

ADEQ

A R K A N S A S
Department of Environmental Quality

December 17, 2009

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

Re: City of Jacksonville (AR0041335 AFIN 60-00543) Program Modification to Incorporate Streamlining Revisions to 40 CFR Part 403

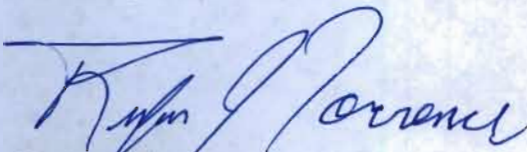
Dear Mr. Boyles:

In reference to Jacksonville Wastewater Utility's letter dated November 19, 2009, the Department has reviewed the Pretreatment Program Modification to include Streamlining updates to 40 CFR Part 403. The updates to the Program include an Enforcement Response Plan, Best Management Practices (BMPs), Slug Load Evaluations, etc. The City submitted a draft narrative and the Department made changes in the draft. The required changes are shown in red while the recommended changes are shown in green. Text highlighted in yellow is for attention only. In either case, the Department welcomes any concerns which the City may have. The City is encouraged to make suggestions on improving the changes.

Before the Department can approve the modification, the City must submit a complete document (preferably, in a notebook binder) with the updated (approved) narrative and all the appendices. Please note that the draft document submitted by the City did not include the appendices. Most of the existing appendices will have to be updated and new ones added to the program.

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

Sincerely,



Rufus J. Torrence
NPDES Pretreatment Engineer

Encl: Draft Program Narrative

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

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Comment: The City may elect to update the "2000" Budget or delete this exhibit

Comment: The City may elect to include EPA Fact Sheet 7 BMPs in Exhibit "K".

Comment: Exhibit "L" in the 2000 approved program contains permits and associated letters. These permits and letters should be omitted in this document.

Historical Data - Information contained in Jacksonville Waterworks Utility's Approved Modified Program, approved in 2000 that does not require revision.

Comment: This statement appeared in the 2000 approved program but referenced the 1984 approved program. Since this "Historical Data" is over 25 years old now, the City should clarify the intention here or strike this sentence.

INTRODUCTION

The City of Jacksonville must comply with the State of Arkansas (Arkansas Department of Environmental Quality or ADEQ) state administered National Pollutant Discharge Elimination System (NPDES) program in accordance with 40 CFR Part 122 (Clean Water Act (U.S.C. 125) et seq). ADEQ has issued the City an NPDES permit with the requirement for the City's Publicly Owned Treatment Works (POTW) to implement and operate a NPDES Pretreatment Program in accordance with 40 CFR Part 403.

The Jacksonville Wastewater Utility Pretreatment Program was approved in 1983 and the revisions made in 1985 **along with the modifications made in 2000**, provide the guidelines for the operation of the Utility's Pretreatment Program. Since 1983, conditions have changed substantially at Jacksonville Wastewater Utility (JWU). JWU has closed the East Treatment Plant that received domestic wastewater and has opened the Dr. J. Albert Johnson Regional Treatment Facility (POTW description Exhibit B), which is operated under NPDES Permit #AR0041335. Flow from the West Plant has been transferred to the Dr. Albert J. Johnson Regional Treatment Facility (hereafter known as Johnson Plant) since May 1998 to present, unless during extremely high rainfall events.

The General Pretreatment Regulations (40 CFR 403) were amended in November 1988 through the execution of the Pretreatment Implementation Review Task Force [PIRT] Revisions, Domestic Sewage Study [DDS] Revisions in July 1990, **and the Streamlining Rule of 2007/2005**. Since 1985, the City of Jacksonville has also experienced the loss of **several significant dischargers, Vertac Chemical Corporation, Regal Manufacturing Corporation, FabKote Incorporated, and CECA LLC**. These changing conditions, along with the requirement in NPDES Permit #AR0041335, for JWU to develop technically based local limits for the Dr. J. Albert Johnson Regional Treatment Facility, has revealed the need to modify the Pretreatment Program in order to continue to adequately comply with the provisions of the Clean Water Act.

Comment: The Streamlining Rule was promulgated on October 14, 2005.

The Pretreatment Department is charged with the responsibility for monitoring and assessing compliance with environmental regulations concerning wastewater discharges at JWU. The monitoring activities include collecting samples, performing analysis, conducting inspections, and evaluating and interpreting results in support of meeting [REDACTED] NPDES permit requirements. The principle monitoring locations are the Johnson Plant and industrial / commercial facilities which discharge process wastewater to our collection system. It has been determined that the influent flow contribution to the Johnson is comprised of two (2%) percent from industrial / commercial facilities and ninety-eight (98%) percent from residential sources.

PRETREATMENT PROGRAM OBJECTIVES

The objectives of the Jacksonville Wastewater Utility (JWU) pretreatment program are as follows:

1. Prevent the introduction of pollutants into the municipal wastewater collection system, which will interfere with the operation of the wastewater collection system, wastewater treatment facility, or will render the wastewater Biosolids unfit for economical disposal.
2. Prevent the introduction of pollutants into the municipal wastewater collection system, which will pass through the wastewater treatment system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the wastewater collection system.
3. Prevent the introduction of pollutants into the storm drainage system **either** through a direct discharge or an indirect discharge such as a sanitary sewer overflow (SSO).
4. Prevent the discharge of pollutants, which may be harmful to the employees of JWU or the public.
5. Implement procedures for the random inspection and sampling of industrial users [REDACTED] to ensure compliance with all applicable local, state, or federal regulations including the collection of data suitable for presentation as evidence in court.
6. Develop a line of communication with the City's industrial users to discuss the goals and intent of the pretreatment regulations; waste minimization practices, pollution prevention, reuse and recycling methods (P2), operation and maintenance procedures; and the inspection of the facilities.

Comment: The City should strike the term "commercial user". Refer to paragraph (25) in Section 13.24.03 of Ordinance 1360 and find that "Industrial User" includes all "non-residential" users to include "commercial users".

Under the pretreatment program, Industrial Users (IU's) [REDACTED], which discharge wastewater into the sanitary sewer system, that do not meet the standards set forth in **40 CFR 403 and others, JMC 13.24.et. Seq.**, Arkansas Department of Environmental Quality (ADEQ) standard or regulation, or applicable federal categorical standard. These IU's [REDACTED] shall be required to install and operate, at their own expense, wastewater treatment facilities. **These Users** will reduce the concentration or mass loadings of specific regulated pollutants to limits established by the applicable law or regulation before discharging to the sanitary sewer.

PRETREATMENT PROGRAM ORGANIZATION AND MANPOWER

The responsibility of administering the Pretreatment Program lies within the Laboratory Division of Jacksonville Wastewater Utility (JWU). The Laboratory is under the supervision of the **Laboratory Director and/or** Pretreatment Coordinator. These individuals are responsible for and have the authority to conduct the day-to-day operations of the Pretreatment Program. The Pretreatment Coordinator reports directly to the Administrative Operations Manager of JWU. The Laboratory Department consists of the following positions:

1. **Pretreatment Coordinator:** (1) spends approximately 90% of [REDACTED] time in the direct administration of the Pretreatment Program. Specific duties related to the Pretreatment Program will include conducting annual inspections, tracking the compliance status of the industrial users, investigating of citizen complaints, updating the industrial users' survey, maintain the associated records, and will be the point of contact for all industrial users. This person should be well trained in laboratory procedures should the Laboratory Supervisor be absent or need assistance.
2. **Laboratory Director:** (1) spends approximately 30% of [REDACTED] time performing duties related to the Pretreatment Program. Specific duties related to the Pretreatment Program include industrial sampling, computer data entry, filing, and minor administrative tasks.
3. **Pretreatment Inspector;** (1) spends approximately 50% of [REDACTED] time performing duties related to the Pretreatment Program. Specific duties related to the Pretreatment Program include assisting with industrial & POTW sampling, which includes Biomonitoring, Quarterly, & Priority Pollutants. Sampling QA/QC, computer data entry, filing, conducts inspection program for Grease Traps & Interceptors and O/W separators, silver recover systems, and other major and minor duties as assigned.
4. **Laboratory / Sampling Technician:** (1) spends approximately 50% of [REDACTED] time in the administration of the Pretreatment Program. Specific duties related to the Pretreatment Program include assisting with industrial sampling including sampling QA/QC, computer data entry, conducts an inspection program for grease traps at JWU service area restaurants and food service facilities, assists in conducting industrial inspections, and investigation of citizen complaints.

In addition, personnel from each of the departments within JWU (Managerial, Treatment, Technical Services, and Maintenance) are available to support the Pretreatment Program in whatever manner required.

The job descriptions for the above positions are enclosed in Exhibit "C" along with the organizational structure of JWU.

PRETREATMENT PROGRAM LEGAL AUTHORITY

The City of Jacksonville has passed into law various ordinances throughout the years providing Jacksonville Wastewater Utility (JWU) with the legal authority to develop and administer a Pretreatment Program as required in 40 CFR 403 (General Pretreatment Regulations).

The ordinance (Jacksonville Municipal Ordinance) #1360 or **Jacksonville Municipal Code 13.24.et. Seq. (JMC 13.24.et.Seq.)** is listed in its entirety under Exhibit "A".

A letter [REDACTED] stating the legal authority of JWU as required in 40 CFR 403.8 (f) (1) from the Utility's attorney is included under Exhibit "A".

Comment: Don't forget to show the date of the letter.

UPDATING THE INDUSTRIAL USER SURVEY

40CFR403.8f(2)(i)...POTW shall develop and implement procedures to locate and identify all possible Industrial Users (IUs), which may be subject to the pretreatment program.

Locating and identifying IUs will be accomplished by reviewing the following sources:

1. **The Utility [redacted] listed on the privilege license inspection form that all [redacted] Industrial Users must complete and return to the city clerk's office before opening for business. The Pretreatment Coordinator or Pretreatment Inspector will inspect the new User to determine if process wastewater will be generated and whether pretreatment will be necessary to treat the wastewater generated from the new user.**
2. The Utility will annually review the Century Tel Yellow Pages of the telephone directory for any potential new users on the system.
3. The Utility will annually receive a list from the Jacksonville Water Department of all users with a monthly discharge rate in excess of 250,000 gallons (approximately 11,300 gallons per day per 22 work days per month).
4. The Jacksonville Water Department will notify the Utility at least once per month of any new commercial or industrial users on the system.
5. The Utility will review the Jacksonville Chamber of Commerce's Manufacturing Guide each year for any new industries listed within the Jacksonville area.
6. Annual printout of hazardous waste generators provided by the Arkansas Department of Environmental Quality (ADEQ).

JWU Pretreatment Program industrial base was generated from an Industrial Waste Survey conducted by Crist Engineers, Inc. in June 1980. In September 1983, a new Industrial Waste Survey was conducted by JWU to update the information obtained in 1980. Every year since this second survey was conducted, evaluations have been made using the information obtained from the sources mentioned above as well as visual observations made during driving on roads and streets within the service area of JWU. Yearly and/or Monthly reports are received by JWU from these sources. This information is used to continually update the Industrial Survey File, which will be used to include all industrial facilities (not previously identified as an existing regulated permitted user) located in the JWU service area. Industries identified, as an existing potential IU will be reevaluated on a yearly basis. Any Potential New IU or Newly Discovered IU identified from one of the mechanisms listed above will be contacted by JWU.

Contact will be in the form of a telephone call to obtain information used to send an Industrial Survey Form, located in Exhibit "G". The user will be required to complete and return the Industrial Survey Form by a specified date. Upon return of the Survey form, Utility personnel will perform a site investigation to evaluate the discharge characteristics of the facility **as well as the need of a slug control plan**. Upon completion of these **three** items, a determination will be made by JWU to require the user to perform monitoring of their discharge, **and shall submit a slug control plan**. If indicated by the results of this monitoring, the user will be required to obtain an Industrial Wastewater Discharge Permit [redacted] and will be removed from the user survey list. Any user that is not [redacted] to [redacted] an IWDP will remain on the Industrial Survey File for reevaluation.

Identifying Character and Volume of Pollutants from IU's

Jacksonville Wastewater Utility (JWU) will comply with the provision located within 40 CFR 403.8(f)(2)(ii), which states " POTW shall develop and implement procedures to identify the character and volume of pollutants contributed to the POTW identified by the POTW's procedure for locating new industrial users.

Comment: "f" must be lower case

JWU may utilize the following means to characterize the pollutants and volume in new and permitted IU discharges

Privilege License Inspections – The inspection shall be an information-gathering event to ascertain what chemical compounds [REDACTED] discharged to the sanitary sewer.

Industrial User Discharge Permit Application – The permit application requires the IU to evaluate the MSDS of all chemicals used and note on the permit application those pollutants that **may be** present in the process wastestream.

Industrial User Survey – The survey requires the IU to evaluate the MSDS of all chemicals used and note on the permit application those pollutants that **may be** present in the process wastestream.

Baseline Monitoring Report (BMR) – All permitted IU's are required to complete a Baseline Monitoring Report (BMR) as part of the initial permit application package and for each subsequent permit renewal application. The BMR requires the facility to identify, through sampling and testing, the "nature and concentration of the regulated pollutants in the discharge from each process."

Material Safety Data Sheets (MSDS) – The IU is to provide to JWU a MSDS for all chemicals used with potential to discharge to the process effluent. The MSDS will be reviewed by JWU for identifying pollutants that are listed as hazardous components used in the preparation of the chemical.

On-Site inspections will be conducted to confirm the information provided by the IU. Additionally, permitted industries will be inspected annually and non-permitted industries that are listed with the Jacksonville Chamber of Commerce will be inspected every [REDACTED] two years at a minimum to assess their potential to impact the treatment works. **During the on site inspections, wastes manifests may be examined for contents of the wastes and [REDACTED] volume [REDACTED] compared against the purchased quantity to [REDACTED] the amount used on the product and the amount contributed to the waste stream [REDACTED].**

Industry Appreciation Day

One of the ways that JWU uses to reward good performers within the permit program is the use of an Industry Appreciation Day. The Industrial Users' Day is an activity that JWU uses to reward good characters within the permit program. This day is used to highlight and celebrate the accomplishments made by the IU's to control their contributions to their wastestream and share ideas and activities used for pollution prevention (P2). The IU's are rewarded with certificates of appreciation from JWU as to the degree of compliance with the discharge limitations listed within the IU's industrial discharge permit. The certificates are categorized into the following classifications:

Excellence Award: No violations, spills, or upsets are recorded from the IU for the preceding calendar year and is in compliance with all provisions of the Industrial Wastewater Discharge Permit issued to the IU.

Merit Award: No more than two (2) violations, spills, or upsets are recorded from the IU for the preceding calendar year and a return to compliance with all provisions of the Industrial Discharge Permit issued to the IU.

No Award: No award is provided to the IU whose compliance is not within the criteria listed for the above-mentioned awards.

DISCHARGE LIMITATIONS

Jacksonville Wastewater Utility (JWU) has passed, through the Jacksonville City Council, Jacksonville Municipal Codes reflecting the requirements of 40 CFR 403.5, as amended on July 24, 1990, on prohibited discharges (**General and Specific**). JWU has submitted Local Limits for the Johnson Plant on March 1994 for review and approval by Arkansas Department of Environmental Quality (ADEQ). These prohibitions are contained in the **JMC 13.24.09, 13.24.10, 13.24.12, and 13.24.13** which reads as follows:

JMC 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 standard 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 either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the POTW or the operation of the POTW. Any waste stream with a closed cup flash point of less than 140^o Fahrenheit or that result in the LEL (lower explosion limit) of greater than 20% at any point in the system are 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: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides and any other substances which the City, the State, or the EPA has notified the User is a fire hazard or a hazard to the system.

(b) Solid 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: excessive grease, garbage with particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, stray, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud, or glass grinding or polishing wastes.

(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 either 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.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process including sludge disposal, constitute a hazard to humans or causes a violation of the POTW's NPDES permit. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.

(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.

(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 and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act. Any criteria, guidelines, regulations affecting sludge use or disposal developed pursuant to the Clean Air Act, the Toxic Substances Control Act, or State criteria are applicable to the sludge management method being used.

(g) Any substance, which will cause the POTW to violate its NPDES or State Disposal System Permit or the receiving stream water quality standards.

(h) Any wastewater with objectionable color(s) not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(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).

(j) Any pollutants, including oxygen demanding pollutants (BOD₅, etc) released at a flow rate or pollutant concentration which a 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 Ordinance.

(k) Any wastewater containing any 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.

(l) Any wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin in amounts that will cause interference with the operation of the POTW or will pass through the POTW to the receiving system

(m) Any hauled or trucked waste or wastewater except at the POTW treatment plant unless prior written permission is received from the Manager.

(2) When the Manager determines that an IU 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 the User of the impact of the contribution to 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 the User.

JMC 13.24.10 also addresses Federal Categorical Standards as follows:

JMC 13.24.10 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial process, the Federal Standard, if more stringent than the limitation(s) imposed under Ordinance #1360 for that user, shall immediately supersede the limitation(s) imposed under this Ordinance (#1360). The Manager shall notify all affected Users of the applicable standards and reporting requirement imposed by the Federal Categorical Pretreatment Standard and this Ordinance (#1360).

Jacksonville Wastewater Utility has, in the past, kept abreast with changes in Federal Regulations through a subscription to the Federal Register. In the future, Jacksonville Wastewater Utility plans to use the following mechanisms to keep abreast of changes in the Federal Regulations:

1. An employee will attend the Region VI EPA or ADEQ sponsored Pretreatment Seminars/Workshops once per year, if they are offered, sponsored, or approved by the regulatory agencies during the year.
2. Jacksonville Wastewater Utility will annually order the latest revisions of the applicable CFR's, which are revised each year as of July 1 and are usually available to the public by December of the year.
3. Using JWU computers connected to the internet, JWU employees will seek any information posted on EPA, ADEQ, or other regulatory agency website for updates and information concerning Pretreatment Standards.
4. JWU will contact the state Pretreatment Coordinator(s) and / or person(s) in similar capacity in other cities to seek advice or information concerning the Standards.

Any User that is affected by a change in the regulations will be notified promptly of the changes and any deadlines, limitations, reporting requirements, or other requirements that may be required due to the changes in the Standards.

JMC 13.24.12 (Local Limits) Specific Pollutant Limitations

Jacksonville Wastewater Utility (JWU) has completed a study of Headworks Loading Concentrations for the J. Albert Johnson Regional Treatment Facility (Johnson Plant) and submitted this study for review and comments by ADEQ. Although several technical approaches are available for determining Local Limits, the allowable headworks loading method is the method of choice for development of limits applicable for the Johnson Plant. For each pollutant of concern, the most stringent of the allowable headwork loadings derived from the respective sets of criteria (U. S. EPA., CWA, ADEQ, and other data) was taken as that pollutant's maximum headworks loading allowable to ensure consistent compliance with all applicable requirements. The study specifies how Local Limits will be developed for pollutant of concerns as identified by JWU Industrial and Residential contributions to the treatment headworks. These headworks limitations are enforced as part of the Pretreatment Program and delegated to all permitted industries.

JMC 13.24.12, as follows:

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 Wastewater Commission.

Comment: This language allows the City to update the local limits without changing or updating this program document.

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 User. 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 of POTW personnel or the public health, cause a POTW permit violation or render the POTW sludges unacceptable for economic reuse or reclamation. [REDACTED]

Comment: The City should not include the 1995 Crist development or any local limit development in this program document. Refer to 40CFR403.5(c)(1) and 40CFR122.44(j)(2)(ii), the City will be expected to review and update the local limit development document from time to time as necessary.

The Utility may develop Best Management Practices (BMPs) in lieu of numerical discharge standards. The adherence to these BMPs shall be utilized in place of numerical local limits and Pretreatment Standards. This information is included with the **JMC 13. 24. et. Seq**

Comment: Required Streamlining update.

JMC 13.24.13 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, State, and/or the Federal Government.

METHOD OF CONTROL

This section of the Pretreatment Program Manual outlines progressive steps Jacksonville Wastewater Utility (JWU) may use to require compliance with pretreatment standards from Industrial Users (IUs). Nothing in the Enforcement Response Plan, which follows, will prohibit JWU from skipping intermediate steps if violations are found to be flagrant or willful. Similarly, less stringent enforcement actions may be appropriate based on the degree of the violation and past history of the Individual User. JWU shall enforce industrial wastewater discharge standards by use of the authority delegated to JWU by the United States Environmental Protection Agency under the provisions of 40 CFR 403, the Arkansas Department of Environmental Quality directives and regulations, **City of Jacksonville Ordinance #1360**, and the JWU Enforcement Response Plan detailed in Exhibit "J". Tools used to achieve these means are the use of a Chain of Custody while conducting a sample event, historical data contained within the files at JWU, inspection observations, and other similar tools.

The control of IU's shall be achieved by using the provisions in the JMC 13. 24. et. Seq, which are specified by the issuance of an Industrial Wastewater Discharge Permit (IWDP) **or a General Discharge Permit (to certain Industry Sectors)**, ~~and BMP's~~. **These control mechanisms shall be issued** to those industries determined to be classified as ~~SIU, CIU, MTSIE, MTCIU, NSCIU,~~ **SIU, CIU, NSIU**, IU Self-Monitoring reports and JWU Monitoring reports will be evaluated against the discharge limits listed in the IUs IWDP **and the requirements listed on the BMP's**. The discharge limits **and requirements** will be determined from federal regulations (EPA), state regulations (ADEQ), local limits, and other possible sources (such as MSDS, past sampling results, inventory lists). These reports and any other written correspondence received from the IU will be dated upon receipt for record keeping purposes. Other methods used to provide control over these discharges are Pollution Prevention (P2) methods, Slug Control Plans, and other methods which are deemed appropriate for the individual IU. The enforcement used to control these IU's shall be granted to the following official utility representatives: General Manager ~~or Manager~~, **Administrative Operations Manager**, Pretreatment Coordinator, **Laboratory/Sample Technician(s)**, **Pretreatment Inspector**, and **the Jacksonville City Attorney**. The steps used to exercise control over the IU's are detailed in the Enforcement Response Plan, which is located in Exhibit "J".

Tools used to monitor compliance by the IU's are random inspections of the IU' are:

Observations for changes in the IU's workplace (more cars in parking lot, new, more, or different 55-gallon or larger chemical drums on site **or etc...**

Checking the water consumption records against those from the past, and etc...

Random sampling of the IU's effluent and other tools that may be used and developed to aid in this endeavor.

During inspections of IU's, records will be reviewed, **spill and slug control plans** will be reviewed, and employee training records.

An exit interview with the IU's contact or other means of communication to discuss new or future plans for the user.

Comment: BMPs are not "control mechanisms". BMPs are limits and standards (i.e., plans and practices) to be shown in control mechanisms. ; see 40 CFR 403.5(c)(4).

Comment: The City elected not to include provisions for Middle Tier CIUs and Non-Significant CIUs in Ordinance #1360. Neither Ordinance #1360 nor 40CFR403 define "Middle Tier SIUs". Please strike these acronyms.

Comment: JMC does not define "General Manager". The City must be consistent with the Ord 1360 and throughout this program narrative.

See comment on page 24 about "Manager".

Reporting Requirements

Permitted Significant [redacted] IU's are required to submit monthly industrial user self-monitoring reports (IUSM) on which **monthly water consumption flow** measurements and the sampling results for the parameters listed on the IU's discharge permit **or general permit or BMP** for monthly sampling are reported to JWU for determining compliance. Other reporting requirements for Categorical and Significant IU's are listed on the Industrial Wastewater Discharge Permit (IWDP) with the submission time frame also listed.

Comment: BMPs contains plans and practices in lieu of numerical limits; therefore, "sampling and measurements" are not applicable to BMPs.

Significant (Non-Categorical) IU's are required to submit monitoring reports monthly to JWU also. The sampling requirements and/or monitoring requirements for the **Significant** IU's are listed on their IWDP.

During the Industrial Wastewater Discharge Permit or General Permit, and BMP application phase, the User shall appoint and/or designate a [redacted] to be recognized as the [redacted] person [redacted] signatory authority. This person [redacted] can sign POTW reports as well as other official reports from the User.

Comment: IUs do not apply for BMPs. The City may elect to use a BMP in a permit in lieu of numerical limits.

Comment: The City has defined "person" as a legal entity in 13.24.03(35).

JMC 13.24.et.Seq. requires that all significant industrial users to have a valid Industrial Wastewater Discharge Permit **or General Permit, or BMP.** This ordinance also provides for:

Comment: In accordance with JWC 13.24.18(1), SIUs must have an IWDP or GP. Referring to 13.24.12, BMPs are optional limits (plans or practices) in permits.

1. Both civil and criminal penalties of up to one thousand dollars (\$1000) per day for violations of the ordinance;
2. Jacksonville Wastewater Utility employees to inspect industrial establishments;
3. A list of prohibited or regulated strengths of volumes of industrial wastewater discharges
4. Requirements for sampling, analysis, flow measurement, and pretreatment facilities if necessary.
5. Requirements for spill or slug control where necessary.
6. Requirements for industry reporting and self-monitoring.:
7. Allows for the emergency suspension of service if a discharge presents an imminent or substantial danger to the health or welfare of persons, to the environment, to the operation of the POTW, or causes or will cause the POTW to violate of its NPDES Permit.

TheseP2 methods are to be used to provide waste reduction: **by means such as** reuse, substitution of materials used, or recycling of products used. Examples of these methods are the reuse of raw material containers without washing between uses (**dedicated containers**), use of aqueous based cleansers instead of organic cleansers, and the use of rinse water as make-up water for process use.

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

Jacksonville Wastewater Utility (JWU) will use Industrial Wastewater Discharge Permits (IWDP) as the primary control mechanism to regulate Significant Industrial Users (SIU's) [REDACTED]. The IWDP allows for the systematic integration of applicable SIU [REDACTED] requirements under the provisions of the **JMC 13.24.et.Seq.** state, and federal regulations. The IWDP will facilitate enforcement action for Significant Non-Compliance (SNC) by clearly stating the SIU's [REDACTED] limitations and responsibilities.

Comment: This phrase is redundant. The City has defined SIUs to include CIUs. See 13.24.03(49) for more details.

In consideration of the granting of an IWDP, the industry affected agrees to furnish information relating to the installation or use of the industrial sewer for which the permit is sought, to accept and abide by all provisions of **JMC 13.24.et.Seq.**

(Jacksonville Wastewater Utility) JWU will issue two classes of IWDP (Class I and Class II). All SIU's [REDACTED] will be required to have a Class I permit which will contain the specific reporting, monitoring, **slug control requirements** and sampling requirements, standard conditions, information necessary to contact JWU in the event of an emergency, and discharge limitations required by **JMC 13.24.18** and the General Pretreatment Regulations (40 CFR 403). **Middle-Tier Significant Industrial Users (MTSIU's), Middle-Tier Categorical Industrial Users (MTCIU's), Non-Significant Industrial Users (NSIU's), and Non-Significant Categorical Industrial Users (NSCIU's)** which may require some control or regulations but are not SIU's, will be issued a Class II permit. Class II permits will contain standard conditions, **slug control requirements**, limitations, information necessary to contact JWU in the event of an emergency, and sampling and reporting requirements as required by the **JMC 13.24.et.Seq.**

Comment: In accordance with 40 CFR 403.8(f)(1)(iii), the City must have the legal authority to require SIUs to have permits.

Comment: See comment about acronyms on page 14 above.

Slug Control Evaluations

Any Industrial User (Categorical, Non-Categorical, Significant, or Non-Significant) whose wastestream has the potential to introduce Slug Loading to the POTW shall be subject to evaluation during the annual inspection or during a special industrial inspection for Slug Control. Pollution prevention methods will be suggested at this time to eliminate any Slug Loading potential to the POTW.

Industrial User Reporting Requirements

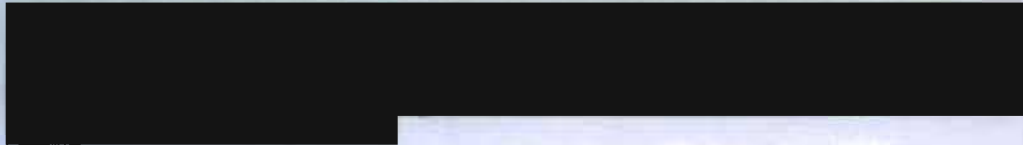
Reporting requirements for an IU **are** [REDACTED] to send Self-Monitoring reports to the utility [REDACTED] no later than one (1) month following the month in which the sample was collected. Example: Sample(s) collected in September, received by Laboratory for analysis in September, sample results in Self-Monitoring report [REDACTED] due to JWU by end of October. If these reports are not received within the timeframe noted above, the Enforcement Response Plan (ERP) will be used to seek the appropriate corrective measures. These measures can range from a telephone call, a written Notice of Violation requesting corrective measures and a timetable of events, and continuing to legal action against the IU for specific violations. If a Notice of Violation (NOV) is sent to the IU, it is sent within five (5) days of the violation and a response with a corrective action plan is requested to be submitted by the IU no later than thirty days from receipt of the NOV. Other reporting requirements are specified in the IWDP or Enforcement Response Plan.

Copies of Class I ([REDACTED] SIU) & Class II (**MTSIU, MTCIU, NSIU, & NSCIU**), Industrial Wastewater Discharge Permits are included in Exhibit "E" of this report. Copy of the Enforcement Response Plan is included in Exhibit "J" of this report.

BEST MANAGEMENT PRACTICES

BMPs (Best Management Practices) are to be used as a control device when grouping industrial or commercial sectors together by the use of technology to treat their waste stream. Devices such as filter recovery systems or other similar systems can be used to treat the waste stream to **achieve compliance with the discharge standards.** BMPs are alternatives to **AWQP effluent limitations (categorical standards or local limits)** in that technology **guarantees compliance with these standards.** Means used to track the use of the BMP are logbooks, waste manifests, and other record keeping methods as well as instrument readings and the use of test strips to check the effluent from the treatment device. Monthly reports with a compliance statement and other certification statements will be required to be submitted during the month following the observed compliance.

BMPs (Best Management Practices) are management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs are defined in JWC 13.24.0216) and at Title 40 of the Code of Federal Regulations (CFR) 403.5(a) as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.



A copy of a BMP is included in Exhibit "K" of this report.

Comment: BMPs are not use to achieve compliance with "discharge standards" and BMPs cannot guarantee compliance with these standards.

Comment: In accordance with 40 CFR 403.5(c)(4), the City may use BMPs in lieu of Pretreatment Standards or local limits. The intent is to replace these "numerical limits" with a BMP "narrative" and not replace the entire permit; refer to 40 CFR 403.8(f)(1)(ii)(B)(3) to find that BMPs are to be included in the permits. The City corresponding legal authority is located in JMC 13.24.03(6) , 13.24.12 and 13.24.18(5)(h). The City should consider using the language from EPA Fact Sheet 7 (BMPs).

INDUSTRY AND UTILITY COMPLIANCE MONITORING

Compliance Monitoring - Jacksonville Wastewater Utility (JWU) will determine compliance with all applicable regulations by Industrial Users (IUs) through self-monitoring, JWU monitoring, and from a minimum of an annual industrial inspection(s) of the IUs. All of the above mentioned resources would be used to determine whether the IU is Significantly Non-Compliant (SNC) or not as determined with the Enforcement Response Plan (ERP). All Significant Industrial Users, Categorical and Non-Categorical, will be required to resample for any pollutant that exceeds the limits in their permit within 30 days of becoming aware of the violation. If the Control Authority (JWU) has not sampled in this period, Should JWU sampling or self-monitoring results show that the User (SIU, MFSIU, MTCIU, NSIU, and NSCH) has violated the permit limit; JWU shall resample (within 30 days becoming aware of the violation) the User (shall resample also) for the purposes of determination of compliance with the IWDP, General Permit or BMP. All sampling shall be representative of the process water discharged from the facility. Listed below are the minimum requirements of this monitoring program:

Inspections - All Significant and Non-Significant Permitted IUs will be inspected a minimum of once per year. The (JWU) Utility will reserve the right to conduct inspections more often in response to violations or other problems. These inspections will be on demand inspections and will be conducted with no prior notice to the IU. Permitted Non-Significant industrial users will be inspected a minimum of once a year. A copy of the latest inspection form used by JWU is located in Exhibit "H". Before any inspection is conducted, a review of the information located within the files of JWU is conducted by the Pretreatment Coordinator or other designated utility representative. Other type of inspections conducted by JWU will be to assess the potential for slug loadings from IU's, response to emergency situations (fire, explosions, and etc...), response to requests from the general public, collection system upsets, violations of instantaneous limits, and concerns of treatment plant employees, and other situations that could be determined to be of imminent danger to health and safety.

Industry Self-Monitoring - Industry Self-Monitoring shall consist samples collected by the IUs. The types of samples collected shall be grab and composite. Grab samples are individual samples collected over a period of time not exceeding 15 minutes, and may be collected by manual or automatic methods. A composite sample is a mixture of grab samples collected at the same sampling point over a known period of time or proportional to flow. Composite sampling may be done manually or with an automatic sampler. All sample collection handling and analysis shall be performed by an ADEQ-certified laboratory unless they are performed by the permittee. Designated laboratories shall be subject to the Manager of JWU for approval. **IU's are required to submit one of the following reports (Monthly (IUSM), Quarterly (IUSMQ), or Semi-Annual (PRCC)) for the purpose of determining compliance with their IWDP. Sampling requirements are listed on the permit as well as the number of grab and composite samples required to determine compliance status. All sampling results shall be reported to JWU by the end of the month following sample collection.**

Comment: This recommended language was copied from page 19 below (see paragraph c).

Comment: See comment on page 14 above for details on acronyms.

Comment: 40 CFR 403.12(g)(2) states that "Resampling [by the User] is not required if...The Control Authority performs sampling..."

Comment: In accordance with 40 CFR 403.12(e) & (h), the User must submit documentation to determine the compliance status since BMPs are "management practices" and not "numerical" limits. The City cannot determine compliance with BMP's by sampling; according to JMC 13.24.03(6) BMP's include "management plans" in place of categorical standards and effluent limits.

Comment: The Reviewer is not sure about the City's acronyms and the City should verify.

Sampling Methods

Methods used to collect a grab sample are as follows:

Method 1: This method makes use of a long section of nylon twine ($\frac{1}{4}$ inch size) tied tightly around the neck of a sample container. The container is lowered down into the interior of the manhole or sample port. The container is positioned above the representative sampling point within the wastewater flow stream. This method is used for collecting samples from a manhole for parameters such as pH, O&G, cyanide, and phenol. This method is used at IUs and for treatment plant sampling. Surcharge O&G samples are collected using this method.

Method 2: This method uses the pumping action of an automatic sampler to lift the sample from the wastewater flow stream. The suction line of an automatic sampler is lowered into the interior of a manhole. The pump of the automatic sampler is turned on to lift the sample from the flow stream and is deposited into the appropriate sample container. This method is not to be used to collect an O&G sample, because portions of the analyte may adhere to the inside of the suction line, thus preventing the collection of a representative sample. This method may be used at industrial **and/or commercial** locations.

Methods used to collect a composite sample are as follows:

Time Weighted Composite Samples: This method is used for compositing wastewater samples in which a fixed volume of wastewater (aliquot) is collected at a set time interval over a pre-determined designated period of time, usually 24 hours, and deposited into one container. This method is used to collect IUs samples for BOD₅, TSS, COD, Metals, etc... This method is also used for process control samples collected within the Johnson Plant and at the IU locations for compliance monitoring. Surcharge BOD₅ & TSS samples are collected using this method. The abbreviation for this method is 24 HC.

Time Weighted Composite Samples – Manually Flow-Proportioned: Equal volume aliquots of wastewater are collected at equal time intervals, which are then composited together proportionally to the flow during the time the aliquots were collected. This method is currently used as a back up to the Flow Proportioned Composite Sample method used at the Johnson Plant Final Effluent. The abbreviation used for this method is 24 HFC. An example of this method is presented below:

- (a) Samples are collected over a 24-hour period, with individual aliquots collected every two hours, beginning at 8:00 AM and ending at 6:00 AM the next day. To determine the flow proportioned volume, a factor is derived by first totaling the individual flow reading (in MGD) at the time each sample is collected and secondly by dividing each individual flow reading by the total. Multiply this factor by the volume of the composite sample container to determine the actual volume to be composited.

Flow Proportioned Composite Samples: This method is used to collect a series of discrete, equal volume wastewater aliquots at a known flow interval, and to place these samples into a single composite container. The known flow interval will be provided by the data user is known commonly as a flow pulse. A flow pulse represents an electronic flow input signal transmitted to the sampler at fixed increments of total flow. For example, one (1) pulse may equal one hundred (100) gallons of flow. The fixed volume will be determined by

how many equal volume aliquots are to be collected during the compositing period and the size of the composite container. The maximum amount of sample should be collected without overflowing the composite container. The abbreviation used for this method is 24 HFPC. This method is used at the Johnson Plant [redacted] Influent and Final Effluent [redacted] NPDES [redacted]. This method is [redacted] used at [redacted] Little Rock Air Force Base (for self-monitoring purposes).

Self-Monitoring

The Self-Monitoring frequencies for SIU's will be based upon the industry category (Categorical vs. Noncategorical) and the quantity and quality of the discharge. Non-Significant permitted industrial users (NSIU) may be required to monitor at a frequency determined by the Manager based upon the facility's potential impact upon the POTW and compliance with JMC 13.24. et. Seq. The Manager may require no monitoring for those facilities that do not discharge industrial wastewater but are permitted to ensure compliance with nondischarge provisions of the Ordinance such as spill control.

a. All Categorical users (CIU, MTCIU, & NSIU) will be required to monitor at least once per year for any regulated pollutant that is reasonably expected to be present base upon sampling history and inspection results. All Categorical users will be required to monitor for all pollutants regulated by that category at least twice per year unless the Utility elects to monitor for these pollutants for the user. Categorical users that are allowed by Federal Regulations to certify compliance with a pollutant will not be required to monitor for that pollutant if they comply with the provisions of certification. An example would be Metal Finishers who are allowed to certify compliance with the TTO standards.

Comment: See comment on page 14 above. 40 CFR 403.3(v)(3) does not allow the City to designate a "CIU" as a "Non-Significant IU". The City must strike these two acronyms.

b. All Significant Noncategorical Users (SIU & MTSIU) will be required to monitor at a frequency ranging from weekly to once per year based upon the quantity and quality of their discharge.

Comment: See comment on page 14 above.

c. All Significant Industrial Users, Categorical and Non-Categorical, will be required by their permit to resample for any pollutant that exceeds the limits in their permit within 30 days of becoming aware of the violation if the Control Authority (JWU) has not sampled in this period. This requirement is listed within the IWDP.

Comment: Required Streamlining Revision; see 40 CFR 403.12(g)(2)

Utility Monitoring

Utility Monitoring - JWU will shall monitor all Categorical Users (CIUs) a minimum of twice per year for all pollutants regulated by the industrial user category. [redacted] Significant Industrial Users (SIUs), Middle Tier Significant Industrial users (MTSIU's) user, Non-Categorical (NSIU) users will shall be monitored by JWU at least [redacted] once per year. This monitoring is for the parameters listed on the Sampling Protocol for the individual IU. Non-Permitted Non-Significant IU's [redacted] sampled [redacted] once every two years. JWU reserves the right to sample at higher frequencies in response to violations or other problems that [redacted] would make the IU [redacted] Noncompliant with the conditions [redacted] the Industrial Wastewater Discharge Permit or [redacted] place the IU in SNC under provisions in JMC 13.24. et. Seq. [redacted]

Comment: Refer to 13.24.03(48), "Shall" is mandatory.

Comment: See comment on page 14 above.

Comment: Refer to page 28 below and find, "Compliance monitoring at Significant Industrial Users within the JWU service area is conducted on an annual basis."

JWU will confirm that categorical users that are certifying compliance with a specific parameter by evaluations of the IU Self-Monitoring results, evaluations of JWU Monitoring results, and through annual industrial inspections. JWU reserves the right to increase the sampling for these parameters if the user appears to have failed to adhere to the conditions of this certification or is experiencing other problems. Non-Significant industrial users will be monitored by JWU at a frequency determined by the Manager based upon the facility's potential impact on the POTW collection system and treatment system. The Manager may require no

monitoring if the facility does not discharge industrial wastewater to the sanitary sewer.

Demand Monitoring - Additionally, JWU reserves the right to increase both industry self-monitoring and Utility monitoring in response to problems in the POTW collection system or treatment plant, problems with the industrial users compliance status, or in response to questionable or suspect sampling and analytical data.

All sampling and analysis will be performed according to the requirements in 40 CFR 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Industrial users will be required to certify with their self-monitoring reports that they have complied with this provision and that all samples were collected during normal operations. Jacksonville Wastewater Utility will collect all demand monitoring samples and maintain appropriate records in such a manner as to produce evidence admissible in court. A list of the equipment used in conducting sampling operations is located in Exhibit "F". Sampling may be conducted in the event of an emergency or violation of the regulations governing the POTW or IU. The ERP will be used in response to any violation specified in the IWDP or other regulatory requirements.

All sample containers shall be washed and prepared in accordance with Environmental Protection Agency (EPA) regulation 40 CFR 136, Tables 1^a and 1^b or where there is no EPA regulation is defined, approved methods accordance with procedures listed in Standard Methods for the Examination of Water and Wastewater, 18th, 19th, 20th, and 21st Editions. Any sample container provided by contract laboratories or other sources shall be held to these same standards.

Once an automatic sampler is removed from the field, it must be properly cleaned before it is returned to service. The following procedures describe the techniques used in the cleaning the automatic sampler after completion of the sampling event.

Sampler Base, Midsection and Top Cover

Step 1: Inspect the sampler base, mid-section and top cover for any cracks or defects. Repair with available spare parts if possible. Consult the Pretreatment Coordinator for disposal and replacement considerations.

Step 2: The entire surface areas inside and outside of the top cover, mid-section, and sampler base should be cleaned as soon as possible after use. Wash thoroughly with laboratory grade detergent and hot water using a brush to remove any material or surface film.

Step 3: Rinse thoroughly with hot water and air dry.

Control Box

Step 1: The control; should be wiped with a clean wet cloth or paper towel after each use.

Step 2: Check the desiccant indicator and replace any spent cartridge with a reactivated cartridge if necessary.

Step 3: Twice a year, check inside the control box for loose debris. Remove debris by use of a vacuum cleaner. Check rubber seal for cracks and replace if necessary. Always before closing lid, coat rubber seal with thin layer of silicone or lithium grease.

Pump Tubing and Suction Line

New pump tubing and suction line are use for each sample event. Should the pump tubing or suction line need

to be reused, the cleaning techniques listed below are to be used.

Step 1: Pump a laboratory grade detergent and hot tap water through the sample line and pump tubing for minimum of two (2) minutes. Use the pump switch in the forward position and alternate with the reverse position during this time to remove any residual detergent solution.

Step 2: Clean the outside of the suction line with a laboratory grade detergent and wet scouring pad (scotchbrite).

Step 3: Rinse the suction line thoroughly by pumping hot tap water through the line for two minutes. Rinse a second time using deionized water in place of tap water and pump for one minute.

Step 4: If the suction line is transporting sample for metal analysis, rinse suction line using 1:1 H₂SO₄, followed by three rinses of deionized water. Following the last deionized rinse, rinse the suction line with 1:1 HNO₃, followed by three rinses of deionized water.

Step 5: If the suction line is transporting sample for the following organic fractions: base/neutrals, acid extractables, and/or pesticides, the silicone pump tubing should be thoroughly rinsed with methanol, followed by repeated rinsing with deionized water to minimize the potential for contamination of the sample. Do not use methanol around open flames because of the flammability factor.

Step 6: If the sample line is to be replaced, new sample line must be washed according to the above-described procedures before it can be used.

Step 7: Sample lines are to be stored in the laboratory until placed into use.

Sample Containers

All sample containers used for plant final effluent and process control samples will be washed and prepared in accordance with Environmental Protection Agency (EPA) regulation 40 CFR 136 or where there is no EPA regulation defined, in accordance with procedures listed in Standards Methods for the Examination of Water and Wastewater, 18th, 19th, 20th, or 21st Editions.

Sample containers and sample bottles should be cleaned as soon as possible after use and when removed from stock and to be placed into service. The cleaning procedures outlined in this section will be used. Solvents, acid solutions, laboratory detergent and rinse waters used to clean sample containers shall not be reused. Brushes used to clean sample containers should be discarded when they become worn or become a source of contamination. The discarded brushes will be replaced with new brushes. Once the particles and surface grime has been completely removed, the brush will not be reintroduced into any of the remaining steps of the washing procedures.

JWU has the authority to require industry self-monitoring in **JMC 13. 24. et. Seq.**

CHAIN OF CUSTODY

To insure sample integrity, JWU will employ the following security and chain of custody methods. A copy of the chain of custody is located in Exhibit "I".

1. All automatic samplers will be locked when set up at the industry. Sample technicians will note the conditions surrounding the sampler during setup. The technician will complete a form when the unit is set up indicating all the specifics of the sampler set up and the conditions surrounding the unit. This form has a section for sampler set up, sampler pick up and sampler clean up.
2. **Upon completion of the sampling event, all samples collected shall be sealed using a vinyl tape. This tape is used as a deterrent to tampering after the sample is collected.**
3. Sample technicians will maintain custody of all samples until they are delivered to the lab.
4. Sample technicians will complete a chain of custody form, which will be signed by individuals at the receiving lab when they receive custody of the samples from the technician. This form has a space for the industry ID #, sample #, sample date, sample description, sample parameters, sample type, bottle number (s), designated laboratory, and signature block (s) for the relinquish of custody.
5. **JWU shall retain the original chain of custody form after a copy has been made by the receiving lab. The original chain of custody form shall be attached to the sampling results report after the results have been entered upon the spreadsheet for the User. The lab identity number shall be transferred to the original chain of custody.**

Comment: No change from previous program narrative.

PUBLIC PARTICIPATION

Jacksonville Wastewater Utility will conform to the public participation requirements of 40 CFR 403 in the following manner:

1. A monthly report will be prepared by the Pretreatment Coordinator and delivered to the [REDACTED] Manager, which will contain all violations and discharges beyond the surcharge parameters experienced by industrial users during the reporting month. The **Administrative Operations** Manager will communicate this information to the Sewer Commission as required by the Commission.
2. The [REDACTED] Manager will annually publish in a newspaper of general circulation in Jacksonville a list of all industrial users that were in significant noncompliance with the provisions of Ordinance # **1360 or JMC 13. 24. et. Seq.** and any applicable state or federal regulations for the previous calendar year.
3. The Laboratory Department will promptly investigate possible violations of the provisions of Ordinance # **1360 or JMC 13. 24. et. Seq.** that is reported by members of the public or any **state and / or federal** governmental agency.

Comment: The City did not define the term "Administrative Operations Manager" in Ordinance 1360. In accordance with 13.24.03(27), the Manager may designate the "Administrative Operations Manager" as his "authorized deputy or representative".

See page 31 below; the City should be consistent throughout this narrative with the term "Manager".

FUNDING

Funding for the program will come from the following sources:

1. Extra Strength Surcharges
2. Analytical Fees
3. Permit Application Fees
4. General Revenues (those amounts set aside in the JWU budget)
5. **Domestic Septage and Landfill Leachate disposal fees**
6. Other fees as determined by the Commission under the authority of **JMC 13.24. et. Seq.**

The 2008 budget for the Laboratory is included as Exhibit "D". This exhibit contains the estimated portion of that budget that directly relates to the **Industrial** Pretreatment Program.

CONFIDENTIALITY

In accordance with 40 CFR 403.8 (f) (1) (vii) and the Arkansas Freedom of Information Act, any records that will give advantage to competitors or bidders and other similar records shall be kept under double lock. These records, which by law are required to be closed to the public, will not be made available to the public and will be filed separately from those records available on public file. Reasonable access to public records and reasonable comforts and facilities for the full exercise of the right to inspect and copy such records will not be denied to any citizen.

SAFETY

Jacksonville Wastewater Utility has an ongoing safety program to educate employees of the dangers present in the wastewater business. The Utility will supply the necessary safety equipment to ensure that the employees can complete the work safely. Listed below is safety equipment available to employees.

1. Hard Hats
2. Steel toed rubber boots
3. The Utility will pay a pre-determined amount toward the purchase of approved Steel/safety toe leather shoes or boots for use on the job
4. Chemical resistant gloves
5. Safety Glasses
6. Ear Plugs
7. **Rain Suit / Rain Coat**
8. **Tyvek Disposable Jump Suit**
9. **SCBAs**
10. **Chemical Respirators**

Additionally, the following equipment will be stored for use in the sampling vehicle:

1. Eye Wash Station
2. OSHA approved first-aid kits
3. Portable (Class ABC) fire extinguisher
4. Safety Cones
5. Two-Way Radio
6. Antibacterial **Hand Wipes**
7. Hazardous/Explosive Gas Monitor (on an as needed basis)
8. **Latex Gloves**
9. **Antibacterial Hand Sanitizer**

Safety is taken very seriously by the Jacksonville Wastewater Utility. A full safety manual for the Utility was developed in 1995 and was updated in 2009, that includes educational information, policy, and standard operating procedures.

JACKSONVILLE WASTEWATER UTILITY ENFORCEMENT RESPONSE PLAN

This section of the Pretreatment Manual outlines progressive steps the Utility uses to require compliance with pretreatment standards from all Industrial Users ~~SR, CU, NSU, MTSU, NSU, and others.~~ Nothing in the Enforcement Response Plan (ERP), which follows, will prohibit Jacksonville Wastewater Utility (JWU) from skipping intermediate steps if violations are found to be flagrant or willful. Similarly, less stringent enforcement actions may be appropriate based on the degree of the violation and past history. Any questions regarding appropriate enforcement action should be addressed to the Pretreatment Coordinator or the Jacksonville City Attorney.

Comment: See comment about acronyms on page 14 above.

The following definitions will be applied within the ERP:

Potential New Industry – A potential discharger that has not connected to the sewer but plans to begin discharging after completion of construction or extension of sewer service.

Newly Discovered Industry – An existing discharger that has recently been discovered, has recently become subject to a categorical discharge standard, or is found to have a pollutant of concern in their discharge.

Existing Industry – An Industrial User (IU) that is connected to the JWU sanitary sewer system and has a Discharge Permit.

All new industries may be required to have adequate pretreatment facilities (if necessary) to achieve compliance with appropriate discharge standards and will submit all necessary reports (IUSM, BMRs, permit applications, spill and/or slug control plans, etc...) before they are allowed to discharge.

Any newly discovered industry would be required to submit all necessary reports (BMRs, permit applications, spill and/or, etc...). A compliance schedule may be required if the industry is found to be noncompliant with any (federal, state, and/or local) discharge limits. This compliance schedule (if required) will be placed within the discharge permit.

All newly discovered industries that fail to meet compliance schedule milestone dates (including a final date for compliance) without reasonable cause or appears willing to accept fines instead of installing pretreatment equipment, and/or appears unwilling to comply with pretreatment rules and regulations will be subject to further enforcement action.

Investigating Instances of Industrial User Noncompliance

Instances of Industrial User (IU) noncompliance are identified through review of IU self-monitoring reports, Jacksonville Wastewater Utility (JWU) compliance monitoring, and inspections. Demand inspections and monitoring is performed when deemed necessary to provide additional information and/or to confirm suspicions about compliance issues.

IU self-monitoring reports are reviewed upon receipt. These reports are checked for appropriate parameters, certification statement, sampling and analytical procedures, signature, and results. These reports are checked against the discharge permit for the IU to determine compliance with the limitations listed within the permit. Any violations are noted and an appropriate response is made. Should the IU not adhere to regulations specified in the discharge permit, **JMC 13.24.et. Seq.**, and etc. The IU shall be determined noncompliant and shall remain until compliance is achieved through proper documentation.

Compliance monitoring at JWU's categorical IUs is conducted at a minimum of twice per year. Compliance monitoring at Significant Industrial Users within the JWU service area is conducted on an annual basis. All compliance monitoring visits made by JWU are unscheduled. All compliance monitoring is performed in accordance with U. S. EPA sampling and analytical procedure requirements (40 CFR 136). These procedures and requirements provide JWU with quality data that would be admissible as evidence in enforcement proceedings. Chain of Custody procedures are in effect.

Annual inspections are conducted at all permitted IUs and this inspection is scheduled with the facility representative. The annual inspection provides the opportunity to review operations, pretreatment facilities, and records to ensure compliance with the discharge permit and state requirements.

Demand monitoring and inspection activities are performed in response to known or suspected violations to gather additional information. JWU procedures require additional sampling by JWU when a violation is discovered during compliance monitoring. This extra monitoring is usually performed the month following the month in which the effluent limit violation is discovered. The information obtained from additional compliance monitoring may be used to confirm whether noncompliance continues or a return to compliance.

Should JWU suspect an illegal discharge from any facility and these activities are not being detected by compliance monitoring, covert surveillance procedures should be initiated. Covert surveillance procedures will be designated by the Pretreatment Coordinator.

Types of Enforcement Responses and Descriptions

In accordance with 40 CFR 403.8(f)(5)(ii), a description of the types of escalating enforcement responses to JWU will take in response to anticipated types of IU violations and the time periods within which the responses will take place must be identified in the ERP. The following enforcement responses to IU noncompliance are allowed in **JMC 13, 24, et. Seq.** These responses fall into five (5) general categories.

Telephone call and communications records – This enforcement response is the least severe of the options available to JWU and will occur for every instance of IU noncompliance. The telephone call will state the nature of the violation and any corrective actions that need to be taken by the IU. A Communication Record is kept of the conversation and is used to document the conversation, nature of the violation, actions taken by JWU, who was contacted, and IU initial response to the violation. All subsequent communications from the IU and JWU in regards to this violation shall reference the initial communications record. These communications documents shall show, from initial recognition of a violation until return to compliance, the actions taken by the IU and JWU in response to the violation.

Informal Meetings – Some minor instances of noncompliance may warrant an informal meeting to explain the violation and/or pretreatment requirements in person. These meetings are generally scheduled at a convenient time for the IU Representative and the Pretreatment Coordinator. The Pretreatment Coordinator will take notes during the meeting and generate a memo to the file regarding what was discussed and any comments made by the IU Representative.

Notice of Violation – A Notice of Violation (NOV) is a formal notice to the IU that they are in violation of an ordinance provision; permit condition, or effluent limitation. The NOV is sent by certified mail-return receipt requested and outlines the nature of the violation(s) and requests the IU to respond within a specific time period (usually 30 days from the date of the letter) as to the cause of the violation(s) and the steps the IU will take to prevent future violations.

Show cause hearing – This is a formal hearing meeting between the IU Representatives and JWU Representatives. JWU Representatives may include members of the Jacksonville Sewer Commission, Jacksonville City Attorney, Manager, Administrative Operations Manager, Pretreatment Coordinator, and/or any other individual employed by JWU with knowledge of an IU violation.

The purpose of the show cause hearing is to allow the IU to present reasons why particular enforcement action proposed by JWU should not be taken. The reasons will be considered and the appointed hearing officer will submit findings and recommendations to the Jacksonville City Attorney for action. The ultimate decision on enforcement actions shall be determined by the Jacksonville City Attorney upon recommendations made by the Jacksonville Sewer Commission and/or members of the JWU staff.

Consent order – This is an assurance of voluntary compliance, which establishes a formal agreement between JWU and an IU. The consent order will include specific actions to be taken by the IU to correct noncompliance within a specific time.

Compliance order – An order, which gives the IU a specific time to come into compliance with appropriate

regulations and/or discharge standards. The specific time is generally incorporated into the IU's discharge permit as a formal compliance schedule. Failure to meet a compliance order or schedule may be grounds for termination of service.

Cease and desist order – This enforcement remedy requires an IU to cease and desist all violations and to (1) immediately comply with all requirements, and (2) to take appropriate remedial or preventative action to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Administrative fines – A penalty for the violation of pretreatment requirements or effluent limitations. Administrative fines may be levied [REDACTED] at a rate up to \$1,000.00 per violation per day [REDACTED]

Comment: In accordance with 13.24.29(4), only the "Manager" may impose administrative fines. The City should employ the term "Manager" throughout this narrative. See comments on page 24 and 32.

Emergency suspension – Any discharge that is an actual or threatened imminent danger to persons, the environment, or the operation of the POTW, may be suspended by JWU. Failure to comply with an order for emergency suspension will result in the JWU further enforcement action, including termination of discharge.

Termination of discharge – The last step in the administrative enforcement remedies is termination of the IU discharge permit. Continuing to discharge without a valid discharge permit could lead to further enforcement action such as civil penalties or criminal prosecution.

Injunctive relief – This is a formal, judicial action which restrains or compels specific performance or other requirements imposed by the **JMC 13. 24. et. Seq.**

Civil penalties – JWU may consider an IU who has violated any provision of **JMC 13. 24. et. Seq.** or the discharge permit, liable to JWU for a maximum fine up to \$ 1,000.00 per violation per day. In addition to the civil penalty, JWU may be entitled to other damages and civil liability, such as damage to the treatment works.

Criminal prosecution – This enforcement remedy carries specific fines and/or the possibility of imprisonment.

When assessing monetary penalties, the following criteria should be considered for determining the amount of the penalty:

1. Penalties should recover the economic benefit of noncompliance plus some amount for the gravity of the violation,
2. Penalties should be large enough to deter future noncompliance,
3. Penalties should be uniform or reasonably consistent for similar instances of noncompliance.

Performance bond – May be used in conjunction with any of the other enforcement options and is meant to be a guarantee that an IU will achieve compliance. Failure to achieve compliance will cause forfeiture of the bond.

Liability insurance – This type of supplemental enforcement action may be used in conjunction with any other type of enforcement action. This is a requirement to submit proof of adequate financial assurances to restore or repair damages to the POTW, which may be caused by an industrial discharge.

The ERP, which follows in Exhibit "J", contains anticipated pretreatment violations and enforcement responses. It shall be the policy of JWU in selecting enforcement proceedings against any IU to consider several factors. These factors are listed below.

1. The magnitude of the violation.
2. The duration of the violation.
3. The effect the violation had on the POTW and/or the receiving stream,
4. The compliance history of the user in violation, and
5. The good faith exhibited by the user in violation.

JWU will respond to all incidences of IU violations with a minimum of a documented phone call. For all escalated enforcement responses above the Notice of Violation and incorporation of compliance schedules in IU discharge permits, the enforcement response will consist of a show cause hearing and escalating enforcement (if warranted) as allowed by the **JMC 13. 24. et. Seq.** The Pretreatment Coordinator will confer with the Jacksonville City Attorney to determine the appropriate escalated enforcement response.

Enforcement Response Plan

Revisions to the General Pretreatment Regulations contained in 40 CFR 403 were promulgated on July 24, 1990 and the under 403.8(f)(5) requires that POTW develop and implement an Enforcement Response Plan (ERP). JWU has prepared an ERP to establish the framework to follow in response to instances of noncompliance by IU in accordance with the Federal Regulations. This plan will be followed under normal conditions in response to violations. Nothing contained in the plan will prevent the **Manager** or the Sewer Commission from omitting and/or amending any step or recommended course of action in seeking compliance with **JMC 13. 24. et. Seq.** or any other applicable state or federal regulations. The Enforcement Response Plan is located in Exhibit "J".

Comment: See comment on page 24 above about "Manager". The City should be consistent throughout this narrative.

PENALTIES

JMC 13.24.30. et. Seq., states the following:

(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 no less than twenty five dollars (\$25) 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 or Industrial Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code. They shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000), or the maximum allowed by Arkansas Law, whichever is greater, and/or by imprisonment of not more than six (6) months.

(3) Any person who violates any provision of this Code or any orders, rules, regulations, and permits issued hereunder shall be liable to a civil penalty not to exceed one thousand dollars (\$1000), 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 be construed as liquidated damages, and shall accrue in addition to any liability for any consequential damages or additional operating expense incurred by the 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.

EXHIBIT "A" - LEGAL AUTHORITY

1. Attorney's Letter

2. **JMC 13.24. et. Seq** / Ordinance # 1360

3. LRAFB Contract

EXHIBIT "B" -POTW DESCRIPTION (see description)

EXHIBIT "C"- ORGANIZATION

1. Utility Organizational Flow Chart
2. Job Descriptions

EXHIBIT "D" – LABORATORY BUDGET (2008)

EXHIBIT "E" -

**TYPICAL INDUSTRIAL WASTEWATER
DISCHARGE PERMITS & BEST
MANAGEMENT PRACTICES PLAN**

1. Class I

2. Class II

3. **General Permit**

4. **BMP**

EXHIBIT "F" – MONITORING EQUIPMENT

EXHIBIT "G" – INDUSTRIAL SURVEY FORM

EXHIBIT "H" – INSPECTION FORM

1. Inspection Form

2. Post Inspection Report

EXHIBIT "I" – CHAIN OF CUSTODY

EXHIBIT "J" – ENFORCEMENT RESPONSE PLAN

EXHIBIT "K" – BEST MANAGEMENT PLAN

EXHIBIT "L"-INDUSTRIAL REPORT FORM

Take the 1st right onto Heritage Pl. Destination will be on the right

Take the 2nd right onto Heritage Ridge

Arrive at: 120 Heritage Pl, Springville, AL 35146

Turn right at Heritage Dr



Imagery Date Jun 15, 2006

33°46'16.87" N 86°30'31.62" W elev 885 ft

Eye alt 5483 ft

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