX  |     | \$13.24.21(3)          |                  |
| h. Requirement to conduct representative sampling  |                             | 403.12(g)(3)                | § 6.4E                      |            | X   |     | \$13.24.21(3)          |                  |
| i. Notification of changed discharge   |                             | 403.12(i)                   | § 6.5                       |            | X   |     | \$13.24.21(4)          |                  |
| j. Notification of discharge of hazardous waste  |                             | 403.12(p)                   | § 6.9                       |            | X   |     | \$13.24.25             |                  |
| <b>Other Reporting Requirements</b>  |                             |                             |                             |            |     |     |                        |                  |
| k. Data accuracy certification & authorized signatory  |                             | 403.6(a)(2)(ii) & 403.12(l) | §§ 6.4D & 6.14              |            | X   |     | \$13.24.19(5)(g)       |                  |
| l. Recordkeeping Requirement (3 years or longer)   |                             | 403.12(o)                   | § 6.13                      |            | X   |     | \$13.24.19(5)(h)       |                  |
| - Including documentation associated with Best Management Practices<br><i>[NOTE: Required streamlining provision.]</i>   |                             | 403.12(o)                   | § 6.13                      |            | XX  |     | \$13.24.19(5)(h)       |                  |
| m. Submission of all monitoring data<br><i>[NOTE: Required streamlining revision]</i>  |                             | 403.12(g)(6)                | § 6.4F                      |            | X   |     | \$13.24.19(5)(e)       |                  |
| n. Annual certification by Non-significant categorical Industrial Users<br><i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i> |                             | 403.3(v)(2)                 | §§ 4.7C & 6.14B             |            |     | X   | *****                  | May Omit.        |

|   | Part 403 Citation                                       | Model SUO Section | PROVISIONS |     |     | POTW Ordinance Section              | Comments / Notes |
|---|---|-------------------|------------|-----|-----|-------------------------------------|------------------|
|   |   |                   | NONE       | REQ | REC |                                     |                  |
| o. Certification of pollutant not present<br><i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i> | 403.12(e)(2)(v)   | § 6.14C           |            |     | X   | *****                               | May Omit.        |
| <b>Test Procedures [40 CFR Part 136 &amp; 403.12(g)]</b>  |   |                   |            |     |     |                                     |                  |
| Analytical procedures (40 CFR Part 136)   | 403.12(g)   | § 6.10            |            | X   |     | \$13.24.21(1)                       |                  |
| Sample collection procedures<br><i>[NOTE: Required streamlining provisions]</i>   | 403.12(g)(3) & (4)                                      | § 6.11 A&C        |            | XX  |     | \$13.24.21(3)                       |                  |
| <b>Inspection and Monitoring Procedures [403.8(f)]</b>  |   |                   |            |     |     |                                     |                  |
| Right to enter all parts of the facility at reasonable times  | 403.8(f)(1)(v)  | § 7.1             |            | X   |     | \$13.24.21(2)<br>\$13.24.26(1)      |                  |
| Right to inspect generally for compliance   | 403.8(f)(1)(v)  | § 7.1             |            | X   |     | \$13.24.21(2)<br>\$13.24.26(1)      |                  |
| Right to take independent samples   | 403.8(f)(1)(v),<br>403.8(f)(2)(v) &<br>403.8(f)(2)(vii) | § 7.1             |            | X   |     | \$13.24.21(2)<br>\$13.24.26(1)      |                  |
| Right to require installation of monitoring Equipment   | 403.8(f)(1)(iv)   | § 7.1             |            | X   |     | \$13.24.21(1)                       |                  |
| Right to inspect and copy records   | 403.12(o)(2)  | § 7.1             |            | X   |     | \$13.24.19(5)(h)<br>& \$13.24.21(2) |                  |
| <b>Remedies for Non-compliance enforcement) [403.8(f)(1)(vi)]</b>   |   |                   |            |     |     |                                     |                  |
| Non-emergency response  |   |                   |            |     |     |                                     |                  |
| a. Injunctive relief  | 403.8(f)(1)(vi)   | § 11.1            |            | X   |     | \$13.24.30(5)                       |                  |
| b. Civil/Criminal penalties   | 403.8(f)(1)(vi)   | §§ 11.2 & 11.3    |            | X   |     | \$13.24.30(1) (2)<br>&(3)           |                  |

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|---|-----------------------------|--------------------------|-----------------------------|------------|-----|-----|------------------------|------------------|
|   |                             |                          |                             | NONE       | REQ | REC |                        |                  |
| Emergency response  |                             |                          |                             |            |     |     |                        |                  |
| a. Immediately halt actual/threatened discharged  |                             | 403.8(f)(1)(vi)(B)       | § 10.7                      |            | X   |     | \$13.24.29(1)          |                  |
| Legal authority to enforce Enforcement response Plan  |                             | 403.8(f)(1)(vi)          | § 11.4                      |            | X   |     | \$13.24.30(6)          |                  |
| <b>Public Participation</b>   |                             |                          |                             |            |     |     |                        |                  |
| Publish list of Industrial Users in Significant Noncompliance   |                             | 403.8(f)(2)(viii)        | § 9                         |            | X X |     | \$13.24.29(4)          |                  |
| <i>[NOTE: Required streamlining revision]</i>   |                             |                          |                             |            |     |     |                        |                  |
| Access to data [403.8(f)(1)(vii) & 403.14]  |                             |                          |                             |            |     |     |                        |                  |
| a. Government   |                             | 403.14(a) & (c)          | § 8                         |            | X   |     | \$13.24.23             |                  |
| b. Public   |                             | 403.14(b)                | § 8                         |            | X   |     | \$13.24.23             |                  |
| <b>Optional Provisions</b>  |                             |                          |                             |            |     |     |                        |                  |
| Net/Gross adjustments <i>[streamlining provision]</i>   |                             | 403.15                   | § 2.2 D                     |            |     | X   | *****                  | May Omit.        |
| Equivalent mass limits for concentration Limits <i>[streamlining provision]</i>                                       |                             | 403.6(c)                 | § 2.2 E                     |            |     | X   | *****                  | May Omit.        |
| Equivalent concentration limits for mass limits <i>[streamlining provision]</i>                                       |                             | 403.6(c)                 | § 2.2 F                     |            |     | X   | *****                  | May Omit.        |
| Upset Notification  |                             | 403.16                   | § 13.1                      |            |     | X   | *****                  | May Omit.        |
| Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>                 |                             | 403.12(e)(2)             | § 6.4B                      |            |     | X   | *****                  | May Omit         |
| Reduce periodic compliance reporting <i>[streamlining provision]</i>  |                             | 403.12(e)(3)             | § 6.4C                      |            |     | X   | *****                  | May Omit         |
| Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements) |                             |                          |                             | X          |     |     |                        |                  |

|   | Part 403 Citation | Model SUO Section | PROVISIONS |     |     | POTW Ordinance Section | Comments / Notes |
|---|-------------------|-------------------|------------|-----|-----|------------------------|------------------|
|   |                   |                   | NONE       | REQ | REC |                        |                  |
| Hauled Waste Reporting/Requirements   |                   | § 3.4             |            |     | X   | \$13.24.17             |                  |
| Grease Interceptor Reporting/Requirements   |                   | § 3.2 C           |            |     | X   | \$13.24.15             |                  |
| Authority to issue Notice of Violations (NOVs)  |                   | § 10.1            |            |     | X   | \$13.24.30(6)          | See Note below*  |
| Authority to issue Administrative Orders (AOs)  |                   | § 10.4            |            |     | X   | \$13.24.30(6)          | See Note below*  |
| Authority to issue Administrative Penalties   |                   | § 10.6            |            |     | X   | \$13.24.30(4)          | May Change       |
| Authority to enforce again falsification or tempering                                       |                   |                   |            |     | X   | \$13.24.30(6)          | See Note below*  |
| Any other supplemental enforcement actions as noted in the POTW's enforcement response plan |                   |                   |            | X   |     | *****                  | May Omit         |
| Permit Appeals Procedures   |                   |                   |            |     | X   |                        |                  |
| Penalty or Enforcement Appeals Procedures   |                   |                   |            |     | X   |                        |                  |
| Bypass Notification   | 403.17            | § 13.3            |            |     | X   |                        |                  |

NOVs, COs, Show Cause Hearings, etc. should be included in the enforcement response plan [§13.24.30(6)]; hence, the City should have the authority to enforce these actions; this rationale is based on the City's authority to enforce local limits which are only reference in §13.24.12.

Document(s) submitted for review:  
 Checklist  
 Revised Draft Ordinance  
 Model Pretreatment Ordinance

Name of Reviewers  
 Rufus Torrence  
 "  
 "  
 "  
 "

Color Code: **Recommended Change** The City MAY elect to make a change and MAY elect to use the "recommended" language in the **blue** shade.



The City MUST make a change and MAY elect to use the "recommended" language in the red shade.

ORDINANCE NO. 1133

AN ORDINANCE REGULATING USE AND OPERATION OF THE JACKSONVILLE WASTEWATER UTILITY TO BE SPECIFICALLY CODIFIED AS JACKSONVILLE MUNICIPAL CODE CHAPTER 13.24; REPEALING ORDINANCES 604, 620, 684, 877, 932 AND ANY AMENDMENTS THEREOF; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: Jacksonville Municipal Code section 13.24 shall be amended to include the following:

PREAMBLE

This Code section sets forth uniform requirements for direct and indirect contributors into the Publicly Owned Treatment Works for the City of Jacksonville, Arkansas, and enables Jacksonville Wastewater Utility, hereafter known as Utility, to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and amendments and the General Pretreatment Regulations (40 CFR part 403).

The objectives of this Code section are:

- a. To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with its operation, contaminate the resulting biosolids, or interfere with the use and disposal of wastewater or biosolids in compliance with applicable statutes and regulations;
- b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, and flow into the receiving waters, the atmosphere or otherwise be incompatible with the Publicly Owned Treatment Works and/or ecological system; and,
- c. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- d. To prevent the introduction of pollutants into the storm drainage system either through direct discharge or in that direct discharge such as a sanitary sewer overflow;
- e. To establish uniform standards for the use of public sewers.
- f. To enable the Utility to comply with its National Pollutant Discharge Elimination System Permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Utility is subject,
- g. To promote and encourage pollution prevention and waste minimization and waste reduction through Pollution Prevention and Best Management Practices by the promotion of re-use and recycling of wastewater and biosolids from the Publicly Owned Treatment Works.

This Code shall apply to business citizens and industries within the City of Jacksonville, and to those entities and/or persons outside the city of Jacksonville who are, by contract or agreement with the Jacksonville Sewer Commission, Users of the City's wastewater Utility system. Except as otherwise provided herein, the Manager of the Jacksonville Wastewater Utility shall be responsible to administer, implement, and enforce the policies of the Jacksonville Sewer Commission or their authorized ~~agent representative~~, of the terms of this Code section.

**13.24.01 Administration**

Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions of this Code. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other Utility personnel.

**Comment:** The City originally has defined "Agent" below as a representative of private property. Recommend striking "Agent" and replacing with "representative".

**13.24.02 Abbreviations**

The following abbreviations, when used in this ordinance, shall have the designated meanings:

|                  |   |  |
|------------------|---|--|
| ADEQ             | - | Arkansas Department of Environmental Quality |
| BMP              | - | Best Management Practices                    |
| BOD <sub>5</sub> | - | Biochemical Oxygen Demand <sub>5</sub>       |
| BTEX             | - | Benzene, Toluene, Ethylbenzene, Xylene       |
| CFR              | - | Code of Federal Regulations                  |
| CIU              | - | Categorical Industrial User                  |
| COD              | - | Chemical Oxygen Demand                       |
| EPA              | - | U.S. Environmental Protection Agency         |
| gpd              | - | gallons per day                              |
| mg/L             | - | milligrams per liter                         |

[REDACTED]

|        |   |   |
|--------|---|---|
| NACIS- | - | North American Cartographic Information Society |
| NPDES  | - | National Pollutant Discharge Elimination System |

**Comment:** The City has not included any language below to allow provisions for these users and must strike these abbreviations.

|      |   |                                 |
|------|---|---------------------------------|
| NSIU | - | Non-Significant Industrial User |
|------|---|---------------------------------|

**Comment:** Ditto

|      |   |                                    |
|------|---|------------------------------------|
| O&G  | - | Oil and Grease                     |
| POTW | - | Publicly Owned Treatment Works     |
| SIC  | - | Standard Industrial Classification |
| SIU  | - | Significant Industrial User        |
| TSS  | - | Total Suspended Solids             |
| (t)  | - | Total                              |

**Comment:** Ditto except the City should consider adding language in Section 13.24.03 (45) below.

**13.24.03 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this section, shall have the following meanings:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C.1251, et. seq.
- (2) ~~Agent. Person who acts on the behalf of Authorized representative of private property owner an industrial/commercial/residential user or an authorized representative of the industrial/commercial/residential user.~~

[REDACTED]

- (4) Authorized Representative of Industrial/Commercial User. An authorized representative of an Industrial/Commercial User may be:
  - (a) A principal executive officer the level of vice-president or above if the Industrial or Commercial User is a corporation.
  - (b) A general partner or proprietor if the Industrial or Commercial User is a partnership or proprietorship. ~~Any duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility or administers the facility's environmental programs. The individuals as defined in items 1 and 2 above must submit the designation of a facility representative that does not meet the requirements of items 1 and 2 above, in writing to the Utility.~~
  - (c) Any duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility or administers the facility's environmental programs. The individuals as defined in items 1 and 2 (a) and (b) above must submit the designation of a facility representative that does not meet the requirements of items 1 and 2 (a) and (b) above, in writing to the Utility.

**Comment:** The Approval Authority is either the State or EPA and not both. Since EPA has delegated the pretreatment program to ADEQ, the "Director" is the Approval Authority.

- (5) Batch Discharge. The discharge of process wastewater to a POTW on an intermittent basis from a tank, vat or similar vessel.



**Comment:** Since the City has elected to include BMPs as options for its SIUs, the City must include a definition for "BMP".

- (6) BOD<sub>5</sub> (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five procedures in five (5) days at 20 degrees centigrade expressed in milligrams per liter (mg/L).
- (7) Brown Grease. Used fryer grease, collected by a restaurant in an above ground receptacle (vat).
- (8) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil water and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.
- (9) Building Sewer. A sewer conveying wastewater from the premises of a User to the sanitary sewer owned by the City (from the building to the point of connection to the sewer main and/or manhole).

(10) ~~Categorical Standards. National Categorical Pretreatment Standards established by EPA regulating the discharges to the sanitary sewer from specific industrial processes. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.~~

**Comment:** Probably should use EPA Model Pretreatment Ord (MPO) definition of Categorical Standards since the City must rely on these standards for permit limits.

- (11) City. The City of Jacksonville, Arkansas.
- (12) Commission. The Jacksonville Sewer Commission.
- (13) Commercial User. A non-residential user who engages in work in a non-manufacturing environment and produces little or no process wastewater.
- (14) Composite Sample. A series of individual grab samples collected over a known period of time or proportional to flow and combined to make one sample.
- (15) ~~Control Authority. The City of Jacksonville, Arkansas Wastewater Utility or a designee.~~

**Comment:** "Control Authority" and "City" are interchangeable in pretreatment documents and should be defined the same.

- (16) Cooling Water. Any waters which are used for the purpose of cooling in which the only pollutant added is heat.
- (17) Direct Discharge. The discharge of treated or untreated wastewater directly into the waters of the State of Arkansas
- (18) Domestic Septage. Any waste from holding tanks such as, but not limited to, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.
- (19) EPA. The Environmental Protection Agency.
- (20) ~~Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act, that is not a "New Source".~~
- (21) Garbage. The solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (22) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and (without consideration of time) over a period of time not to exceed 15 minutes.



- (23) Indirect Discharge. The discharge of the introduction of pollutants into the sanitary sewer system including holding tank waste discharges into the sanitary sewer or at the wastewater treatment plant.
- (24) Industrial User. A non-residential user of the sanitary sewer system, which discharges or has the potential to discharge toxic or conventional pollutants in amounts that could exceed the limitations set forth in this Code.
- (25) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit. The term includes rendering the POTW's wastewater sludge unfit for disposal or under the criteria specified in the City's NPDES Permit or Solid Waste Disposal Permit.
- (26) Manager. The Manager of the Jacksonville Wastewater Utility of the City of Jacksonville, Arkansas, or his/her authorized deputy, ~~agent~~, or representative.
- (27) Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (28) New Source.
- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the act which will be applicable to such source if such standards are there after promulgated in accordance with [REDACTED] that:
  - b. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - c. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - d. The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors such as the extent to which the new facility [REDACTED] is engaged in the same general type of activity as the existing source, should be considered.
  - e. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - f. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    1. Begun, or caused to begin, as part of a continuous on-site construction program
      - i. any placement, assembly, or installation of facilities or equipment; or
      - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement assembly or installation of new source facilities or equipment; or
    - g. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (28) Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (29) NPDES Permit. A National Pollutant Discharge Eliminations System Permit as administered by EPA or State of Arkansas.

**Comment:** The City originally defined "Agent" as a representative of private property. Recommend striking "Agent" from this paragraph.

**Comment:** This phrase and the ones below appeared to be inadvertently left out; please add these phrases so the "New Source" definition will match EPA MPO definition.

**Comment:** Ditto

- (30) "O and G", O&G, or Oil and Grease. A group of substances with similar physical characteristics are determined quantitatively on the basis of their common solubility in an organic extracting solvent. These substances including fats, waxes, free fattyacids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. It includes other materials recovered by the solvent from an acidified sample (such as sulfur compounds, certain organic dyes, and chlorophyll) and not volatilized during the test. At the discretion of the Manager, the Oil and Grease test may be determined by the Partition-Gravimetric Method as outlined in the latest approved listing in 40 Code of Federal Regulation, Part 136 or the Soxhlet Method contained in the latest approved edition of "Standard Methods for the Examination of Water and Wastes". Further, the solvent used may either be Trichlorotrifluoroethane (1,1,2-Trichloro-1,2,2-trifluoro-ethane) or a mixture of 80% n-Hexane and 20% methyl-tert-butyl ether.
- (31) "O and M". Operations and Maintenance.
- (32) Pass Through. A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with discharge or other discharges from other sources, is a cause of a violation of any of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.
- (33) Person. Any individual, firm, company, association, society, corporation, group, partnership, joint stock company, trust, estate, governmental entity, or any other entity, or their legal representatives ~~or agents~~.
- (34) "pH". A measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter (g/mole/L). On the pH scale (0 to 14), a value of 7 at 25°c (77°f) represents a neutral condition. Decreasing values indicate increasing hydrogen-ion concentration (acidity); increasing values indicate decreasing hydrogen-ion concentration (alkalinity).
- (35) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked, or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of waste water (e.g., TSS, turbidity, color, BOD, COD, cyanide, oil & grease (O&G), heavy metals, toxic organic compounds, heat, pH, toxicity, or odor).

**Comment:** Used "Person" above to define "Agent"; strike "Agent" from this paragraph to avoid circular reasoning.



**Comment:** Strike this paragraph; POTW defined below.

- (37) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.
- (36) Pretreatment Program. The Utility's EPA and/or Arkansas Department of Environmental Quality approved program to administer the requirements of 40 CFR 403, the General Pretreatment Regulations, and associated National Categorical Standards as adopted into Section 4 of Regulation No. 6: Regulations for State Administration of the National Pollutant Discharge Elimination System.
- (37) Pretreatment Requirement. Any ~~\_\_\_\_\_~~ or procedural requirement related to Pretreatment, other than a ~~\_\_\_\_\_~~ Pretreatment Standard, imposed on the Industrial User.
- (38) Pretreatment Standard or Standards. Pretreatment standards shall mean prohibited discharge standards, ~~\_\_\_\_\_~~ categorical pretreatment standards, and local limits.
- (39) ~~Prohibited Discharge Standards or Discharge Prohibitions. Absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 13.24.09 of this ordinance.~~
- (40) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the ACT (33U.S.C. §1292) which is owned by the City of Jacksonville. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

**Comment:** Make changes to match EPA MPO definition.

**Comment:** Ditto

- (41) Public Sewer. A sewer in which all owners of the abutting properties have equal rights and is controlled by a public authority.
- (42) Sanitary Sewer. A system of pipes and conduits in which sewage is carried and which storm, surface and ground waters are not intentionally admitted.
- (43) Sewer System. Jacksonville Wastewater Utility as operated by the Jacksonville Sewer Commission of the City of Jacksonville, Arkansas.
- (44) Shall is mandatory; May is permissive.
- (45) Significant Industrial Users.
- Any ■ User subject to categorical pretreatment standards; or
- ■ ser that:
- i. Discharges an average of twenty-five thousand (25,000) gallons or more per day, of process wastewater to the POTW (excluding sanitary, non-contact cooling, and blow-down wastewater);
  - ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - iii. Is designated as such by the Manager on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - iv. Discharges any substance that causes pass-through or a substance that is untreatable by the POTW (i.e. endocrine disruptors, human hormones, antibiotics, and etc...)
- v. The Manager may decide that a User meeting the above criteria in Section 45 b(i), (ii)&(iv) has no potential for adversely affecting the POTW and should not be considered a Significant Industrial User and may be considered a Non-Significant Industrial User.
- (46) Slug/Slug Load. The discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24 hour concentration or flows experienced during normal operation.
- (47) State. State of Arkansas.
- (48) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1997.
- (49) Total Suspended Solids. The total suspended matter that floats on the surface or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (50) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic regulations promulgated by the Administrator of the EPA under the provisions of the Clean Water Act, Resource Conservation and Recovery Act, or other Acts.
- (51) Upset. An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in the Ordinance or the forces beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- (52) User. A residential or a non-residential customer of Jacksonville Wastewater Utility.
- (53) Utility. The City of Jacksonville Wastewater Utility, including the POTW, personnel, and all authorized representatives.
- (54) Wastewater. Industrial waste or sewage or any other waste including that which may be combined with any ground water, surface water or storm water that may be discharged to the POTW.
- (55) Yellow Grease. The grease collected in an underground Grease Trap.

**Comment:** The City should either add a provision for Non-Significant Industrial Users or delete the abbreviation above.

**13.24.04 Use of Public Sewers Required**

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Jacksonville, Arkansas, or at any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet, within the jurisdiction of said City, any sewage or other polluted wasters except where suitable treatment has been provided in accordance with the provisions of this Code, the laws of the State of Arkansas, and the EPA.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- (4) The owner of all houses, buildings, or properties used for employment, recreation and other purposes situated within the City and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Utility is hereby required to install suitable toilet facilities therein and shall obtain a permit to connect such facility directly with the proper public sewer in accordance with provisions of this Code within thirty (30) days after the date of official notice to do so. Said real property shall be within three hundred (300) feet of an accessible sewer, and construction of the sewer and its connection thereof to the public sewer shall be made by the owner within ninety (90) days, unless extenuating circumstances are present and an extension is granted by the Manager.

**13.24.05 Private Sewage Disposal**

- (1) Where a public sanitary sewer is not available under the provision of Section 13.24.04, paragraph #4, the building sewer shall be connected to a private sewage disposal system, which meets all requirements of the City of Jacksonville, the State of Arkansas, and the EPA.
- (2) Before commencement of construction of a private disposal system, the owner shall first obtain written permits from the Health Department, Arkansas Department of Environmental Quality, and/or the Jacksonville Sewer Commission. The applications for such permits shall be made, and the applicant is responsible to supplement said application with any plans, specifications, and any other information deemed necessary by the agencies issuing said permits.
- (3) The type, capacities, locations and lay out of private sewage disposal systems shall comply with all recommendations of the Arkansas Department of Health and the Arkansas Department of Environmental Quality.
- (4) When a public sewer becomes available, the building sewer shall be connected to said sewer within the time period designated above in Section 13.24.04, paragraph #4. The private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

**13.24.06 Building Sewers and Connections**

- (1) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public or private sewer or appurtenance thereof without first obtaining a written permit from the Manager.
- (2) There shall be two classes of building sewer permits:
  - (a) Residential and commercial service; and,
  - (b) Service to establishments producing industrial waste.

In either case, the owner or agent shall make application for service on a special form furnished by the Utility. The permit application shall be supplemented with any plans, specifications or other information considered relevant in the judgment of the Manager. A permit and inspection fee shall be paid to the Utility at the time application is filed. Coincident with the application for a permit, a connection fee shall be paid to the Utility as well. All fees will be determined and set by the Sewer Commission.

- (3) All cost and expenses incident to the installation and connection of the building sewer shall be born by owner. The owner shall indemnify the Utility from any loss or damage that may directly be occasioned by the installation of the building sewer.

- (4) A separate and independent building sewer shall be provided for every building, except as follows:
- (a) Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels. The individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
  - (b) Temporary buildings, mobile homes or similar portable structures may be connected to a building sewer and installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.
- (5) Existing building sewers may be used in connection with new buildings only when they are found upon examination and testing by a Utility inspector to meet all requirements of this Code and all other applicable rules and regulations.
- (6) The size, slope, alignment, and materials of construction of a building sewer and methods to be used in excavating, placing of pipe, jointing, testing, and back filling the trench shall all conform to the rules and regulations of the Utility and the building and plumbing Codes or other applicable rules or regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth and appropriate specification of the ASTM and the WPCF Manual of Practice Number Nine (9) shall apply.
- (7) Whenever possible the building sewer shall be brought to the buildings at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sewage shall be lifted by an approved means and discharge directed to the building sewer.
- (8) No persons shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface run off or ground water to the sanitary sewer, directly or indirectly.
- (9) The connection of the building sewer into the public sewer shall conform to the rules and regulations of the Utility. In absence of Utility or City rules and regulations, the specifications and procedures of the ASTM and WPCF Manuals of Practice Number Nine (9) shall apply. All such connections shall be watertight and gas tight. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.
- (10) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. All portions of the building sewer from the foundation to the connection to the public sewer shall be inspected and approved by the Manager or his authorized agent before backfilling.
- (11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from any hazard. Street, sidewalks, parkways, and other areas disturbed in the course of the work shall be restored in a manner satisfactory to the City Public Works Department.
- (12) Owners of land shall be required to maintain their building drains and sewers in their entirety, including the point of connection to the public sewer, in a water tight condition so as to eliminate introduction of surface or ground water to the sewer system. If it is determined by the Manager that a building drain or sewer has not been maintained in a water tight condition, the owner shall be notified by certified mail, return receipt requested, that, at owner's expense, repairs must be made within a reasonable time (not to exceed 90 days) in order to restore the building drain or sewer to a water tight condition. If satisfactory repairs are not made by the owner and inspected by duly authorized Jacksonville Wastewater Utility personnel within the specified time, the Jacksonville Sewer Commission may request that water service be discontinued to that building or property until satisfactory repairs are made and inspected. The Commission shall further have the authority to make such rules and regulations as may be necessary to carry out the purpose of this section.

#### **13.24.07 Disconnecting Sewers**

Before any dwelling or other building served by the public sewer is moved or demolished, the building sewer serving said building shall be disconnected from the sewer at the property line and sealed to prevent entrance of storm water and debris into the public sewer. This seal shall be maintained in a watertight condition by the owner. The disconnection and sealing of the building sewer line will require a permit from and inspection by the Utility. The owner of the property shall bear all costs associated with this disconnection

### 13.24.08 Protection from Damage

- (1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW.
- (2) No unauthorized person shall cover any manhole on a public sewer with earth, paving, or otherwise render it inaccessible.
- (3) No unauthorized person shall remove the earth cover from a public sewer so that less than two feet of cover remains over the pipe bells. Approval to remove subsequent cover requires written consent of the Manager.
- (4) Any person found violating the above paragraphs of this section shall be subject to arrest and prosecution under applicable criminal law.

### 13.24.09 Discharge Prohibitions

1 General Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interference or in any way contaminates the POTW effluent, biosolids, scum or residues to render them unacceptable for economical reuse or reclamation. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

2 Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient alone or by interaction with other substances to cause a fire, explosion, or be injurious in any other way to the operation of the POTW. Any wastewater with a closed cup flash point of less than 140<sup>o</sup> Fahrenheit or 60<sup>o</sup> Centigrade or that results in a LEL (lower explosion limit) of greater than 20% at any point in the system is prohibited. In determining the flashpoint of a waste stream, the test methods specified in 40 CFR 261.21 shall be used. Specific materials limited by this paragraph include, but are not limited to, the following: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorate, bromate, carbides, hydrides, sulfides, and any other substances which the City, the State, or EPA has notified User is a fire hazard or a hazard to the system; and/or,
- (b) Solids or viscous substances which may cause obstruction to the flow in a sewer, or other interference with the operation of the POTW such as, but not limited to the following: excessive grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent line, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes; and/or,
- (c) Any wastewater having a pH of less than 5.0 or greater than 11.0 or any wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment, or personnel of the POTW. Any discharge which singly or in combination with others results in the pH at the POTW treatment plant being less than 6.0 or greater than 9.0 is prohibited; and/or,
- (d) Any wastewater containing toxic pollutants in sufficient quantity, singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process including sludge disposal, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, causes a violation of the POTW's NPDES permit. A toxic pollutant shall include, but is not limited to, any pollutant identified pursuant to Section 307(a) of the Act; and/or,
- (e) Any noxious or malodorous liquids, gases, or solids which singly or by interaction with other waste are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repairs. In determining if a discharge has created an unacceptable hazard for POTW workers, the Manager will use standards established by the Occupational Safety and Health Administration in 29 CFR 1910, Subpart Z, as a guideline for establishing effluent limitations for the materials creating the hazard; and/or,

- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used; and/or,
- (g) Any substance which will cause the POTW to violate its NPDES or State Disposal System Permit or receiving stream water quality standards; and/or,
- (h) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye waste(s) and vegetable tanning solutions; and/or,
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F); and/or,
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain a concentration or quantity of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation unless prior approval has been received from the Manager and the discharge will not violate the provisions of this Code; and/or,
- (k) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations; and/or,
- (l) Any wastewater containing petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin in amounts that will cause interference with operation of the POTW or will pass through the POTW to the receiving stream; and/or,
- (m) Any hauled or trucked waste or wastewater, except at the POTW treatment plant, unless prior written permission is received from the Manager.

(3) When the Manager determines that a User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Manager shall advise User of the impact of the contribution on the POTW and either reject the waste or develop effluent limitations for such User to correct the interference. If the Manager develops effluent limitations for the discharge, then all cost associated with the development of this limitation, including consultant fees and any sampling and analysis, shall be borne by User.

#### 13.24.10 Federal Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. Those standards, if more stringent than the limitations by the latest approved "Technically Based Local Limits Development Document" for sources in that subcategory, shall supersede the limitations imposed by the Local Limits.

1. Where a categorical pretreatment standard is expressed only in the terms of either mass or the concentration of a pollutant in wastewater, the Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Manager shall impose an alternative limit using the combined wastestream formula in 40 CFR 403.6(e).

#### 13.24.11 State Pretreatment Standards

~~State Pretreatment standards located in section 4 of regulation No. 6: Regulations for State Administration of the National Pollutant Discharge Elimination System for a particular industrial sub category, if more stringent than the requirements of this Ordinance, shall supersede the requirements of this Ordinance, are hereby incorporated by reference and will be to, discharge limitations and reporting requirements. This shall include those regulations currently promulgated or which will be recognized as part of this Ordinance.~~

**Comment:** Recommend striking this paragraph. With the exception of Section 6.203 (which gives Jacksonville SIUs an ADEQ INDIRECT discharger permit by rule), Reg 6 applies to DIRECT dischargers. The State has not developed "state pretreatment standards"; Reg 6 incorporates "Federal pretreatment standards" by reference and Jacksonville has already incorporated "Federal pretreatment" standards in the previous paragraph.

**13.24.12 Specific Pollutant Limitations (Local Limits)**

No person shall discharge any waters or wastes at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the "Technically Based Local Limits Development Document", and adopted by the Manager of Jacksonville Wastewater Utility and approved by the Arkansas Department of Environmental Quality and the Jacksonville Sewer Commission.

The Utility will develop and assign specific discharge permit limitations for pollutants for permitted Users based on criteria approved by the Manager. The specific permit limits shall ensure that local limit pollutant concentrations will protect the wastewater treatment plant from upset. The Local Limits shall apply to the total flow or total discharge from the Industrial Users. In developing specific permit limits, the Manager may impose mass limitations in addition to, or in the place of, specific concentration-based limits. In addition, the Utility may develop specific discharge limitations for any other toxic pollutants which the Manager of the Utility may determine to be of sufficient quantity to cause POTW interference and/or pass through, endanger the health and safety of the POTW personnel or the public health, cause a POTW permit violation or render the POTW sludges unacceptable for economic reuse or reclamation.

The Utility may develop Best Management Practices (BMPs) and/or General Discharge Permits for certain groups of Users in lieu of Numerical Discharge Standards. The adherence to these BMPs and/or General Discharge Permits shall be utilized in the place of Numerical Local Limits and Pretreatment Standards.

**13.24.13 Right of Revision**

~~The Utility shall at all times have the right to establish by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW than may be specified in this Ordinance or the "Technically Based Local Limits Document".~~

**Comment:** Recommend striking this paragraph; first, Jacksonville ordinance does not contain numerical local limits and, second, by not including numerical limits the City has already reserved the right to use the TBLL document to establish limits which can be as stringent as necessary. Finally, the City does not have any other option other than TBLL for establishing "more stringent standards".

**13.24.14 Dilution Prohibited**

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, this Code, or in any other pollutant-specific limitation developed by the City, the State, and/or the Federal government.

**13.24.15 Grease, Oil, and Sand Traps**

(1) Grease and oil interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid waste containing grease in excessive amounts except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Utility and shall be located as readily and easily accessible for required cleaning and inspection. Within ninety (90) days of approval of this Code, the Utility will develop Standard Specifications for the type and capacity of grease trap required by this Code and shall duly notify any affected User. In that event, the following provisions shall apply:

- (a) Existing grease traps that do not meet Utility requirements will not be required to be upgraded to meet Utility requirements, unless in the opinion of the Manager and/or the Health Department the existing grease trap will not function to a level adequate to prevent sewer line blockage or a public health hazard. In lieu of replacing an existing trap, the Manager may allow for use of a grease trap treatment such as bacteria or require more frequent cleaning of the trap; and/or,
- (b) All grease traps must be continuously maintained and operated by User at User's expense. User will insure that all residues from the grease trap are disposed of in a manner consistent with applicable local, state, and federal laws; and/or,
- (c) Manager may require that a grease trap be cleaned by User at a frequency determined by Manager and Manager may require User to maintain records of said cleaning; and/or,
- (d) The Utility may recover any cost from User associated with excessive line cleaning due to the absence of a grease trap or improper or inadequate maintenance and operation of the grease trap. For the purposes of this provision, excessive line cleaning is defined as any cleaning of the sewer line that would not be expected if the trap was functioning normally; and/or, required.
- (e) Manager may waive the requirement for the installation of a grease trap when conditions make installation impractical. A grease trap waiver will not relieve User from any line cleaning charges that may occur as a result of the waiver.



(2) Sand and oil interceptors shall be provided when, in the opinion of Manager, they are necessary for proper handling of liquid waste containing sand, oil, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Utility and shall be readily and easily accessible for regular cleaning and inspection. Within ninety (90) days of approval of this Code, Utility will develop Standard Specifications for the type and capacity of sand and oil interceptors required by this Code and shall duly notify any affected User. In that event, the following provisions shall apply:

- (a) Existing sand and oil interceptors which do not meet Utility requirements will not have to be upgraded to meet Utility requirements, unless in the opinion of the Manager the existing interceptor will not function to a level adequate to prevent the discharge of excessive sand or oil into the sanitary sewer system; and/or,
- (b) All sand and oil interceptors must be continuously maintained and operated by User at User's expense. User will insure that all residues from the sand and oil interceptor are disposed of in a manner consistent with applicable local, state, and federal laws; and/or,
- (c) Manager may require User to clean the sand and oil trap at a frequency determined by Manager, and Manager may require that User maintain a record of said cleaning.

#### **13.24.16 Accidental Discharges/Slug Control Plans**

At least once every two (2) years, the Manager shall evaluate whether each Significant/Non-Significant Industrial User needs an accidental discharge/slug control plan, during the annual inspection. The Manager may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Manager may develop such a plan for any User. An accidental discharge/slug control plan shall address at a minimum, the following:

- (a) A description of discharge practices, including non-routine batch discharges; and,
- (b) a description of stored chemicals; and,
- (c) procedures for immediately notifying the POTW of the accidental discharge and follow-up procedures for notifying Utility in writing within five (5) days of the discharge; and,
- (d) any procedures necessary to prevent adverse impact from accidental discharge, including inspection and maintenance of chemical storage areas, loading and unloading of chemicals, building or containment structures, employee training, control of plant site runoff, any follow-up practice to limit the damage suffered by POTW, and/or emergency measures and equipment.
- (e) Notify the POTW or Control Authority of any changes to the facility affecting the potential for accidental and or slug discharges.

(1) All facilities used to prevent an accidental and/or slug discharge of regulated materials shall be provided and maintained at the User's expense.

(2) In the event of accidental and/or slug discharge, it is the responsibility of User to notify Utility immediately of the incident. The notification will include location of the discharge, type of waste discharged, concentration and volume of the discharge, and any corrective action.

(3) Within five (5) days following the accidental and/or slug discharge, User shall submit to Manager a detailed written report describing the cause of the discharge and the measures taken by User to prevent similar future occurrences.

(4) All permitted Industrial Users shall post a notice in a prominent place, advising employees of whom to call in the event of an accidental, slug and/or dangerous discharge. User shall insure that all employees who may cause or suffer such a dangerous discharge are advised of the emergency notification procedures.

(5) All existing permitted Industrial Users shall have one hundred and eighty (180) days to upgrade current accidental discharge control plan to meet requirements of this section. Industrial Users who receive permits after passage of this Code must comply with the requirements of this section upon commencement of discharge or as soon thereafter as reasonably possible.

**13.24.17 Hauled Liquid Wastes**

- (1) Hauled liquid wastes may be introduced into the POTW, with prior approval of the Manager. These wastes may include, but are not limited to portable toilet wastewater and waters associated with the removal of underground petroleum storage tanks (BTEX waters). The acceptance of such waters for introduction to the POTW shall comply with Jacksonville Wastewater Utility current policies on the acceptance of portable toilet wastewater and BTEX.
- (2) The Manager shall require all haulers of liquid wastes discharged into the POTW to use the Utility manifest system for each load of hauled liquid waste. This form must contain at a minimum, the name and address of the waste hauler (transporter), permit number (if applicable), truck identification, names and address(es) of the source(s) of the waste(s), and volume and characteristics of the waste. This form shall identify the type of waste.

**13.24.18 Fees and Charges**

The Jacksonville Sewer Commission may adopt charges and fees to include, but not be limited to, the following:

- (1) fees for reimbursement of costs incurred in development and operation of the City's Pretreatment Program; and/or,
- (2) fees for monitoring, inspections, and surveillance procedures; and/or,
- (3) fees for reviewing accidental discharge procedures and construction; and/or,
- (4) fees for permit applications and permits; and/or,
- (5) other fees as the Jacksonville Sewer Commission deem necessary to carry out the requirements contained herein.

These fees relate solely to matters covered under this Code and are separate from all other fees chargeable by the City.

**13.24.19 INDUSTRIAL WASTEWATER DISCHARGE PERMITS**

Wastewater Survey. When requested by the manager, all Industrial Users (CIUs, SIUs, ~~MTCIUs, MTSIUs~~, NSIUs, and NSCIUs) must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Manager is authorized to prepare a form for this purpose and periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this Ordinance.

- (1) It shall be unlawful for any Significant Industrial User to discharge to the POTW any wastewater without a valid Industrial Wastewater Discharge Permit (or a General Permit). Additionally, any Industrial User which may not be considered a Significant Industrial User may be required to obtain an Industrial Wastewater Discharge Permit (or a General Permit), if in the opinion of Manager, this Industrial User's facility, singly or in combination with others, has the potential to adversely impact the POTW.
- (2) There shall be ~~two (2)~~ **three (3)** classes of Industrial Wastewater Discharge Permits. A Class I Industrial Wastewater Discharge Permit can be issued to all Significant/Non-Significant Industrial Users and Categorical Industrial Users. Class II Industrial Wastewater Discharge Permit can be issued to any other Industrial/Commercial User requiring a permit, but which is not a Significant Industrial User. ~~Class III Industrial Wastewater General Discharge Permit can be issued to a group of Users with similar operations and wastewater characteristics.~~
- (3) All Significant Industrial Users, Categorical Industrial Users, and Non-Significant Industrial Users wishing to connect to or contribute to POTW shall obtain an Industrial Wastewater Discharge Permit (or a General Permit) before connecting to or contributing to POTW.
- (4) All Industrial Users required to obtain an Industrial Wastewater Discharge Permit (or a General Permit) shall complete and file with Manager an application, in form prescribed by the Manager, and pay a fee as determined by the Jacksonville Sewer Commission. A proposed new Industrial User shall submit a completed application at least sixty (60) days prior to connecting or contributing to POTW. In support of the application, Industrial Users shall submit all relevant information as required by Manager. The Manager will evaluate data furnished by the Industrial User. After evaluation and acceptance of the data furnished, Manager may issue an Industrial Wastewater Discharge Permit, subject to the terms and conditions contained in said Permit.

**Comment:** The ADEQ reviewer is only recommending a third class for General Permits. The City may wish to pursue a different approach to applying General Discharge Permits.

(5) Industrial Wastewater Discharge Permits (or General Permits) shall be expressly subject to all provisions of this Code and all other applicable regulations, Industrial User charges, and fees established by the Jacksonville Sewer Commission. Permits may contain, but are not limited to, the following conditions:

- (a) Unit charge or schedule of Industrial User charges and fees for wastewater discharged to the Utility; and/or,
- (b) Limits on average and maximum wastewater constituents and characteristics; and/or,
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization; and/or,
- (d) Requirements for installation and maintenance of a secure sampling point and flow monitoring installations; and/or,
- (e) Requirements for industrial self-monitoring including sample location, sampling frequency, acceptable analytical and sampling methods, and reporting frequency [REDACTED]; and/or,
- (f) Any necessary compliance schedules; and/or,
- (g) Requirements for submission of applicable technical or discharge reports as required in 40 CFR 403.12(b),(c),(d),(e)(1) & (h), including but not limited to, Baseline Monitoring Reports, Ninety (90) Day Compliance Reports, Semiannual Reports on Continuing Compliance, Monthly Reports, and Compliance Schedule Milestone Reports; and/or,
- (h) Requirements for maintaining and retaining [REDACTED] any records relating to wastewater discharge [REDACTED] and affording Manager access thereto; and/or,
- (i) Requirements to notify Manager of any new introduction of wastewater constituents or any substantial change in the column or character of wastewater constituents being introduced into POTW; and/or,
- (j) Requirement to develop a slug control plan (to be submitted with the permit application package) and Notification requirements in the event of a slug discharge or accidental spill; and/or,
- (k) Provision under which Manager may extend the duration of the Industrial User's permit for up to one (1) year; and/or,
- (l) Prohibition against bypassing of wastewater pretreatment equipment, except under conditions contained in the Industrial User's Permit; and/or,
- (m) Designation of an authorized on-site representative at the facility authorized to sign reports required by the Industrial User's permit; and/or,

**Comment:** Refer to Section 6.4F in MPO.

**Comment:** The ADEQ reviewer is recommending including these cites instead of including the details in Section 6 of the MPO. The City should review the language in these cites. The City may elect instead to include language from Section 6 instead.

**Comment:** Since the City has elected to include BMPs, recordkeeping for BMPs is a Required Streamlining Rule change. See Section 6.13 in the MPO for more details.

- (q) Other conditions as deemed appropriate by Manager to ensure compliance with this Code and/or all applicable regulations and provisions of the Jacksonville Sewer Commission.

(6) Permits shall be issued for a specified time period not to exceed three (3) years, except that Manager may extend expiration date of a Permit for up to one (1) year. Applications for renewal of an Industrial Wastewater Discharge Permit must be completed and submitted to Manager within 90 days of the Permit expiration date. Manager will notify the Permitted Industrial User of the duty to reapply 120 days before the expiration date of said Permit.

(7) The terms and conditions of an Industrial Wastewater Discharge Permit may be subject to modification by Manager during the term of the permit. Permits may be modified due to changes in Federal or State Regulations including the promulgation of Categorical Pretreatment Standards, changes in limitations or conditions contained in this Code, issuance of any order or directive from EPA or the State of Arkansas, changes in processes of the Industrial User, or any other condition which, in the opinion of Manager, will require a permit modification to insure compliance by the Industrial User and Utility with all applicable laws or regulations.

(8) Industrial Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new Industrial User, different premise or location, or accepted for a new or changed operation without written approval of Manager.

(9) Application(s) for an Industrial Wastewater Permit may be denied by Manager if the proposed discharge would exceed the limitations included in this Code, if the proposed discharge would result in an unacceptable loading, either hydraulic, organic, or toxic, to the Utility, if the proposed discharge will exceed limitations of applicable categorical standard, or if applicant has ever been convicted or entered into a consent decree over violations of environmental laws or regulations.

#### 13.24.20 Monitoring Facilities

Permitted Industrial Users may be required by the Manager to provide and operate at the Industrial User's expense a secure sampling point. A secure sampling point may consist of equipment and appurtenances required to collect a representative wastewater sample. Equipment that may be required by Manager for a secure sampling point include, but are not limited to, an automatic wastewater sampler, equipment to constantly monitor discharge flow and pace the wastewater sampler, continuous pH monitoring equipment, any necessary safety equipment, and locking mechanism(s). Monitoring Sampling facilities should normally be located on the Industrial User's property but Manager may, when such a location would be impractical or cause undue hardship on the Industrial User, allow a monitoring facility to be constructed in a public street or sidewalk area and located so as not to be obtrusive. All sampling locations shall be constructed in accordance with Manager's requirements and any applicable local construction standards and specifications. The construction of a secure sampling point shall be completed within ninety (90) days of written notification by Manager. The Manager may extend the deadline for completion of installation of a secure sampling point for up to one year.

#### 13.24.21 Inspection and Sampling

(1) When directed to do so by the Manager; Owner or Industrial User of any property discharging Industrial waste shall, at the expense of said Owner or Industrial User, obtain a representative sample of the discharge and have appropriate physical, chemical, and biological tests performed on the sample by a qualified testing laboratory acceptable to Manager. The purpose of such test shall be to determine conformance of effluent characteristics to this Code. A report shall be made in writing to Manager stating the results of said tests and a statement included as to whether or not the discharge is in conformance with this Code. All sampling and analysis required by this Code will conform to the conditions and requirements of 40 CFR 136, unless otherwise specified by Manager.

(2) The Manager shall inspect the facilities of any Industrial User to ascertain whether the provisions of this Code are being met and all requirements complied with. Persons or occupants of the premises where wastewater is created or discharged shall allow Manager or his representative ready access at all reasonable times to all parts of said premises for purposes of inspection, sampling, records examination and copying, or in performance of their duties. A reasonable time shall be considered any time in which the facility is discharging industrial wastewater. Manager shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, or metering operations. All permitted Industrial Users will be inspected by Manager a minimum of one time per year.

[REDACTED] 40  
CFR 403.12(g)(2),(3) &(4).  
[REDACTED]

**Comment:** The City may elect instead to include MPO paragraphs 6.4(E), 6.8 & 6.11(A)&(C); in either case, the City MUST include these monitoring requirements (Streamlining Rule Change Requirements).

**Comment:** The City may elect to include additional language in MPO paragraph 6.5.

#### 13.24.22 Pretreatment

Industrial Users shall provide necessary wastewater treatment as required to comply with this Code and shall achieve compliance with any applicable Federal Categorical Pretreatment Standard(s) within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to Manager shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to Manager for review and approval before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from responsibility of modifying or replacing facility as necessary to produce an effluent acceptable to Manager in compliance with this Code. Any subsequent changes in pretreatment facilities or method of operation shall be reported to and accepted by Manager prior to the Industrial User's initiation of said changes. For information concerning the City of Jacksonville's ADEQ approved Pretreatment program, a copy is available for review at the Wastewater utility office.

### 13.24.23 Confidential Information

- (1) Information and data regarding the Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring, and inspections shall be available to the public or other governmental agency without restriction, unless the Industrial User specifically request(s) and is able to demonstrate, to the satisfaction of Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as a trade secret of the Industrial User.
- (2) The Industrial User must request in writing that Manager deem specific information confidential. The Industrial User must submit said information separate from any other information, labeled "Confidential". Manager will notify the Industrial User within a reasonable time of receiving the information if such can be held confidential. Information accepted by Manager as confidential shall not be transmitted to any governmental agency or to the general public by Manager until and unless a ten day notification is given to the Industrial User.
- (3) Information accepted as confidential shall not be made available to the general public, but shall be made available upon written request to governmental agencies for uses related to this Code, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal Permit, or the Pretreatment Program: However, such portions of the report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing said report. Wastewater constituents and characteristics will not be recognized as confidential information.

### 13.24.24 Extra Strength Surcharge

- (1) Any Industrial or Commercial User discharging wastewater into the sanitary sewer which exhibits none of the characteristics prohibited in Section 13.24.09, other than excessive BOD<sub>5</sub>, TSS, and/or oil and grease (O&G), shall pretreat the wastewater so that BOD<sub>5</sub> and TSS concentrations do not exceed 250 mg/L and so that any O&G concentration does not exceed 100 mg/L. Manager may accept waste which exceeds these amounts for treatment, provided the following conditions are met:
  - (a) Waste will not cause damage to the collection system, including a sewer line blockage; and/or,
  - (b) Waste will not impair or interfere with the POTW wastewater treatment plant; and/or,
  - (c) Waste does not cause or contribute to the POTW wastewater exceeding 250 mg/L BOD<sub>5</sub> or TSS and O&G exceeding 100 mg/L; and/or,
  - (d) Industrial or Commercial User will pay all extra strength surcharge(s) as provided by this Code.

- (2) The extra strength surcharge for discharge of excessive BOD<sub>5</sub>, TSS, and O&G shall be determined using the following formula:

$(\text{pollutant} - \text{allowance})(8.34)(\text{flow in million gallons})(\text{cost factor}) = \text{extra strength surcharge}$

- (a) Value for the pollutant shall be the average concentration of all samples (IUs and JWU) for that pollutant during the month that the IUSM report has been submitted, (Value for the pollutant shall be the average of all samples for that pollutant for the past twelve (12) months or the past eight (8) samples which ever is larger), unless the Industrial or Commercial User has significantly altered the character and nature of the wastewater to such an extent that some of the values to be included in the average are not representative of current discharge conditions. Only BOD<sub>5</sub>, TSS, and O&G are acceptable pollutants for use in this formula.
- (b) Allowance for BOD<sub>5</sub> and TSS shall be 250 mg/L, and allowance for O&G shall be 100 mg/L.
- (c) The flow shall be the discharge flow from the Industrial or Commercial User expressed in million gallons for the month billed for the extra strength surcharge.
- (d) The cost factor for BOD<sub>5</sub>, TSS, and O&G shall be contained in a separate provision and shall be expressed in cost per pound of pollutant.

#### **13.24.25 Report on Hazardous Waste Activity**

(1) Any User that discharges to POTW any substances which, if otherwise disposed of, would be listed or characterized as hazardous waste under Section 3001 of RCRA shall report such to Manager, EPA Region VI Waste Management Division Director, and Arkansas Department of Environmental Quality's RCRA Division within one hundred and eighty (180) days of the effective date of this Code. This report shall contain the following information:

- (a) Name of the waste discharge; and,
- (b) EPA hazardous waste number for hazardous wastes as listed under 40 CFR Chapter 1, Subpart D; and,
- (c) Type of discharge (continuous, batch, or other); and,
- (d) Hazardous constituents contained in the listed waste (if known); and,
- (e) Volume and concentration of the waste (if known); and
- (f) Estimation of the volume of hazardous wastes expected to be discharged during the next twelve (12) months.

Industrial and Commercial Users who begin discharging after the effective date of this Code and whose discharge contains materials described above will be required to submit a report on hazardous waste activity within one hundred and eighty (180) days of commencement of discharge.

(2) Any existing Industrial or Commercial User that is submitting this information as part of a report required by this Code or their Industrial Wastewater Discharge Permit will not be required to submit this report.

#### **13.24.26 Powers and Authorities of Inspectors**

(1) Manager or other duly authorized employees of the Utility or City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in compliance with the provisions of this Code. Manager or his representatives have no authority to inquire into processes including metallurgical, chemical or refining, ceramic, paper, or other industries beyond the point necessary and having a direct bearing on the kind and source of discharge to sanitary sewer or waterways or facilities for waste treatment.

(2) While performing necessary work on private property referred to in Section 13.24.21, Manager or duly authorized employees of Utility shall observe all safety rules applicable to the premises established by the Industrial or Commercial User. Utility shall indemnify the Industrial or Commercial User against loss or damage to property by Utility employees from gauging, inspection, and sampling of operations, except as those losses as may be caused by negligence or failure of the Industrial or Commercial User to maintain safe conditions.

(3) Manager and other duly authorized employees of Utility bearing proper credentials and identification shall be permitted to enter all private properties through which the Utility holds an easement for the inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Utility's equipment and property within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to any private property involved.

#### **13.24.27 Rule Making Authority**

In addition to the provisions of this Code, the Jacksonville Sewer Commission is specifically authorized to make all other rules and regulations necessary for the construction, use, and operation of the sanitary sewers to be connected to or connecting into the Utility. Such rules and regulations so made and adopted at a regular meeting of the Sewer Commission shall become effective upon said approval of a majority of those Commissioners present at said meeting.

#### **13.24.28 Users Outside the City of Jacksonville**

Any Industrial or Commercial User of the Utility located outside the city limits of the City of Jacksonville shall be required to agree, by written contract, to abide by the conditions set forth in this Code, Utility regulations, permit requirements, and any subsequent amendments thereto.

All municipalities which discharge to the City of Jacksonville POTW shall agree by written contract to adopt an Code section which meets the requirements of 40 CFR 403, General Pretreatment Regulations, and is at least as stringent as conditions set forth in this Code. This agreement must also contain a provision that allows for adoption of any and all rules and/or regulations promulgated by the Jacksonville Sewer Commission as delegated to the Jacksonville Wastewater Utility, regarding the powers of enforcement for the provisions of all laws, rules, and/or regulations adopted in accordance with this Code.

13.24.29 Enforcement

(1) Manager may suspend wastewater treatment services or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of Manager, to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons and/or the environment, or causes or will cause interference to the Utility or causes or will cause a violation of any condition of the Utility's NPDES Permit.

(2) Any Industrial or Commercial User who violates any provisions of the following conditions of this Code or any applicable State and Federal Regulation is subject to revocation **and/or termination** of its Industrial Wastewater Discharge Permit:

- (a) Failure of Industrial or Commercial User to factually report wastewater constituents and characteristics of a discharge; and/or,
- (b) Failure of Industrial or Commercial User to report significant changes in operation or wastewater constituents and characteristics; and/or,
- (c) Refusal of reasonable access to the Industrial or Commercial User's property under conditions outlined in this Code; and/or,
- (d) Knowingly submitting false or misleading information in any report required by Utility under conditions provided in this Code; and/or,
- (e) Violations of any condition or limitation contained in Industrial or Commercial User's Industrial Wastewater Discharge Permit.

(3) The Jacksonville Sewer Commission will develop an enforcement **response plan** and policy outlining methods and procedures for use by Manager and/or Utility employees to enforce the provisions of this Code or any applicable regulation.

**Comment:** The phrase "Enforcement Response Plan" is customary and is in accordance with 40 CFR 403.8(f)(5) and is usually abbreviated as "ERP".

(4) If any Industrial or Commercial User discharges sewage, industrial wastes, or other waste into POTW contrary to provisions of this Code, Federal, or State Pretreatment Requirement, or any other applicable provision or directive, the Commission may commence an action for appropriate legal or equitable relief, notwithstanding the provisions contained herein.

(4) Manager will annually publish in the largest daily newspaper published in Jacksonville a list of Industrial Users which have been in Significant Non-Compliance during the previous twelve months. This publication will be made in February. Significant Non-Compliance shall be based upon the criteria specified in 40 CFR 403.8 (f)(2). **The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:**

**Comment:** The ADEQ reviewer recommends including the SNC description below and striking the sentence above with the CFR cite.

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; **[Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]**

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); **[Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]**

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; **[Required Streamlining Rule Change, see 40 CFR 403.3(l)]**

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

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

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

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

### 13.24.30 Penalties

#### SECTION ONE:

(1) Any User found to have violated a provision of this Code or any applicable provision or directive of any orders, rules, regulations, and permits issued hereunder shall be fined not less than \$25.00 nor more than \$1000.00, or the maximum allowed by Arkansas Law, whichever is greater, for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Code section or Industrial Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code section, shall, upon conviction, be punished by a fine of not more than \$1000.00, or the maximum allowed by Arkansas Law, whichever is lower, and/or by imprisonment for not more than six (6) months.

(3) Any person who violates any provision of this Code section or any orders, rules, regulations, and permits issued hereunder, shall be liable civilly to a penalty not to exceed \$1000.00 or the maximum allowed by Arkansas Law. Each day on which a violation shall occur or continue shall be deemed separate and distinct offense. Any such penalties imposed under the provisions of this paragraph shall not be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages or additional operating expense incurred by Utility resulting from the violation for which the penalty is imposed. Consequential damages shall include but not be limited to, fines, penalties, and costs incurred and imposed upon the City or by other public authorities.

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

**Comment:** The City may find that the expense to collect civil and criminal penalties is prohibitive; administrative fines are quick with little expense to the City.



**Comment:** See Section 11.1 in MPO and 40CFR403.8(f)(1)(vi).



**Comment:** See Section 11.4 in the MPO.



SECTION TWO:

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

SECTION THREE:

All other Codes and parts of Codes in conflict herewith are hereby repealed to the extent of said conflict.

SECTION FOUR:

Immediate implementation of the terms of this Ordinance are necessary to the health and welfare of the citizens because efficient and effective operation of the Jacksonville Wastewater Utility is vital to service the needs of the citizens of Jacksonville. Therefore, an emergency is hereby declared and this Ordinance shall take effect immediately upon its passage and publication, as provided by and subject to applicable law.

APPROVED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_, 2000.

ATTEST:

CITY OF JACKSONVILLE, ARKANSAS

Susan Davitt, City Clerk

BY: Tommy Swaim, Mayor

APPROVED AS TO FORM:  
Robert E. Bamburg, City Attorney