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THE CITY OF BENTONVILLE

WASTEWATER DEPARTMENT

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Approvable
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November 1, 2013

Allen Gilliam
ADEQ State Pretreatment Coordinator
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: Industrial Pretreatment Program Modifications
(NPDES Permit No. **AR0022403, Tracking** No. AFIN **04-00154)**

Dear Mr. Gilliam,

In accordance with Part II, Section 9, (a) and (b) of NPDES Permit No. **AR0022403**, The City of Bentonville Wastewater Utilities, Pretreatment Division, submits for your approval; a book containing the required pretreatment program modifications for compliance with current 40 CFR 403 regulations and the updated pretreatment ordinance 2012-65 implemented on August, 14 2012.

As previously discussed, The City of Bentonville submits that analytical data indicates no Technically Base Local Limits (TBLL) will be necessary at this time for the Bentonville Wastewater Treatment Facility.

If you should have any questions or need additional information, please feel free to contact me at (479) 271-3160 or mroberts@bentonvillear.com.

Sincerely,

David M. Roberts

David M. Roberts
Wastewater Utilities Manager
City of Bentonville
1901 N.E. "A" Street
Bentonville, AR 72712

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City of Bentonville

Wastewater Utilities

Industrial Pretreatment Program

Revised October 2013

and

Pretreatment Ordinance 2012-13

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City of Bentonville Wastewater Utilities

NPDES PERMIT # AR 0022403

Industrial Pretreatment Ordinance

Adopted August 14, 2012

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ARTICLE I.
PURPOSE AND POLICY

Section 1. Requirements and Standards

This Ordinance establishes requirements and standards for direct and indirect contribution into the wastewater collection and treatment systems for the City of Bentonville, Arkansas, for the protection of the public health, safety, and welfare.

The objectives of this Code are:

(a) To enable the City to comply with and enforce all applicable State and Federal laws required by the Arkansas Water and Air Pollution Control Act, Act. 472 of 1949, as amended, and the Clean Water Act of 1977, (33 United States Code [U.S.C.] section 1251 et seq.) as amended, and the General Pretreatment Regulation (40 CFR Part 403) as promulgated by the United States Environmental Protection Agency;

(b) To prevent the introduction of pollutants into the municipal wastewater system that may interfere with the operation of the system or contaminate the sludge;

(c) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or will otherwise be incompatible with the system.

(d) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(e) To provide for equitable distribution of the cost of the municipal wastewater system;

(f) To prevent oil, grease or debris from reducing or restricting the flow in sewer lines and contributing to sanitary sewer overflows.

(g) To create a permit system to regulate non-domestic users to the municipal wastewater system;

(h) To enforce the provisions of this Ordinance by monitoring of waste from industrial users. Monitoring may include either self-monitoring and self-reporting or periodic sampling made by the industrial pretreatment personnel. The method of monitoring will be determined by the Control Authority.

(i) To provide penalties for violations of the regulations established herein.

(j) To encourage Pollution Prevention (P2) activities through waste minimization, source reduction, best management practices (BMPs), water and energy conservation.

To enable the City of Bentonville to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements,

and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance shall apply to all Users of the POTW. The ordinance authorizes the issuance of individual or general wastewater discharge permits; provides for the monitoring, compliance, and enforcement activities; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 2. Administration

Except as otherwise provided herein; the Wastewater Treatment Plant Manager shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Wastewater Treatment Plant Manager may be delegated by the Wastewater Treatment Plant Manager to other City personnel.

Section 3. Abbreviations

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

AGRD	Automatic Grease Removal Device
ASC	Abnormal Sewage Concentration
BOD	Biochemical Oxygen Demand
BMP	Best Management Practices
BMR	Baseline Monitoring Report
CBOD	Carbonaceous Biochemical Oxygen Demand
CKP	Clean Kitchen Practices
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
gpd	gallons per day
GRD	Grease Removal Device
IU	Industrial User
IWD	Industrial Waste Discharge
L	Liter
MAHL	Maximum Allowable Headworks Loading
MAIL	Maximum Allowable Industrial Loading
mg	Milligrams
Mg/L	Milligrams per Liter
NSCIU	Non-Significant Categorical Industrial User
NPDES	National Pollutant Discharge Elimination System
P_2	Pollution Prevention
POTW	Publically Owned Treatment Works
RCRA	Resource Conservation and Recovery
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance

SWDA	Solid Waste Disposal Act
TBLL	Technically Based Local Limits
TSS	Total Suspended Solids
TTO	Total Toxic Organics
U.S.C.	United States Code

Section 4. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"**Act**" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, [403.3 (b)] adopted by the Arkansas Water and Air Pollution Control Act, Act 472 of 1949, as amended.

"**Abnormal Sewage**" shall mean any waste discharged into the treatment system having a concentration in excess of typical domestic waste as defined by the Control Authority.

"**ADH**" shall mean Arkansas Department of Health.

"**ADEQ**" shall mean the Arkansas Department of Environmental Quality

"**Approved**" shall mean accepted as satisfactory under the terms of this ordinance and given formal and official sanction by the Control Authority.

"**Approval Authority**" shall mean the Director of the Arkansas Department of Environmental Quality (ADEQ).

"**Authorized Representative of Industrial User**" shall mean:

(1) If the industrial user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been

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

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee;

(4) The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the industry, and the written authorization is submitted to the Control Authority.

"Best Management Practices" (BMP's) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 1., A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

"**Biochemical Oxygen Demand (BOD)**" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20 C) expressed as milligrams per liter (mg/L).

"**Bypass**" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"**Carbonaceous Biochemical Oxygen Demand (CBOD)**" shall mean the quantity of oxygen utilized by organisms requiring carbon as their nutrient source of BOD in five (5) days.

"**Categorical Standard**" shall mean any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"**CFR**" shall mean the Code of Federal Regulations as published by the U.S. Government.

"**City**" shall mean the City of Bentonville, Arkansas, or where the context indicates, Mayor, Manager of the Wastewater Treatment Plant, or other authorized representative.

Clean Kitchen Practices (CKP) CKP are Best Management Practices that all food service and industry are required to follow to help prevent food particles, fats, oils and greases from entering the sanitary sewer system.

"**Compatible Pollutant**" shall mean BOD, TSS, pH, and fecal coliform bacteria; plus any additional pollutants that the publicly owned treatment works (POTW) is designed to treat, and in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

"**Composite Sample**" shall mean a sample of the wastewater discharged to the collection system which is composed of a series of not less than twelve (12) samples taken at regular intervals over a normal operating day and over a period of time not exceeding twenty-four (24) hours and calculated on a flow-proportional basis. (40 CFR 403 Appendix E).

"**Cooling Water**" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"**Control Authority**" shall mean the administrator of the City of Bentonville's industrial pretreatment program as designated by the Mayor, and who is charged with certain duties and responsibilities by this Ordinance.

"**Corrosive Waste**" shall mean any and all liquid or waterborne waste or gaseous or solid substance which can cause actual physical damage or destruction to any public or sanitary sewer or which prevents or materially retards treatment of sewage in the sewage treatment plant.

"**Daily Maximum**" The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

"**Daily Maximum Limit**" the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"**Direct Discharge**" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.

"**Disposal**" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid grease trap waste, grit trap waste, and/or septage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

"**Disposal Site**" shall mean a permitted site or part of a site at which grease trap waste, grit trap waste, or septage is processed, treated, and/or intentionally placed into or on any land and at which said waste will remain after closure.

"**Disposer**" shall mean a person who receives stores, retains, processes, or disposes of

liquid waste.

"**Domestic Waste**" shall mean any and all liquid or waterborne waste or gaseous or solid substances that result from household waste as is common to residential areas such as home laundry, bathing and kitchen waste.

"**Entity**" shall mean those cities, towns, commercial or industrial subdivisions, and water improvement districts that establish, operate, and maintain a sanitary sewer collection system within their jurisdictional boundary and contract with the City of Bentonville to connect that system to the City System in order that Bentonville can provide for the transportation and treatment of sewage generated by the entity.

"**EPA**" shall mean the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Existing Source" Any source of discharge that is not a "New Source."

"Fats, oils and greases or (FOG)" are those components of wastewater amenable to measurement by methods described in Standard Methods for the Examination of Water and Wastewater, current edition. The term shall include polar & non-polar fats, oils, and grease and other components extracted from wastewater by these methods.

"Food Service Establishment (FSE)" is any facility that packages or prepares food for sale or consumption, on or off site, with the exception of private residences; including but not limited to; food manufacturers, food packagers, restaurants, cafes, delis, grocery stores, bakeries, cafeterias, hospitals hotels, motels, nursing homes, churches, schools, caterers, or any other users that discharge applicable waste as determined by the Control Authority.

"**Garbage**" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of product.

"**Generator**" shall mean a person who causes, creates, generates, or otherwise produces liquid or water borne solid waste that is discharged into the sewer system.

"**Grab Sample**" shall mean a sample which is taken from a wastewater flow on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Grease" shall mean fatty acids, soaps, fats, waxes, oils, and any other material extracted by solvent from acidified samples and not volatilized during evaporation of the solvent. Grease is composed primarily of (FOG) from animal or vegetable sources, and does not include petroleum based products.

"Grease Interceptor" is a watertight receptacle for commercial or industrial generators of liquid waste, used to intercept, collect, separate and restrict passage of FOG and grit particles to the POTW. This receptacle may be directly or indirectly connected while allowing the balance of the liquid waste to discharge into the sanitary sewer system.

"Grease Removal Device (GRD) or Automatic Grease Removal Device (AGRD)" is a *plumbing apparatus* installed in the sanitary drainage system to intercept free-floating fats, oils, and greases from wastewater discharge. An automatic device may be time or event controlled. GRD's and AGRD's require frequent manual disposal of accumulated grease.

"**Grit Trap Waste**" shall mean petroleum based oil, grease wastes, and solids from commercial automotive or heavy machinery repair and/or washing facilities.

"**Hazardous Waste**" shall mean any liquid, semi-liquid or solid waste or combination of wastes, which, because of its quantity, concentration, physical, chemical or infectious characteristics may exhibit, any of the following:

1. toxic, corrosive, irritant or strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness; or

2. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Arkansas Solid Waste Disposal Act, or the Administrator, United States Environmental Protection Agency pursuant to the Federal "Solid Waste Disposal Act", as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

"**Holding Tank Waste**" shall mean any liquid waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"**Incompatible Pollutant**" shall mean all pollutants other than compatible pollutants as defined herein above.

"**Indirect Discharge**" shall mean the introduction of pollutants into the POTW from any nondomestic source.

"Industrial User or User" The term Industrial User or User means a source of Indirect Discharge.

"**Industrial Waste**" shall mean any and all liquid or waterborne waste or gaseous or solid substances that result from any process of industry, manufacturing, trade or business, or any mixture of the same with water or normal sewage, or distinct from normal sewage.

"Instantaneous Limit" The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"**Interference**" shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued

thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"**Liquid Waste**" shall mean water-borne solids, liquid, and gaseous substances derived from a grease trap, chemical/portable toilet and/or septage or municipal sludge.

"Local Limit" Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

"**Manager**" shall mean the person designated by the Mayor to supervise the operation and maintenance of the publicly owned treatment works (POTW).

"**Manifest System**" shall mean a system consisting of a multi-part trip ticket used to document the generation, transportation, and disposal of liquid, semi-liquid or solid waste. This could be part and partial of a Best Management Practice.

"**Maximum Allowable Discharge Limit**" shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

"**May**" is a discretionary term.

"Medical Waste" Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

"Monthly Average" The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"Monthly Average Limit" The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"**National Pollutant Discharge Elimination System (NPDES)**" shall mean a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1342).

"The North American Industry Classification System (NAICS)" is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

"New Source"

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are therefore promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous onsite construction program.

(i) Any placement, assembly, or installation of facilities or equipment, or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

"**Non-contact Cooling Water**" shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"**Normal Sewage**" also termed "Typical Domestic Wastewater" shall mean wastewater from domestic users, discharged by a person into a sanitary sewer.

"**NPDES Permit**" shall mean a permit issued to a POTW pursuant to Section 402 of the Act.

"**Oil**" is petroleum based products.

"**Oil/Grease Dumpster**" is a metal water-tight dumpster with a lid for the specific purpose of collecting liquid cooking grease from all forms of food preparation for re-cycling or reproduction.

"**Owner**" shall mean the person who owns a facility or part of a facility.

"**Pass Through**" shall mean the discharge that exits the POTW to waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, causes a POTW NPDES permit violation, including an increase in the magnitude or duration of a violation.

"**Person**" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, governmental entity or any other legal entity, or their legal representatives, agents or designate. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"**pH**" means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions, expressed in standard units.

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

"**Pollutant**" shall mean any dredged spoil, soil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and/or industrial or agricultural waste discharged into water.

"**Pollution**" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water below certain minimum desirable quality standards.

"**Pollution Prevention**" (**P2**) **or "Source Reduction"** as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants

through: Increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation.

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

"Pretreatment Requirement" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Pretreatment Standard, or Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

"Prohibited Discharge Standards" or "Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article II, Section 2 of this ordinance.

"Publicly Owned Treatment Works (POTW)" shall mean the city sanitary sewer system or treatment works as defined by Section 212 of the Act which is owned by the City. 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.

"POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment of municipal sewage and industrial waste.

"Regional Administrator" shall mean the appropriate EPA Regional Administrator.

Sand, Soil and Oil Separator is an approved industry standard system specifically designed to separate sand, soil, and oil from wastewater.

"Sanitary Sewer" shall mean a public sewer that conveys domestic wastewater or industrial wastes or a combination thereof, and into which storm water, surface water, ground water, and other unpolluted water or wastes are not intentionally passed.

"Septage" shall mean wastes removed from a portable toilet, chemical toilet, or septic tank.

"Severe Property Damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"**Shall**" is a mandatory term.

"**Significant Industrial User**" shall mean any industrial user of the City's wastewater treatment system who:

(a) has a discharge flow of 25,000 gallons or more per average work day of process wastewater; excluding sanitary, noncontact cooling and boiler blow down wastewater; or

(b) has a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

(c) is subject to Categorical Pretreatment Standards; or

(d) is designated as significant by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon a finding that a User meeting the above criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

"Significant Noncompliance" shall mean;

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit, the average limit, or Maximum Allowable Discharge Limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit, the average limit, or Maximum Allowable Discharge Limit multiplied by the applicable TRC (TRC = 1.4 for COD, TSS, SGT-HEM, Total Nitrogen and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average, instantaneous limit, or narrative Standard), that determines has caused, alone or in combination with other discharges, interference or pass-through, (including endangering the health of WWTP personnel or the general public);

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in exercise of emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance

schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty (30) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which determines will adversely affect the operation or implementation of pretreatment program.

"Slug Discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Article II, Section 2 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

"Standard Industrial Classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended and revised.

"Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition at the time of analysis of Standard Methods for the Examination of Water and Wastewater as prepared by the American Water Works Association, or any approved analytical procedure published by the U.S. EPA in 40 CFR Part 136.

"State" shall mean the State of Arkansas.

"Storm Sewer" shall mean a public sewer which carries storm and surface water drainage and into which domestic wastewater or industrial wastes are not to be discharged.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation.

"Surcharge" shall mean a service charge in addition to the normal monthly rate which shall be assessed to those non-domestic users who discharge into the Bentonville system wastewater pollutant levels exceeding those found in typical domestic waste.

"Total Phosphorus" shall mean all of the phosphorus present including all orthophosphates and condensed phosphates both, dissolved and particulate, organic, and inorganic.

"Total Suspended Solids (TSS)" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removed by laboratory filtering using a method which is approved by the EPA in 40 CFR 136.

"Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Federal Water Pollution Control Act (Clean Water Act), Section 307(a), or other federal law.

"Transporter" shall mean a person who operates a vehicle for the purpose of carrying or conveying liquid waste.

"Trip Ticket" shall mean the shipping document originated and signed by the transporter which contains the information required by the Control Authority.

"User or Industrial User" shall mean a source of indirect discharge.

"Vehicle" shall mean a mobile device in which or by which liquid waste may be transported upon a public street or highway.

"Wastewater" shall mean the water, whether treated or untreated, that has been used by and discharged from any industry, commercial enterprise, household or other water consumer.

"Wastewater Treatment Plant or Treatment Plant" Shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

"Water Management Division Director" shall mean one of the directors of the Water Management Divisions within the Regional office of the Environmental Protection Agency or delegated representative.

"Watercourse" shall mean a material or man-made channel in which a flow of water occurs, either continuously or intermittently.

Section 5. Applicability

(a) This Ordinance shall apply to all persons within the corporate limits of the City of Bentonville, Arkansas, and its terms shall, by contract, apply to all persons outside the City who are users of the City Publicly Owned Treatment Works (POTW). The City shall not provide sanitary sewer service to any person outside its corporate boundaries without a contractual agreement setting forth the terms and conditions of such service. All such contracts shall include a provision incorporating the provisions of this Ordinance and no such contract shall be valid unless the provisions of this Ordinance are so incorporated.

(b) Food service entities shall be required to have properly sized and functioning grease interceptors or grease removal devices; restaurants; cafeterias; hotels; motels; cafes; schools; hospitals; nursing homes; grocery stores; bakeries; churches; caterers; and any other facility that discharges applicable wastewater as determined by the Control Authority.

(c) The following facilities shall be required to have properly sized and functioning sand,

soil and oil interceptors; oil/water separators; and or oil interceptors: Car and/or Truck Washes, garages, service stations and truck maintenance facilities, automotive/motorcycle dealerships, utility equipment shops, fabricators and other facilities as determined by the Control Authority to have sources of sand, soil and oil that may be discharged to the POTW.

(d) Liquid hauled waste introduced to the City Publicly Owned Treatment Works by truck must be in compliance with this Ordinance to regulate the transportation and disposal of liquid waste within the jurisdiction of the City of Bentonville.

(e) Liquid hauled waste generated within the limits of the City must be removed by a waste hauler with a current waste hauler's permit from the Control Authority.

Section 6. General Provisions

(a) The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the Sewage Works. The City Council shall also establish such regulations for private sewage disposal systems as to insure their operation in a sanitary manner at all times.

(c) No Person shall connect to or contribute to a sanitary sewer without first obtaining a Plumbing Permit from the City.

(d) Owners or agents of commercial or industrial establishments proposing to connect to or contribute to a sanitary sewer shall submit an application for a Wastewater Discharge Permit before connecting to or contributing to the sewer. Owners or agents of existing establishments discharging wastewater into the Bentonville sewage works shall submit an application for a Wastewater Discharge Permit for continued operation within thirty (30) days after receipt of notification in writing that such a permit is required for continued operation.

Section 7. Pretreatment Facilities

(a) Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Pretreatment Standards and Requirements within the limitations as specified by the Federal Pretreatment Regulations as adopted into Section 6.104 of the Arkansas Pollution Control and Ecology Commission Regulation No. 6; Regulations for State Administration of the National Pollutant Discharge Elimination System.

(b) It shall be the responsibility of any person, owner, or occupant discharging waste into the sanitary sewer system of the City to furnish the Control Authority with drawings or plans and specifications in such detail as it may require, to determine if the pretreatment structure planned by such person is adequate to provide necessary pretreatment and makes sufficient allowances for emergency operation. Detailed plans showing the pretreatment facilities and an outline of the pretreatment facility operating procedures shall be prepared by a Registered Professional Engineer and

submitted to the Control Authority for review. All plans shall be approved by the Control Authority prior to the facility construction. The user shall insure that construction of said treatment facility is accomplished within the time period specified by the City. However, the providing of such plans to the Control Authority will in no way release such person of the responsibility for modifying the structure once constructed as necessary to provide an effluent acceptable under the terms of this Ordinance.

(c) A person operating a commercial or institutional food preparation business, including, but not limited to, a bakery, restaurant, club, school, hospital, retirement home, assisted living center, grocery store, or other commercial or institutional food preparation operation shall document operation, maintenance of the facilities grease interceptor and shall keep said documentation on the premises at all times. The Control Authority may at any time ask for proof of proper hauling and maintenance.

(d) Any facilities required to pre-treat wastewater to a level acceptable under the terms of this Ordinance, shall be provided, operated and maintained at the user's expense.

ARTICLE II.

DISCHARGE REGULATIONS

Section 1. General Discharge Prohibitions

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or another National, State, or local pretreatment standards or requirements.

Section 2. Specific Prohibitions

No person shall discharge or cause to be discharged into the POTW or other water course within the City any of the following described substances, materials, waters or wastes:

(a) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.)

(b) Any pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° Fahrenheit or 60° C. using the test methods specified in 40 CFR 261.21.

(c) Any solid or viscous substance in quantities capable of causing obstruction in the sewer flow or other interference with proper operation of the POTW, such as, but not limited to: ashes, cinders, egg shells, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, hides or fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint

residues, bulk solids, garbage with particles greater than one-half inch (½") and any water or waste which contains gas, grease or oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures at or below 0° Centigrade.

(d) 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 normal landfill/land application, reclamation, or 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 or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Toxic Substance Control Act, the Resource Conservation and Recovery Act, or State criteria applicable to sludge management disposal method being used.

(e) A noxious or malodorous substance which can form a gas which either singularly or by interacting with other waste is capable of causing objectionable odors or hazards to life or which can create any other condition deleterious to structures or processes, or requiring unusual provisions, attentions, or expense to handle.

(f) Any material which may cause excessive discoloration, such as but not limited to, dye wastes and vegetable tanning solutions where the discoloration will not be removed by the sewage treatment processes.

(g) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts exceeding one hundred milligrams per liter (100 mg/L) unless expressly authorized differently by the Control Authority upon written request by a User.

(h) Any concentration of free or emulsified oil and/or grease of free or emulsified animal or vegetable origin that, in a particular case can: (a) deposit grease or oil in sewer lines in such a manner as to clog the sewers; (b) overload skimming and grease-handling equipment; or (c) have deleterious effects on the treatment process due to the excessive quantities.

(i) Any wastewater having a pH less than 5.0 or greater than 12.0, or wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.

(j) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause pass through or interference with the POTW, or cause toxicity in the POTW effluent. In no case shall a slug load have a flow rate or contain concentration or qualities 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.

(k) Any trucked or hauled pollutants, except permitted by the Control Authority and discharged at points designated by the POTW.

(l) Medical Waste; except as specifically authorized by the Control Authority, including unused or expired medications, whether prescribed or purchased over the counter.

(m) Wastewater that contains contaminates which, alone or in conjunction with other contaminates, causes the POTW to fail a whole effluent toxicity test.

(n) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute health and/or safety problems to POTW employees or others.

(o) Pharmaceutical drugs from any commercial for-profit entity.

(p) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

ARTICLE III.

PRETREATMENT STANDARDS AND REGULATIONS

Section 1. Federal Categorical Pretreatment Standards

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

When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City shall impose an alternate limit in accordance with 40 CFR 403.6(e).

Section 2. Technically Based Local Limits

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

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

The City pretreatment and wastewater authority may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Article II.

Section 3. State Pretreatment Standards

In the event State, Local or Federal requirements on discharge limitations differ, the most stringent limits shall apply.

Section 4. Right of Revision

The City of Bentonville reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance or the general and specific prohibitions of this ordinance.

Section 5. Best Management Practices and Pollution Prevention

The City of Bentonville may develop and require implementation of Best Management Practices and Pollution Prevention procedures by un-permitted as well as permitted industrial users to allow compliance by the POTW with the Maximum Allowable Headworks Loadings established in the City's Pretreatment Ordinance. The City of Bentonville may also allow implementation of Best Management Practices and Pollution Prevention to be on a voluntary basis if it is determined that this is the most appropriate approach. Best Management Practices will be specific procedures developed by the Control Authority to be implemented by the individual businesses designed to reduce the loading of a particular pollutant. Pollution Prevention is defined in Article I, Section 4 of this Ordinance. SIU's and IU's operating under BMP's must submit to the control Authority reports indicating the nature, concentration of pollutants in the discharge limited by Pretreatment Standards and measured or estimated average daily flows for the reporting period, no less than twice per year unless expressly stated differently in 40 CFR 403 or a Categorical Pretreatment Standard. The required documentation must be sufficient to determine the compliance status of the IU.

Clean Kitchen Practices (CKP) CKP are Best Management Practices that all food service and industry are required to follow to help prevent fats, oils and greases from entering the sanitary sewer system. These include:

1. NEVER pour oil and/or grease down any drain or into toilets;
2. Use smaller quantities of liquid oil;
3. Do not use solid grease or lard;
4. Scrape food scraps into a trash receptacle instead of garbage disposal;
5. Use Baskets or screens in all kitchen drains to prevent food debris from entering the drains;
6. Wipe greasy pots, pans dishes & utensils before placing them in hot water or a dishwasher;

7. Collect, recycle or dispose of used oil through an approved grease hauler;
8. Properly screen or seal floor drains;
9. Capture oil and grease from ventilation and exhaust hoods through proper cleaning;
10. Keep grease interceptors well maintained and working properly;
11. Clean grease interceptors on a regular basis;
12. Maintain records of grease interceptor cleaning;
13. Use good housekeeping techniques at oil and grease dumpsters; avoid spilling grease on dirt or pavement;
14. Keep oil/grease dumpsters covered to prevent rainwater from causing overflows.

Section 6. Dilution

No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control Authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Section 7. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Article II, Section 2 of this ordinance within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Control Authority under the provisions of this ordinance.

Additional Pretreatment Measures

a. Whenever deemed necessary, the Control Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
b. The Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
c. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

ARTICLE IV.

ACCIDENTAL DISCHARGES

Section 1. Accidental Discharge/Slug Control Plans

The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges.

(b) Description of stored chemicals.

(c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article 2 Section 2 of this ordinance.

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(e) The SIU shall notify the Control Authority immediately of changes that occur at the facility affecting the potential for a slug discharge. The Control Authority may deny or impose restrictions due to changes in content or increased flow.

(f) Evaluation of a slug discharge plan must be made within one year of identifying a SIU.

Section 2. Written Reports

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Article 2 Section 2 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(b) Within five (5) days following an accidental discharge, the user shall submit to the Control Authority a detailed written report describing the nature and cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, the environment, or any other damage to persons or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by this Ordinance or other applicable law.

(c) Failure to notify the Control Authority of an accidental discharge may result in legal action or discontinuation of service.

Section 3. Notice to Employees

As a part of the accidental spill prevention plan, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental discharge. Employers shall insure that all appropriate employees be advised of the emergency notification procedures to be used in the event of an accidental discharge.

ARTICLE V.

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

Section 1. Wastewater Survey

When requested by the Control Authority all users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Control Authority is authorized to prepare a form for this purpose and may 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 the ordinance.

Section 2. Wastewater Discharge Permit Requirement

(a) It shall be unlawful for any significant industrial user to discharge wastewater into the Control Authority's POTW without first obtaining a wastewater discharge permit from the Control Authority. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the enforcement provisions of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(b) The Control Authority may require other users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Liquid waste haulers may discharge loads only at locations designated by the Control Authority. No load may be discharged without prior consent of the Control Authority.[1] The Control Authority may collect samples of each hauled load to ensure compliance with applicable Standards. The Control Authority may require the liquid waste hauler to provide a waste analysis of any load prior to discharge.

Section 3. Wastewater Discharge Permitting of Existing Connections

Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the Control Authority for a wastewater discharge permit, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Control Authority.

Section 4. Wastewater Discharge Permitting of New Connections

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin.

Section 5. Wastewater Discharge Permitting of Extra Jurisdictional Industrial Users

Any new or existing significant industrial user located beyond the City of Bentonville limits, which is connected to the City's wastewater collection system, shall submit a wastewater discharge permit application within 90 days of the effective date of this ordinance. Alternately, the Control Authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

Section 6. Application

Users required to obtain an industrial wastewater discharge permit shall complete and file with the city an application in the form prescribed by the City. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information as applicable:

(a) Name, address and location of facility;

(b) Name, address of duly authorized representative to receive and transmit all correspondence;

(c) Environmental Permits. A list of any environmental control permits held by or for the facility.

a. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended and NAICS number, North American Industry Classification System developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997.

b. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

c. Wastewater constituents and characteristics, including but not limited to those mentioned in ARTICLE II, as determined by an ADEQ certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Federal Water Pollution Control Act and contained in 40 CFR, Part 136 as amended. The sample(s) shall be representative of daily operations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.

(d) Time and duration of contribution;

(e) Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation;

(g) The location for monitoring all wastes covered by the permit;

(h) Comprehensive narrative description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(i) Nature and concentration of any pollutants in the discharge which is limited by any City, State or Federal Pretreatment Standard, and a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether or not the pretreatment standard is being met on a consistent basis and if not, whether additional Operation and Maintenance (0 & M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standard.

(j) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule possible will be used;

(k) Each product produced by type, amount, process and rate of production;

(l) Type and amount of raw materials processed (average and maximum per day);

(m) Number of employees, hours of plant operation, and proposed or actual hours of operation of pretreatment system;

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

(o) Any relevant information as may be deemed by the City to be necessary to evaluate the permit application; and

(p) Signature of authorized representative of user.

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(q) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

(r) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Individual Wastewater Discharge Permit Decisions: The Control Authority will evaluate the data furnished by the User and may require additional information. Within 90 days of receipt of a complete permit application, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit.

Section 7. Individual Wastewater Discharge Permit Issuance

Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's

effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Individual wastewater discharge permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Control Authority in accordance with Article V., Section 10 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

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

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

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

(f) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

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

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

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

e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

h. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Section 8. Individual Wastewater Discharge Permit Duration

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

Section 9. Permit Modifications

The Control Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(e) Threats to the POTW's beneficial sludge use;

(f) Violation of any terms or conditions of the individual wastewater discharge permit;

(g) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this ordinance.

Section 10. Transfer

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

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

Section 11. Revocation

Wastewater discharge permits may be revoked for the following reasons:

(a) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge

(b) Failure to provide prior notification to the Control Authority of any planned significant changes in operation.

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application

(d) Falsifying self-monitoring reports

(e) Tampering with monitoring equipment

(f) Refusing to allow the Control Authority timely access to the facility premises and records

(g) Failure to meet effluent limitations

(h) Failure to pay fines

(i) Failure to pay sewer charges

(j) Failure to meet compliance schedules

(k) Failure to complete a wastewater survey or the wastewater discharge permit application

(l) Failure to provide advance notice of the transfer of a permitted facility

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance

Wastewater discharge permits shall be null and void upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

Section 12. Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within 60 days of its issuance.

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

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

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

ARTICLE VI.

REPORTING PROCEDURES

Section 1. Baseline Monitoring Reports

(a) Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6 (a) (4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraph (b) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraph (b) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. All sampling and analysis used for this report shall be performed in accordance with 40 CFR Parts 136 and amendments thereto. A complete chain of custody record shall be submitted along with any report of sample analysis.

(b) The industrial user shall submit the information required by this section including:

(1) Identifying Information; the name and address of the facility including the name of the operator and owners.

Wastewater Discharge Permits; a list of any environmental control wastewater discharge permits held by or for the facility.

(2) Description of Operations

a. A comprehensive description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
d. Type and amount of raw materials processed (average and maximum per day);
e. Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(3) Time and duration of discharges;

(4) The location for monitoring all wastes covered by the permit;

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

(6) Measurement of Pollutants.

a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.
c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Article VI, Section 10 and Section 11a of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority of the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Article VI, Section 9 of this ordinance.

f. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

g. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(7) Certification; a statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(8) Compliance Schedule; if additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 2 below.

(9) Signature; the following certification statement must be contained in the baseline monitoring report and signed by an authorized representative of the industrial user.

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 2. Compliance Schedule Progress Reports

Compliance Schedules (for categorical or non-categorical IUs) shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and

conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Control Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, (if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

Section 3. Report on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to pretreatment standards and requirements shall submit to the Control Authority a report containing the information described in Sec.1 (b) (4)-(6) of Article VI. Industrial Users subject to equivalent mass or concentration limits established by the Control Authority, [See 40CFR 403.6(c)] this report shall contain reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6 (o) of Article VI, of this document. All Sampling will be done in conformance with Section 8 (a)(b) Of Article VI, of this document and all applicable 40 CFR 136 (and amendments thereto) sampling requirements.

Section 4. Periodic Reports on Continued Compliance

All Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

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

If any Industrial User subject to reporting requirements monitors more frequently than required by the Control Authority, the results shall be included in the report. A

complete chain of custody record shall be submitted along with any report of sample analysis.

All periodic compliance reports must be signed and certified in accordance with ARTICLE VI, Section 1(b)(9) of this ordinance.

Section 5. Notification of Changed Discharge

All Industrial Users shall notify the POTW sixty (60) days in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 (p).

(a) The Control Authority may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(b) The Control Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit.

(c) No industrial user shall implement the planned changed condition(s) until or unless the Control Authority has responded to the industrial user's notice.

(c) For purposes of this requirement, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

Section 6. Reports of Potential Problems

In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 7. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

Section 8. Notification of the Discharge of Hazardous Waste

a) Any User who commences the discharge of hazardous waste shall notify the Control Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Article VI., Section 5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this ordinance.

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

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

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

Section 9. Repeat Sampling and Reporting

If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

(a) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or

(b) The Control Authority performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

Section 10. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

Section 11. Sample Collection

(a) Except as indicated in section (b), below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Control Authority may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) For sampling required in support of baseline monitoring and 90 day compliance reports required in Article VI., 1 and 3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs Article VI., Section 4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Section 12. Record-keeping Requirements

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information

obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Article I., Section 4. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Control Authority.

(a) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(b) Any Industrial User or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Control Authority and/or the Approval Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Approval Authority or the U.S. EPA Regional Administrator.

Section 13. Certification Statements

Certification of Permit Applications and User Reports:

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Article IV., Section 6, (s); Users submitting baseline monitoring reports under Article VI., Section 2. (9); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Article VI., Section 2 and 3; Users submitting periodic compliance reports required by Article VI., Section 4. The following certification statement must be signed by an Authorized Representative as defined in Article VI of this ordinance

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 14. Provisions Governing Fraud and False Statements

The reports and other documents required to be submitted or maintained under this section shall be subject to:

(a) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(b) The provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

(c) The provisions of section 309 (c)(6) regarding responsible corporate officers.

ARTICLE VII.

COMPLIANCE MONITORING

Section1. Right of Entry; Inspection and Sampling

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

a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.

b) The Control Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

c) The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be

maintained at all times in a safe and proper operating condition by the User at its own expense

d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the User.

e) Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this ordinance.

Section 2. Monitoring Facilities

(a) Each industrial user shall provide and operate at the user's own expense, monitoring facilities and monitoring equipment to allow observation, inspection, sampling and flow measurement of all waste created and/or discharged by the user. Each such monitoring facility shall be constructed in a manner approved by the City on the user's premises downstream from any treatment or storage tanks or other approved works utilized by the user for pretreatment; provided, however, that where such on-premises location would be important or cause undue hardship on the user, the City may allow the facility to be constructed in the public street or other area as long as such location provides ease of entrance and will remain readily accessible and unobstructed with ample room in or near such sampling manhole or facility to allow accurate sampling and proportion of samples for analysis. All sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(b) In the event it is determined by the Control Authority that no special manhole or other facility is required to accurately determine the quality and quantity of waste being discharged, the downstream public sewer manhole nearest to the point at which the serviced premises is connected shall be used for all monitoring purposes.

Section 3. Search Warrants

If the Control Authority has been refused access to a building, structure or property or any part thereof, and if the Control Authority has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City of Bentonville shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Control Authority in the company of a uniformed police officer of the City of Bentonville. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

Section 4. Confidential Information

(a) Information and data on a user obtained form reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public and other governmental agencies without restriction unless the user specifically requests otherwise and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information about processes or methods of production entitled to protection as trade secrets of the user.

(b) When such request by the person furnishing a report is accepted and approved by the Control Authority the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies and only for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Water Pollution Control Permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(c) Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Control Authority until or unless a ten (10) day notification is given to the user.

Section 5. Publication of Industrial Users in Significant Noncompliance

The Control Authority shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit, average monthly limit or Instantaneous limit for the same pollutant parameter by any amount;

(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 6-month period equals or exceeds the product of the daily maximum limit, the average monthly limit or Instantaneous limit multiplied by the applicable criteria {1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH};

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other

discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining a final compliance;

(f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE VIII.

LIQUID WASTE TRANSPORTATION

Section 1. Permit - Required

(a) It shall be unlawful for any person to pick up and transport liquid waste generated within the City of Bentonville to any wastewater treatment plant or disposal facility without first obtaining a waste hauler permit from the City of Bentonville Control Authority. The permit shall designate the liquid waste authorized for transportation in each vehicle.

(b) A person who desires a permit must make application on a form provided by the Control Authority.

(c) A person who desires a permit must submit with his application a photocopy of the transporter's driver's license. A permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

(d) The Control Authority shall not issue a permit without a certificate of inspection for each vehicle from the ADH. The inspection must verify that each vehicle is in compliance with the provisions of this ordinance.

(e) The permit is not transferable.

Section 2. Insurance - Required

As a prerequisite to the issuance of any permit required by this article that the permittee shall file with the Control Authority, and shall thereafter keep in full force and effect at all times (1) a policy of comprehensive general liability insurance, with a company authorized to do business in the state of Arkansas, in minimum amounts of one-hundred thousand dollars ($100,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage, and (2) a policy of automobile liability insurance, covering the operation of each vehicle used in such business, in minimum amounts of one-hundred thousand dollars ($100,000.00) per person for bodily injury , three-hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage. The City shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the Industrial Monitor at least thirty (30) days prior to cancellation by the insurer or the insured.

Section 3. Fee and Display of Permit

(a) Each permittee shall pay a permit fee specified by the Control Authority. An additional fee, specified by the Control Authority, will be charged for each permitted vehicle. Each permit must be renewed annually between 60 and 30 days before the permit expiration date for the coming year.

(b) The Control Authority shall number permits consecutively. Each permit holder shall display on both sides of each vehicle (in a color contrasting with the background; (using letters a minimum of three inches in height) the ADH license number, and the following:

BVL (City permit No.)

The permit holder shall place business name, ADH license number, and the vehicle permit number on each vehicle. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

Section 4. Liquid Waste Vehicles: Maintenance

(a) A liquid waste transporter shall:

(1) Maintain tanks, pumps, valve hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;

(2) Provide a safety plug or cap for each valve of a tank; and

(3) Cause the vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.

(b) The Control Authority may cause any vehicle operated in violation of this article to be impounded or immobilized until the violation is corrected. The Control Authority may also revoke the permit for an improperly operated vehicle.

Section 5. Liquid Waste Vehicles: Inspection

(a) To qualify for a permit, a vehicle must comply with the following requirements:

(1) The sample tank shall be an integral part of a vehicle to transport liquid waste; portable tanks or other containers temporarily installed in vehicles are prohibited;

(2) Piping, valves, and connectors shall be securely attached to tank and/or vehicle;

(3) Truck tank must be liquid tight;

(4) Truck tanks to be constructed so that every interior and exterior portion can be easily cleaned;

(5) Piping, valves, and connectors shall be accessible and easy to clean;

(6) Opening of a tank to be constructed so that collected waste will not spill during filling, transfer or during transport;

(7) Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;

(8) Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and

(9) Pumps, and valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

Section 6. Responsibilities of Liquid Waste Transporter

(a) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine (1) the nature of the material to be transported, and (2) that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.

(b) A transporter with a City of Bentonville liquid waste transporter permit shall not transport hazardous materials, in vehicles permitted by the City for transporting liquid waste.

(c) A transporter holding a City of Bentonville permit must use a disposal site permitted and approved by the Arkansas Department of Environmental Quality (if land applied) or the environmental control authority in any adjoining state.

(d) The following described manifest system, consisting of a multi-part manifest ticket, shall be used to document the generation, transportation, and disposal of all applicable liquid waste generated in the City of Bentonville, shall be used:

(1) Manifest books shall be purchased by the transporter from the City of Bentonville, for an established fee;

(2) A transporter shall complete one manifest for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemicals of portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and the location of disposal to the Control Authority;

(3) A copy of the grease trap manifest shall be signed by the generator/ responsible party or manager and the transporter at the time of waste collection; a copy thereof shall be maintained by the generator for a period of three (3) years

(4) A copy of the manifest shall be signed by the transporter and disposer at the time of disposal and; a copy thereof shall be maintained by the disposer

(5) A copy of the manifest shall be maintained by the transporter and; a completed copy of each manifest generated in the city shall be presented on the first of each month to the Control Authority

(6) A copy of all completed manifests shall be maintained by the Control Authority for a period of three (3) years.

(7) All pertinent sections of the manifest must be completed prior to signing.

(9) Liquid waste haulers of *septic waste only* may note on the manifest if the generator is not available to sign the document provided all other information for the generator including the phone number is listed; a responsible party for grease interceptor generators must be onsite to observe interceptor cleaning.

Section 7. Accumulation of Liquid Waste

It shall be unlawful for any person to allow liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

Section 8. Disposal of Liquid Waste

a. It is unlawful for any person to unload or offer for sale or exchange liquid waste anywhere except at a place permitted by the City, the State, or the Federal government.

b. It is unlawful for any person to deposit or discharge liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

Section 9. Responsibilities of Liquid Waste Generator

A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste transporter operating under a City permit.

a. It shall be the responsibility of the grease generator to assure the manifests are complete, accurate and include;

   Business name
   Business address
   Telephone number
   Waste capacity of the interceptor
   Date of delivery to transporter
   Name and signature of the manager or owner

b. The generator shall ensure that all water, floating grease, and sludge is removed from the interceptor

c. The generator shall use only waste haulers permitted by the city

d. Report spills, and accidents involving collection device to the proper local authorities within 24 hours;

e. Clean up spills and accidents immediately and have all waste material disposed of by a permitted waste hauler.

Section 10. Responsibilities of Liquid Waste Disposers

(a) It shall be unlawful for a liquid waste disposer to allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard.

(b) A liquid waste disposer shall:

(1) Obtain and maintain compliance with all licenses and/or permits required by local, state, or federal law;

(2) Accept waste only from permitted transporters;

(3) Maintain trip ticket copies for a period of two years;

(4) Accept only those classes of waste authorized by ordinance or permit; and

(5) Make available all records required to be kept for inspection by the Control Authority during normal business hours.

Section 11. Rules and Regulations

The Control Authority may promulgate rules and regulations necessary to carry out the provisions of this article and to protect the public from health and safety hazards. The Control Authority may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.

Section 12. Denial, Suspension, and Revocation of Permit

(a) The Control Authority may deny a permit if it is determined that an applicant is not qualified under Article II of this ordinance and may suspend or revoke a permit if it is determined that a permittee:

(1) Is not qualified under Article II of this ordinance;

(2) Has violated a provision of this article;

(3) Has failed to pay a required fee;

(4) Has failed to comply with maintenance or inspection requirements; or

(5) Has failed to deliver completed manifests to the Control Authority.

(b) After suspension under this section, a permittee may file a request for reinstatement of the permit. When the Control Authority determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the permit may be reinstated at the option of the Control Authority.

(c) The Control Authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violated any of the provisions of this article, any rule or regulation promulgated by the Control Authority, or any applicable City ordinance or State law.

(d) It shall be unlawful for a permittee whose permit is suspended or revoked to collect, transport, or dispose of any waste materials within the jurisdiction of the Control Authority.

Section 13. Penalties

(a) Any person, operator, or owner who shall violate any provision of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than one thousand dollars ($1000.00) or double that sum for each repetition of such offense. Each violation and each day a violation continues shall constitute a separate offense.

(b) Any person found guilty of violating any provision of this article shall be liable to the City for any expense, loss, fines or damage occasioned by the City for proper clean-up and proper disposal of said waste materials.

ARTICLE IX.

ABNORMAL SEWAGE

(a) Any user generating abnormal sewage which exhibits none of the characteristics of wastes prohibited in Article II of this Ordinance, but which has an average concentration in excess of normal sewage during a twenty-four (24) hour period, may be required to pre-treat such abnormal sewage to meet the parameters of normal sewage or such other levels in excess of normal sewage parameters as the City may determine is acceptable in a particular case. Such wastes may, however, be accepted by the POTW for treatment if all of the following requirements are met.

(1) The waste will not cause damage to the collection system;

(2) The wastes will not impair the treatment processes;

(3) The user agrees to payment of a surcharge over and above published sewer rates, as provided herein; and

(4) The waste is amenable to treatment such that when is discharged to the City's sewage collection system, the waste does not cause the City POTW's effluent to exceed the Water Quality Standards set by Federal and/or State agencies having jurisdiction or cause the City's POTW effluent to fail whole effluent toxicity tests.

(b) Surcharge will be adjusted on billings for the month following submission of new data.

(c) Typical domestic waste values for conventional pollutants and pollutants of concern will be established by the Control Authority for use in surcharge calculations. The methods of sampling, data collection, and reporting for surcharge calculation will be defined in the Industrial Discharge Permit as assigned to each user as required.

(d) All measurements, tests and analyses of the waste characteristics shall be determined in accordance with the latest approved methods in 40 CFR Part 136.

(e) The volume of flow used in computing abnormal sewage surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the City's Business Office. In the event that a person discharging waste into the City sanitary sewer system produces evidence to the City demonstrating that a portion of the total amount of water used for all purposes is not discharged into the POTW, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon his request, to measure only that portion of the total flow being discharged into the City sewer system. If a surcharge is assessed by the City, it shall be shown separately on the monthly billing.

(f) Any person discharging industrial waste into the sanitary sewers of the City who procures any part or all of the user's water supply from sources other than the City of Bentonville, all or part of which is discharged into the sanitary sewer, shall install and maintain at the user's expense water meters of the type approved by the City for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meter will be read and tested for accuracy when deemed necessary by the City. Where it can be shown that a portion of water measured by the aforesaid meter or meters does not enter the sanitary sewer system of the City, then the user may install additional approved meters at the user's expense in such a manner as to measure the quantity of water actually entering the said sanitary sewer system from the premises of such user, and the quantity of water used to determine the sewer service charge and abnormal sewage surcharge shall be the quantity of water actually entering the sewage system as so determined.

(g) Computation of each abnormal sewage surcharge, as applicable, shall be based on the following:

S = V x 8.34 x (ASC - TDW) x charge per lb.

S = Surcharge in dollars for the billing period

V = Water discharged to wastewater system in millions of gallons during the billing period

8.34 = Weight of water in pounds per gallon

ASC = Abnormal sewage concentration

TDW = Typical Domestic Waste

Charge per lb. is a variable based on the cost per lb. to treat waste. This cost is calculated by the Control Authority as needed.

(h) The City reserves the right to review and to reject any waters or industrial waste entering the sewer system or proposed to be discharged into the system having an average daily flow greater than ten percent (10%) of the design flow capacity of the plant which will treat the waste. In the event the City's measurement discloses such

flow in excess of ten percent (10%) of said capacity the City shall be under no obligation to receive such flow in excess ten percent (10%). An owner affected hereby shall be promptly notified of such determination by the City. A special contract, at the City's option, may be made with the user to accommodate such excess flow.

ARTICLE X.

ENFORCEMENT

Section. 1 Emergency Suspension of Service

The Control Authority may unilaterally order the suspension of wastewater service to any user when such action is necessary in order to prevent or eliminate an indirect discharge, which, in the opinion of the Control Authority, presents or may present an imminent or serious endangerment to the health or safety of persons or the environment, causes significant interference to the POTW, or causes the City to violate any condition of the NPDES Permit. Upon notification of a suspension of its discharge, the user shall immediately stop its contribution to the system. In the event of a failure of the user to voluntarily comply with suspension order, the Control Authority shall take such steps as deemed necessary, in the City's Pretreatment Program Enforcement Response Plan, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individual.

Subsequent to ordering such a suspension, the Control Authority shall issue a written report containing information and investigative data upon which the Control Authority relied in ordering the suspension of service. A copy of this report will be forwarded to the affected user. A detailed written statement describing the cause of the harmful discharge and the measures taken to prevent any further occurrence shall be submitted by the user to the Control Authority within fifteen (15) days of the date of occurrence of the discharge. The statement must be signed by the owner or his designate and certified by a registered engineer. The report to the Control Authority, the statement of the user, and compliance and cost reimbursement schedules approved by the Control Authority shall be condensed into an Administrative Order to be issued by the Control Authority to the user whose compliance with the terms and conditions shall be the vacation of the suspension order. The Control Authority may also assess civil penalties as provided in Section 3 of this Article.

Pursuant to the Administrative Order, all costs incurred by the City in detecting, investigating, monitoring, measuring and eliminating the harmful discharge, any NPDES fines or penalties assessed upon the City, along with any disconnect and reconnect fees, shall be reimbursed to the City by the user responsible for the harmful discharge. Any property damage to the POTW or its appurtenant structures which results from the harmful discharge shall also be borne by the user responsible for the harmful discharge. The Control Authority shall approve the time period for reimbursement.

No sanitary sewer service or water service disconnection hereunder shall be reconnected until the condition causing the disconnection has been corrected. The Control Authority may reconnect the service upon receipt of a statement, properly executed by the owner and certified by a registered engineer, which sets forth that the cause of the violation has been eliminated. Reconnection shall be at the owner's expense.

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

Section. 2 Administrative Enforcement Remedies

1) Notice of Violation and Response

(1) whenever the Control Authority finds that any user has violated or is violating provisions of this Ordinance, or the industrial wastewater discharge permit, or any prohibition, BMP, limitation, or requirement promulgated by a State or Federal agency and applicable to such user, the Control Authority shall serve upon such person a written notice stating the nature of the violation.

(2) The user responding to receipt of an alleged violation shall reply within fifteen (15) days of the date of the notice in one of the following forms:

(a) A user admitting responsibility for the alleged violation shall submit a written report to the Control Authority. If the nature of the violation either of the permit or the Ordinance, involves an indirect discharge of industrial waste that is prohibited, or exceeds quantity, quality, or concentration limitations, the written report shall contain information setting forth the time, date, location, cause, source, quantity, quality, and concentration of the discharge, and the corrective measures actually taken or to be taken by the user to prevent any similar recurrent discharges. If the nature of the violation of either the permit or this Ordinance involves an administrative or procedural noncompliance, the written report shall contain the corrective measures and time schedule the user has adopted to insure expeditious compliance. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

(b) Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(c) A user denying responsibility for the alleged violation shall submit a written report to the Control Authority setting forth the basis for the denial and requesting a Show Cause Hearing.

2) If a written response from the user is not submitted to the Control Authority within fifteen (15) days of the date of notice, the Control Authority may issue an Administrative Order or institute civil and/or criminal proceedings against the user for violations.

3) Consent Orders

The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to any applicable section(s) of this ordinance and shall be judicially enforceable.

4) Show Cause Hearing

(1) The Control Authority may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice shall be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(2) The Control Authority may conduct the Hearing and take the evidence, or may designate a hearing officer to:

(A) Issue, in the name of the City, notice of hearing requesting the attendance and testimony of witnesses, and evidence relevant to any matter involved in such hearings;

(B) take the evidence; and/or,

(C) transmit a report of the evidence and hearing including transcripts or other evidence, together with recommendations to the City of action thereon.

(3) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(4) After the Control Authority has reviewed the evidence, a finding of no responsibility or an issue of an Administrative Order may be issued to the user responsible for the discharge. This Order may direct that the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed, by a specified date, existing treatment facilities, devices, or other related appurtenances are properly operated. Such order shall provide a compliance and cost reimbursement schedule, assessment of administrative penalties and such further orders and directions as are necessary and appropriate.

5) Compliance Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a compliance order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.

Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6) Cease and Desist Orders

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

a) Immediately comply with all requirements; and

b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or

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

Administrative Orders

Definitions:

(1) Consent Order - The consent order is an agreement between the Control Authority and the industrial user normally containing three elements: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of Control Authority and industry representatives.

(2) Show Cause Order - An order to show cause directs the user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

(3) Compliance Order - A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not be discussed with the industry in advance.

(4) Cease and Desist Order - A cease and desist order directs a noncompliant user to cease illegal or authorized discharges immediately or to terminate its discharge altogether.

The Control Authority is hereby empowered to enter into Consent Orders, Show Cause Orders, Compliance Orders, or Cease and Desist Orders at any time as deemed appropriate by the Control Authority. Administrative Orders will be the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders. If a Show Cause Hearing requested by the industrial user results in findings of responsibility on the part of the industrial user, an Administrative Order will be issued. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

Section. 3 Judicial Enforcement Remedies

Injunctive Relief

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the Benton County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Control Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement

for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Civil Penalties

The City of Bentonville has the authority, by promulgation of this ordinance, to collect in a court of competent jurisdiction civil or criminal penalties in an amount not to exceed one thousand dollars ($ 1,000) per violation per day by industrial users of pretreatment standards or requirements. Such criminal or civil action may be initiated only after a majority vote of the City's governing body resolves to pursue such action. Each day of a continuing violation may be deemed a separate violation. The Control Authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Bentonville.

Where a user has repeatedly violated the wastewater discharge permit during any 90 day period, the Control Authority may require the user to post a cash or surety bond payable to the City in a sum determined by the Control Authority, to be necessary to achieve consistent compliance. The bond shall not exceed double the total amount of costs assessed the user as a result of all of its violations within such 90 day period. The costs shall be those as set forth in Section 1 of this Article. Such bond shall be subject to forfeiture to the City under the same procedure as set forth in paragraph 2 of this Section for penalties in the event of a repeat violation within 1 year of the date of placement of the bond. Failure or refusal to place such bond or to replace a forfeited bond within 72 hours of notification may result in failure of reconnection (if user has been disconnected) or disconnection as set forth in Section 1 of this Article.

In addition to any remedies provided above, the City reserves the right to seek legal and/or equitable remedies, including injunction, against any person violating this Ordinance, the provisions of an industrial wastewater discharge permit, and/or Federal or State laws governing water quality and industrial wastewater pretreatment. A legal or equitable proceeding prosecuted under this Ordinance does not constitute a waiver by the City of Bentonville of any right the City may have to join in or commence in a legal action originating from some alternative source of law or equity.

The Office of the City Attorney may commence such action for appropriate legal and/or equitable relief in courts having proper jurisdiction upon authorization by the City Council.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 4. Criminal Prosecution

A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation, per day.

A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least $1,000. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1,000 per violation, per day.

The Control Authority reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Control Authority's enforcement response plan. However, the Control Authority reserves the right to take other action against any user when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

Section. 5. Affirmative Defenses to Discharge Violations

(a) Upset

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(A) An upset occurred and the industrial user can identify the cause(s) of the upset;

(B) The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures;

(C) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within fives days]:

(i) A description of the indirect discharge and cause of noncompliance

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue

(iii) Steps being taken and/or planned to reduce or eliminate and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards.

(7) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) Bypass

(1) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

(2) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.

(3) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the

bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The industrial user submitted notices as required under paragraph (3) of this section.

(5) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (4) of this section.

ARTICLE XI.

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other phrase, word, or provision of this Ordinance.

ARTICLE XII.

CONFLICTS

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

ARTICLE XIII.

APPROVAL

ORDINANCE NO. 2012-65

AN ORDINANCE REPEALING ORDINANCE No. 2003-59 AND ALL AMENDMENTS AND ADOPTING NEW RULES AND REGULATIONS FOR THE DISCHARGE OF WASTEWATER INTO THE COLLECTION AND TREATMENT SYSTEM OF THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972, PL. 92-500 and the Arkansas Water and Air Pollution Control Act, Act 472 of 1949, and EPA amendments of 40 CFR Parts 136 and 503 have resulted in an unprecedented program of cleaning up our Nation's waters; and

WHEREAS, the U.S. Environmental Protection Agency and the Arkansas Department of Environmental Quality require wastewater regulations to be updated periodically; and

WHEREAS, the City of Bentonville has already made and will continue to make a substantial financial investment in its wastewater treatment system to achieve the goals of these Acts; and

WHEREAS, the City of Bentonville seeks to provide for the use of its wastewater treatment system without damage to the physical facilities, without impairment of their normal function of collection, treating and discharging wastewater, and without the discharge by the City of Bentonville Wastewater Treatment system of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That Ordinance No. 2003-59, and all amendments, is hereby repealed and replaced.

Section 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: That the Rules and Regulations for Discharge of Wastewater into the Collection and Treatment System of the City of Bentonville, Arkansas, in the following Attachment "A", three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 4: This ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 14th day of Aug. 2012

APPROVED:

Bob McCaslin

Bob McCaslin, Mayor

ATTEST:

Linda Spence

Linda Spence, City Clerk

City of Bentonville Wastewater Utilities

NPDES PERMIT # AR 0022403

Industrial Pretreatment Program

Updated October 2013

Approved by_____Date_____

CITY OF BENTONVILLE, WASTEWATER UTILITIES
INDUSRTIAL PRETREATMENT PROGRAM

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Introduction

This document will serve as an in depth description of The City of Bentonville's Industrial Pretreatment Program. It outlines the procedures and legal authority necessary to implement its required Pretreatment Program. The City of Bentonville is required by its NPDES permit to develop a pretreatment program that complies with the requirements of the General Pretreatment Regulations located in 40 Code of Federal Regulations (CFR) Part 403. With implementation of these requirements, The City of Bentonville is required to enforce the regulations and provisions established in this program. The current City of Bentonville Pretreatment Ordinance # 2012-65 was passed by city council and signed by Mayor Robert McCaslin on August 14, 2012.

The purpose of the Industrial Pretreatment Program is to:

1. Prevent the introduction of pollutants into the wastewater collection system which will inhibit the performance of the wastewater treatment plant;

2. Prevent the introduction of pollutants into the wastewater treatment plant which would pass through untreated and remain in unacceptably high concentrations in the plant effluent;

3. Protect sludge quality to enable the City to land apply and compost its municipal sludge;

4. Enforce applicable EPA categorical standards; and

5. Reduce the health and environmental risk of pollution caused by excessive discharges of incompatible pollutants to the wastewater treatment plant.

6. Reduce introduction into the sewer system, items and compounds that separately or in combination may contribute to sanitary sewer overflows and reduction of capacity in the sewer system.

7. To encourage industrial user waste minimization, source reduction, best management practices, energy and water conservation through Pollution Prevention (P_2) activities.

The goal of the Industrial Pretreatment Program is to require industries which do not comply with industrial user permit limits to install and operate, at their own expense, wastewater treatment facilities which will bring them into compliance.

It is also the purpose of this Program to insure compliance with all applicable regulations and standards by all industrial users. This will be accomplished by a permitting system for significant industrial users, and an enforcement response plan which will address all violations of the City's current sewer use ordinance and the provisions of this Program.

II. Program Resources

A. Funding

All funding required by the Program is budgeted through three separate accounts, Lab/Photo Supplies (050-3030-438-2010), Legal and Professional Fees (050-3030-438-3210), and Minor Equipment (050-3030-438-2510). Monitoring equipment, laboratory equipment, and contract lab work are all covered by these three accounts. The population of Bentonville has increased three fold in the past decade. The city is expected to become a tourist destination due to the 2011 opening of The Crystal Bridges Museum of American Art; food service is collectively becoming the city's largest industry. In 2008 an oil and grease abatement program (account #050-3030-438-3410) was created to address this issue.

Presently these accounts hold adequate funds for covering operating costs of the Program. If there becomes a need for a significant increase in funding, the possibility of a separate account for the Pretreatment Program will be explored.

Estimated Yearly Costs of the Pretreatment Program

Salaries	$44,000.00
Monitoring Equipment	$4,000.00
Legal and Professional	$13,000.00
Vehicle Maintenance	$1,000.00
Lab Equipment	$1,000.00
Safety Equipment	$2,000.00
Grease Abatement (Public Education) Program	$6,000.00
Total	$71,000.00

B. Personnel

Presently there is one person conducting the administration of the Wastewater Laboratory and monitoring of the Pretreatment Program with the direct assistance of one Laboratory/ Pretreatment Technician. The Laboratory/Pretreatment Supervisor is responsible for the overall operation of the Program. It is the duty of the Pretreatment Supervisor to direct monitoring and sample collection relating to the Program, and monitor analysis with the support of two laboratory technicians.

It is the policy of the City of Bentonville for all employees to attain the highest certification possible. The Laboratory/Pretreatment Technician and both Laboratory Technicians have attained Class III Wastewater Operators Licenses. One technician has successfully completed the Sacramento Industrial Pretreatment Inspection Course. The Pretreatment Supervisor currently holds a Class IV Wastewater Operators License and an Advanced Industrial Wastewater Operators License. An Organizational Chart is included as attachment A.

C. Equipment

1. Flow Monitoring Equipment

The Bentonville Pretreatment Program utilizes ISCO Model 4230 Bubbler Line Flow

Meters and one ISCO Model 4250 Area Velocity Flow Meters. The Isco 4230 Flow Meters have the capability of flow measurement of the following primary measuring devices:

(a) Weirs

V-notch	Rectangular
	with end contractions
22 1/2 °	without end contractions
30 °	
45 °	Cipoletti
60 °	
90 °	

(b) Flumes

Parshall		Palmer-Bowlus
1 "	12 "	4 " 15 "
2 "	18 "	6 " 18 "
3 "	24 "	8 " 24 "
6 "	36 "	10 " 30 "
9 "		12 "

"H"		
0.5 '	2.0 '	Trapezoidal
0.75 '	2.5 '	
1.0 '	3.0 '	
1.5 '	4.5 '	

The ISCO Model 4250 Area Velocity Flow Meter is used to measure flow in 6", 8", 10", 12", and15" sewer lines. It has the capability to measure flow in a variety of primary measuring devices, but will be used mainly for measuring flow directly in sewer lines. Our flow monitoring equipment can be used to measure flow at all of the permitted industrial users. All primary measuring devices that are required of permitted industrial users will be compatible with the City's flow monitoring equipment. Additional 4230 and 4250 Flow Meters have been purchased to expand flow monitoring capabilities as deemed necessary. One Sigma 950 flow meter was purchased for use with our one Sigma sampler.

2. Sampling Equipment

The City uses portable samplers for all program required monitoring; two (2) Isco Model 6712 Compact Composite Samplers; one (1) ISCO Model GLS Composite Sampler, and one Sigma 900 MAX portable sampler. The Sigma Sampler is capable of discrete sampling. These samplers are adequate for monitoring all of the industrial users in

addition to selected points in the wastewater collection system for determination of background pollutant concentrations. Additional samplers will be purchased for greater versatility of monitoring if deemed necessary.

Equipment has been purchased to inspect grease interceptors for the grease abatement program.

4. Safety Equipment

The City of Bentonville POTW has an exemplary safety program, which includes the laboratory and pretreatment. Monthly safety equipment inspections are conducted and documented. Safety equipment for the laboratory and pretreatment program consists mainly of safety apparel (safety glasses, goggles, gloves, aprons, steel-toed boots, etc.), spill cleanup kits, eye wash and safety shower units. A tripod is available for lowering heavy equipment into manholes. A MicroMax Pro gas detector has been assigned for use by the wastewater laboratory and pretreatment division.

5. Vehicles

The City has purchased a 2005 pickup truck for field work. Replacement vehicles are purchased as necessary.

III. POTW Description and History

A. Process Description

The Bentonville Wastewater Treatment Plant is an extended aeration, activated sludge plant. The plant has two aeration basins (oxidation ditches), each with a capacity of 2.5 million gallons. In 2002, an anoxic basin was placed in service for Nitrate-Nitrite removal. There is no primary clarifier. After screening, the wastewater enters a grit chamber. Sludge from the bottom of the grit chamber is pumped to a grit classifier. The grit is removed and dewatered by a grit screw and conveyed to a dumpster for disposal. The sludge is pumped back to the grit chamber effluent. The grit chamber effluent is mixed with gravity thickener supernatant and return activated sludge upon entry into the anoxic basin. Wastewater is discharged from the anoxic basin into the oxidation ditches for further aeration. Phosphorous removal, by the addition of liquid alum, was added in 2006 at the headworks and at the oxidation ditches. There is no tertiary treatment at the plant. After clarification, the wastewater is disinfected by passing through an Ultraviolet treatment channel before discharge. Waste activated sludge is thickened and pumped to aerated holding tanks. Sludge is then dewatered by a belt press, and either composted on site, or hauled to Kansas by a contracted waste hauler.

B. NPDES Permit Limits

The City of Bentonville holds NPDES permit no. AR0022403 with current effluent limits for the following:

Parameter	Monthly Average	Daily Maximum	(Mass) Monthly Average
5 – Day CBOD	10 mg/l	15 mg/l	334 lbs./day
Total Suspended Solids	15 mg/l	23 mg/l	500 lbs./day
Ammonia Nitrogen April-Oct.	1.6	3.9	53.4 lbs./day
Ammonia Nitrogen Nov.-March	4.1	7.5	136.8 lbs./day
Total Phosphorous	1.5	1.0	33.4 lbs./day
pH	6.0 S.U. (min.)	9.0 S.U. (max.)	
Nitrate + Nitrogen	N/A	10 mg/l	
Fecal Coliform (Colonies/100ml)	400	200	

Fecal coliform, Nitrate-Nitrite, and dissolved oxygen limits are included in the permit but are not applicable for local limits. pH limits are covered under inhibitions (interference). Fecal Coliform is reported monthly using a geometric mean.

NPDES permit limits are to be used in derivations of local limits to prevent pollutant pass through. The following equation may be used to convert a pollutant-specific concentration-based NPDES permit limit into the corresponding allowable headworks loading of that pollutant.

$$\text{Allowable influent loading, lbs./day} = \frac{8.34 \times C \times Q}{1.0 - R}$$

Where:

C = NPDES permit limit, mg/l Q = POTW flow (MGD)

R = Removal efficiency across POTW, as a decimal

C. Description of Plant Flows vs. Industrial User Flows

The average daily flow of the Bentonville Wastewater Treatment Plant in 2012 was 3.14 MGD. During the wet season the flow has been as high as 12.275 MGD. November 29, 2010, part of the flow from Bentonville's system was diverted to the (NACA) Northwest Area Conservation Association's new area wastewater treatment plant. Additional Bentonville flow was diverted to the NACA plant on June 28, 2011. The combined Bentonville flow, from the southern area of town, diverted to NACA is 2.75 MGD. Future projected dry weather flow is approximately 3.0 MGD. The plant is designed with a hydraulic capacity of 5.0 MGD; this figure includes the additional capacity from the anoxic basin. Permit limits, including effluent loading limits are calculated with 4 MGD flow. Each of the two oxidation ditches receives one half of the daily influent flow. Return activated sludge flow; waste activated sludge flow averaged 0.04 MGD in 2011.

The following is a summary of permitted industrial user flow information:

Permitted Industrial Contributors	Average Daily Flow (MGD)	% of Total Average Flow
*Kraft Foods, Inc. (Permitted SIU)	0.101	0.3%
Wal-Mart TMG (Permitted SIU)	0.020	0.1%
3M OmniCare (Permitted CIU)	0.00006	0.006%
% I.U. flow of Total Plant Flow		**.406%**

*(current 8/2013)

D. Sludge Disposal Practices

Waste activated sludge is pumped to gravity thickeners at an approximate concentration of 1.0% total solids. The thickeners increase the total solids concentration to approximately 2.0%. The thickened sludge is pumped to aerobic digesters for stabilization to a Class "B" sludge. Sludge is dewatered by means of a belt filter press. Approximately 60% of the biosolids produced are composted by the City's permitted composting facility. The finished compost is sold to the general public as a Class A compost product. The remainder of the Class B dewatered sludge is land applied in the state of Kansas by a commercial land application firm. The City of Bentonville no longer land applies sludge in the state of Arkansas. Rarely, small volumes of sludge may land-filled. Ceiling concentrations contained in the 503 sludge regulations and other EPA approved documents, as listed in this program, will be used in calculation of maximum allowable headworks loadings (MAHL).

E. Inhibition/Pass-through/Sludge Contamination

Presently, the Bentonville Wastewater Treatment Plant is not experiencing any inhibition/pass-through/sludge contamination. The Treatment Plant has violated its total phosphorous permit limit only once since it was initiated in January 2007. Kraft Foods, Global, Inc. currently contributes approximately 13 to 21% of the total plant influent loading for phosphorous.

Most metals are non-detectable in our plant influent. Copper, Zink, Lead, Sliver and Mercury are detected at levels far below the MAHL.

There have been no instances of sludge contamination due to the discharge of industrial waste.

IV. Legal Authority

An approvable Industrial Pretreatment Program must have the necessary legal authorities to enable the City to enforce applicable sections of the Federal Clean Water Act and subsequent regulations. Specifically, the City must have the legal authorities to comply with 40 CFR Part 403.8 and must be able to:

1. deny or condition any increased or new discharges;

2. require compliance with pretreatment standards;

3. control industrial discharges to the sewage treatment facilities to insure compliance;

4. require the development of an industrial compliance schedule for installation of required technologies;

5. require submission of appropriate notice and industrial self-monitoring reports necessary to assess and assure compliance;

6. conduct, as necessary, inspections, surveillance and monitoring procedures to independently determine compliance or noncompliance; and

7. independently (without federal intervention) assess or recover through judicial action, fines, penalties and injunctive relief for noncompliance by industrial users with pretreatment standards and requirements.

The Bentonville Industrial Pretreatment Program operates under the provisions of Pretreatment Ordinance #2012-65. The following is a description of how the Sewer Use Ordinance gives us the legal authority to ensure compliance with 40 CFR Part 403.8. An attorney statement is included as Appendix F.

40 CFR 403.8(f)(1)(i) requires the POTW to deny or condition new or increased discharges.

Article I, Section 6, Part (d), states:

"Owners or agents of commercial or industrial establishments proposing to connect to or contribute to a sanitary sewer shall submit an application (an example is Appendix C) for a Wastewater Discharge Permit before connecting to or contributing to the sewer. Owners or agents of existing establishments discharging wastewater into the Bentonville sewage works shall submit an application for a Wastewater Discharge Permit for continued operation within thirty (30) days after receipt of notification in writing that such a permit is required for continued operation."

Article II, Sections 1 and 2, lists the general and specific prohibited substances for non-domestic users by the Ordinance.

Article V, Section 2 (a) states:

"It shall be unlawful for any significant industrial user to discharge wastewater into the Control Authority's POTW without first obtaining a wastewater discharge permit from the Control Authority. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the enforcement provisions of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law."

Article V, Section 2 (b) states:

"The Control Authority may require other users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance."

Article V, Section 2 (c) states:

"Liquid waste haulers may discharge loads only at locations designated by the Control Authority. No load may be discharged without prior consent of the Control Authority. The Control Authority may collect samples of each hauled load to ensure compliance with applicable Standards. The Control Authority may require the liquid waste hauler to provide a waste analysis of any load prior to discharge."

40 CFR 403.8(f)(1)(ii) says the POTW must require compliance with applicable Pretreatment Standards and Requirements by industrial users.

Article III, Section 7 states:

"Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Article II, Section 2 of this ordinance within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Control Authority under the provisions of this ordinance."

40 CFR 403.8(f)(1)(iii) requires the POTW to control through permit order or similar means the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and Requirements.

Article V establishes a permitting system to be implemented by the Control Authority and states the conditions of industrial user permits.

40 CFR 403.8(f)(1)(iv)(A) states that the POTW must require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable Pretreatment Standards and Requirements.

Article V, Section 7 (e) states that industrial user permits may contain compliance schedules.

Article VI, Section 1, (b) (8) states:

"Compliance Schedule." If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment

standard."

40 CFR 403.8(f)(1)(iv)(B) says that the POTW must require the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with Pretreatment Standards and Requirements.

Articles VI and VII contain reporting and monitoring requirements of industrial users.

40 CFR 403.8(f)(1)(v) requires the POTW to carry out all inspection surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or non-compliance with applicable Pretreatment Standards and Requirements by industrial users.

40 CFR 403.8(f)(1)(vi)(A) requires the POTW to obtain remedies for non-compliance by any industrial user with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for non-compliance by industrial users with Pretreatment Standards and Requirements. All POTW's shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000.00 a day for each violation by industrial users of Pretreatment Standards and Requirements.

Article X, Section 3 (Judicial Enforcement and Civil Remedies) states:

The City of Bentonville has the authority, by promulgation of this ordinance, to collect in a court of competent jurisdiction civil or criminal penalties in an amount not to exceed one thousand dollars ($ 1,000) per violation per day by industrial users of pretreatment standards or requirements. Such criminal or civil action may be initiated only after a majority vote of the City's governing body resolves to pursue such action. Each day of a continuing violation may be deemed a separate violation. The Control Authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Bentonville.

Where a user has repeatedly violated the wastewater discharge permit during any 90 day period, the Control Authority may require the user to post a cash or surety bond payable to the City in a sum determined by the Control Authority, to be necessary to achieve consistent compliance. The bond shall not exceed double the total amount of costs assessed the user as a result of all of its violations within such 90 day period. The costs shall be those as set forth in Section 3 of this Article. Such bond shall be subject to forfeiture to the City under the same procedure as set forth in paragraph 2 of this Section for penalties in the event of a repeat violation within 1 year of the date of placement of the bond. Failure or refusal to place such bond or to replace a forfeited bond within 72 hours of notification may result in failure of reconnection (if user has been disconnected) or disconnection as set forth in Section 1 of this Article.

In addition to any remedies provided above, the City reserves the right to seek legal and/or equitable remedies, including injunction, against any person violating this Ordinance, the provisions of an industrial wastewater discharge permit, and/or Federal or State laws governing water quality and industrial wastewater pretreatment. A legal or equitable proceeding prosecuted under this Ordinance does not constitute a waiver by the City of Bentonville of any right the City may have to join in or commence in a legal

action originating from some alternative source of law or equity.

The Office of the City Attorney may commence such action for appropriate legal and/or equitable relief in courts having proper jurisdiction upon authorization by the City Council.

V. Industrial User Survey

A. History of Past Industrial Users and Surveys

An industrial user survey was conducted prior to the approval of the City's current Pretreatment Program in 1983. Four significant industrial users were identified in this survey: Goldkist, Kraft Foods, Rogers Tool Works, and Krispy Kitchens. Goldkist and Tyson's Krispy Kitchens are no longer operating in Bentonville. Of these only Kraft Foods Global, is still a permitted industrial user. Industrial waste questionnaires were sent out in 1991, mainly to small businesses and restaurants. There were significant industrial users identified in this survey. Wal-Mart Photo Processing and Wal-Mart Printing, Mailing and Distribution Center were later added as permitted industrial users. Wal-Mart Fleet Maintenance Garage (FMG) was added to the SIU list prior to 2001.

Wal-Mart Photo Processing was purchased by the Fuji Corporation. Fuji Corporation ceased operation in June of 2007. Rogers Tool Works, due to change of ownership, became Kennametal, Inc. and ceased business in Bentonville in 2009.

Wal-Mart Printing, Mailing and Distribution Center, (PMDC) was deleted from the list of permitted industrial users due to volume and nature of discharge. With these two deletions and the addition of Wal-Mart FMG, the City has three permitted industrial users. Updating of our industrial user survey file is now a continuous process.

In 2006, Medical and Dental office surveys were administered using internet and telephone records for location of industrial users.

In 2007 all Bentonville Wal-Mart facilities, including warehouses were surveyed.

Food service surveys were distributed in 2008 to begin our grease abatement program. An XC2 Distribution and Collection Software program was purchased in 2010 to organize and track Food Service Establishments within the City of Bentonville. Inspections of grease interceptors and educational material are distributed to restaurants as time allows. Grease interceptors inspections are conducted daily, as time allows. Currently, Food Service and the impact of grease in the system is the main industry of concern for this community.

In 2008, 3M-ESPE, OMNI Preventive Care was added as a categorical industry. This facility produces prescription mouthwashes; the discharge is less that 100 gallons per day and consists of rinse water from the production process.

B. Description of Current Permitted Industrial Users

Kraft Foods, Inc.

Kraft Foods is a cheese product manufacturing facility with an output of approximately 50,000 pounds daily. Lactose concentrate is also produced. Their waste streams are the result of wash down, condensate from processes and cooling water. Average daily flow is approximately 282,350 gallons per day. Their waste contains high levels of biochemical oxygen demand, total phosphorus and oil and grease. Their treatment process prior to discharge consists of pH neutralization. Liquid Alum is on site for phosphorous reduction. Kraft strives to reduce the majority of their phosphorous loading by Best Management Practices and reports using little if any alum in the process. A monthly surcharge for BOD, Total Suspended Solids and Total Phosphorous is assessed for loading above the domestic concentration. They are currently under a compliance order. They must submit monthly self-monitoring reports. Permitted discharge limits are regulated on: pH, BOD_5, Total Suspended Solids, Total Phosphorous and Oil & Grease. BOD_5, Total Suspended Solids and Total Phosphorous are daily maximum mass limits. The Oil & Grease limit is a daily maximum of 100mg/L taken in a minimum of four (4) representative grab samples with the results averaged. Kraft announced that the Bentonville plant will cease operation in early November of 2013. Flow is incrementally decreasing during the closure process.

3M ESPE OMNI Preventive Care

3M ESPE OMNI Preventive Care manufactures a glycerin based mouth rinse with flavors and a confidential chemical added. The product is prescribed in a periodontal regimen by dentists. This requires classification as a pharmaceutical manufacturer, thus, a categorical user. The discharge from this process consists of rinse water from the preparation vats. Three rinses are collected in 5 gallon buckets, placed in a closed sink and pH adjusted, for batch disposal. Four (4) vats may be rinsed on a typical day, producing 60 gallons of process wastewater. They report semi-annually, pH, BOD_5 and process flow.

Wal-Mart Fleet Maintenance Garage

Wal-Mart FMG is a regional truck fleet maintenance and truck washing facility for Wal-Mart Corporation. Most maintenance activities are routine tasks (oil and coolant changes, minor engine adjustments, etc.). Major activities, such as rebuilding or machine work on engines, are not conducted at this facility. Most wastewater generated is from truck washing. Their average daily flow was 17,000 gallons per day in 2011. They are currently required to sample monthly and submit monthly self-monitoring reports. Current permit limits are: pH (5.5 to 12.0 I.U.); Oil and Grease (100mg/L). Both Oil & Grease and pH are determined with a minimum of 4 grab samples. Oil & Grease results are averaged. Metals reported monthly by this facility are total phosphorous, total Copper and total Zinc. Pretreatment consists of an oil and sand interceptor prior to discharge.

C. Industrial Users Currently Not Permitted

Consumer Testing Laboratories

This facility tests clothing durability for Wal-Mart. The process flow consists of

wastewater from repeated laundering of new clothing. Although they use more than 25,000 GPD Monday – Friday our tests showed BOD_5, TSS & pH were insignificant and below normal domestic wastewater. They are not permitted. The Control Authority samples at this site once each year to determine that the discharge remains low in all pollutants of concern.

Northwest Medical Center

Flow at this facility has increased since it was built and now averages greater than 25,000 GPD most months. They are not permitted. Inspections indicate most of this process flow is from cooling towers. There is a hospital kitchen with a properly sized and maintained grease interceptor, but no laundry on site. During our inspection of this facility, the pharmacy stated that all waste pharmaceuticals are sent to an incinerator except bag IV's. The Control Authority samples at this site at least once each year to determine that the discharge remains low in pollutants of concern.

Food Service Establishments (FSE)

The largest collective industry in Bentonville is Food Service. Crystal Bridges Museum of American Art opened in November of 2011. Thousands of tourists seeking artistic fulfillment are presented ever increasing choices for fast food and fine dining. Gas stations with food service are opening at a rapid rate. Pretreatment personnel are working with sewer maintenance to target "hot spots" where grease issues already exist. To prevent future blockages and overflows we are educating all FSE employees and management in proper grease and food disposal practices throughout the city; hospitals, nursing homes and schools are included in our grease interceptor (GI) inspection schedule. A survey is completed at the initial inspection of the facility and grease interceptors are routinely monitored using the 25% rule. Notices of violation are issued via registered mail, or are hand delivered to FSE's who fail to pump their GI's in the time frame allotted. <u>All grease interceptors are to be pumped on a quarterly schedule, unless inspection indicates more frequent cleaning is required.</u> Grease waste haulers working within Bentonville city limits must be permitted by the City of Bentonville Pretreatment Program and submit monthly reports of interceptor cleaning using city manifest forms. Grease interceptors are to be sized using the Uniform Plumbing Code or equivalent sizing requirements. FSE's with grossly undersized interceptors are required to pump on a schedule specific to their inspection results. Failure to adhere to this schedule will result in escalating enforcement; generally a requirement to install and maintain a properly sized grease interceptor. When a FSE with an undersized GI expands or substantially remodels an existing facility, replacement of the undersized unit must be included with the remodel.

Grease Abatement – Sewer Use Education

A grease abatement education campaign is in place to educate the general public and food services about Kitchen Best Management Practices. A brochure for elementary school children encourages them to become "Bentonville FOG Fighters". Presentations are given in classrooms, at the city library and the City of Bentonville's yearly city expo.

Proper use and disposal of "disposable" wipes, pharmaceuticals and hazardous

products are included in all sessions of grease abatement education. An evaluation of the current education and monitoring program will take place in approximately 2 years, to determine if further control is necessary. If so, a Grease Abatement Ordinance may be created.

D. Sources Used for Identification of New Industrial Users

When the City's current pretreatment program was developed in 1983, the City's consulting engineers conducted the industrial waste survey. The engineers also determined which industrial users were significant industrial users. The City no longer utilizes the services of consulting engineers for the pretreatment program. It is now the responsibility of pretreatment personnel to continually upgrade the industrial user surveys and to make determinations of industrial user status.

Industry in the City of Bentonville is currently not required to obtain a business license; Alternative methods for upgrading our industrial user surveys are inspection of utility billing records, building permits, phone directory and internet searches, and communication with other City and County departments. City of Bentonville Planning and Code Enforcement personnel are currently preparing a program that will issue Code Compliance Inspection Certificates. This program is designed to alert *all* city departments when utility applications are made for any business. It will require sign off by each department before a business is allowed to open. This program will inform pretreatment of new food services, before they are allowed to open with an undersized grease/ solids interceptor; when small business move into existing locations and when there is a change of ownership in any business. The Bentonville Convention and Visitors Bureau website has a comprehensive list of food services taxpayers. This list will be used until the Code Compliance Inspection Certificate program is adopted.

New construction is and has been, required to submit detailed information including sewer schematics. New food services and industries must be accepted by the pretreatment program control authority before opening for business. All FSE's are required to update their survey at their first grease interceptor inspection.

E. Industrial User Survey Methods

The initial step in an industrial user survey will be to send an industrial waste questionnaire/reporting form (example in appendices) to all non-residential water users connected to the City's wastewater collection system, whose wastewater discharge may potentially classify them as a categorical industry, or whose wastewater discharge may meet the criteria of a significant industrial user. After reviewing the information received on the industrial waste questionnaire/reporting form, a user will either be eliminated from the significant industrial user list or will be scheduled for a follow-up visit. Survey forms have been created for food service, funeral homes, casting facilities, photo & x-ray, apartment complexes and dentists as well as generic industrial users.

F. Survey Follow-up Procedures

All industrial users who are potentially significant industrial users may need to submit additional information or allow pretreatment personnel to inspect the facility. All

information required to determine the industry status will be collected during the inspection. Sampling of the discharge and lab analysis may also be necessary for collection of information. After the inspection, and possibly further discussion with IU representatives, a determination will be made as to whether the IU is a significant industrial user. If the IU is determined to be a significant industrial user, it will then be required to fill out an industrial user permit application before being issued an industrial user permit.

G. Method for Determining Significant Industrial Users

The criteria for determining a significant industrial user will be based upon the definition of a significant industrial user which is located in **Article I, Section 4** of the City of Bentonville's Pretreatment Ordinance.

VI. Technically Based Local Limits Determination and Calculation

A. Justification Regarding the Necessity for TBLL

This section is meant to complement and supplement Article III, Section 2 of the City of Bentonville ordinance 2012-65 for development of local limits, if necessary, or to demonstrate such limits are not necessary, per 40CFR 403.8(f)(4). Maximum Allowable Headworks Loadings (MAHLs) and Maximum Allowable Industrial Loadings (MAILs) will continually change due to variations in flow and wastewater characteristics. The following reflects average MAHLs/MAILs over an extended period of time, with a safety factor to accommodate daily fluctuations. This Pretreatment Program will be updated periodically to reflect changes in plant influent conditions. By updating this program, frequent revisions to the Pretreatment Ordinance can be avoided.

General Pretreatment Regulations in 40CFR Part 403, as pursuant to 40 CFR 403.5 (a) and (b) and NPDES permits, require POTW's having an approved pretreatment program, to assess the need for adoption of Technically Based Local Limits (TBLL's) of pollutants for protection of the environment; via pass through or interference of wastewater treatment facilities or contamination of biosolids, by common pollutants of concern (POCs).

TBLLs are defined by the U.S. Environmental Protection Agency Introduction to the National Pretreatment Program publication as; "specific discharge limits developed and enforced by POTWs upon industrial or commercial facilities, to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b)", and are to be assessed occasionally as stipulated by individual NPDES permits, typically every five (5) years.

Per requirements of NPDES permit # AR0022403 Page 1 of Part 1B, the following data is submitted and intended to document that TBLLs for the City of Bentonville are not necessary at this time.

Pollutants of Concern (POCs) studied for TBLLs are per EPA Region 6 guidance. Sampling and analysis of Influent, Effluent and biosolids samples for these POCs are

required quarterly. Past and future submissions of data are generally compiled using of three to five years of data. Since the flow to the City of Bentonville POTW was reduced by approximately 2.75 MGD by routing sewage from southern sections of town to NACA, data from the last year is considered most relevant to current and future influent conditions at the City of Bentonville POTW.

Site Specific data was compiled on the POTW influent and effluent, the receiving stream, contributing industries, sludge and flow information from the treatment plant and the collection system.

Maximum allowable headworks (MAHL) and maximum allowable industrial (MAIL) loading limits were calculated based on protection of the following criteria:

- NPDES Permit limits and Plant Design
- Inhibition (Pass through and Interference)
- Sludge disposal standards/guidelines
- Water quality standards based on ADEQ's Continuing Planning Process (CPP) procedures and APC&EC's Regulation 2 toxics

The most stringent value for maximum allowable industrial loading (MAIL) will be incorporated into the City's pretreatment program. Permit limits for industrial users will be determined and implemented to prevent these loadings from being exceeded.

B. Pollutants of Concern

The following pollutants of concern have been identified for calculation of maximum allowable headworks loadings:

5 - Day BOD	Total Suspended Solids	Ammonia – Nitrogen	Total Phosphorous
Total Lead	Total Chromium	Total Cadmium	Total Mercury (Using Method 1631E)
Total Nickel	Total Selenium	Total Silver	Total Zinc
Total Copper	Total Cyanide	Total Arsenic	Molybdenum

These pollutants have been selected due to one or more of the following conditions; they are present on our NPDES permit; they are monitored due to 503 sludge regulations; they may be present in concentrations that could inhibit plant performance; or, there will be future established water quality standards for some of them; or may be present in industrial discharges in high enough concentrations to warrant control.

C. Determination of Removal Efficiencies

Most of the formulas for determination of maximum allowable headworks loadings include values for removal efficiencies of pollutants by the treatment plant, expressed as percent. These values are determined by the following formula:

$$\frac{\text{Influent concentration - Effluent concentration}}{\text{Influent concentration}} \times 100$$

As required by NPDES permit #AR 0022403, the following parameters are analyzed at the City of Bentonville POTW laboratory: 5 Day BOD, Total Suspended Solids, Ammonia – Nitrogen, Total Phosphorous, once per week. NO_3 as N is analyzed twice weekly. Accurate determination of percent removal efficiencies should be made by using data generated on Monday's influent composite and Wednesday's effluent composite. 2013 data was used for flow and calculations of removal efficiencies for BOD_5. As stated above, Bentonville current NPDES permit requires testing once per week. Since retesting BOD_5, $CBOD_5$ is not possible; samples for this parameter are performed twice weekly, on three influent and effluent composite samples as safety measure, to assure valid results and to compensate for any possible QA or QC failure. That enables current calculation of removal efficiencies for BOD_5.*Removal efficiencies for other parameters are calculated from the last available data in 2007 and 2008.

The following are average percent removal efficiencies for applicable permit parameters.

Parameter	Removal Efficiency (as %)
5 – Day BOD	98.6
Total Suspended Solids	97.9*
Ammonia as N	97.3*
T. Phosphorous	92.8*
NO3 as N	N/A

TABLE 1: HEAVY METALS

The following heavy metals removal efficiencies were determined for MAHL calculations by incorporating the last 3 years of quarterly sampling reports

Pollutant	Removal Efficiency (as %)
Total Cadmium	74.2
Total Copper	84.6
Total Lead	77.4
Total Mercury	93.7
Total Nickel	49.0
Total Selenium	50.0*
Total Silver	83.4
Total Zinc	66.6
Total Chromium	82.0*
Total Cyanide	69.0*
Total Arsenic	63.6
Total Molybdenum	59.2
Total Beryllium	50.0*

Due to lower detection limits, determination of more valid site specific removal efficiencies has been achievable for most metals. Most of the above are based on the City's site specific data except for values with "" which are EPA's default median percent removal efficiencies from page R-2 of the 7/04 TBLL guidance manual because they were non-detectable in the influent or effluent at the City's POTW. (*Be* is estimated at 50%).

D. Influent and Effluent Analysis

Influent and effluent analyses are performed on nonconventional and conventional pollutants on 24 hour flow proportional composite samples. All samples are preserved and analyzed according to 40 CFR 136.

Influent and effluent composite samples were analyzed for the following parameters:

5 – Day BOD (CBOD5)	Total Mercury (Low Level using Method 1631E)
Total Suspended Solids	Total Copper
Ammonia as N	Total Lead
Total Silver	Total Cadmium
Total Chromium	Total Zinc
Total Nickel	Total Selenium
Total Arsenic	Total Molybdenum
Total Phosphorous	NO3 ¯ N (Effluent Only)

Grab samples were analyzed for: pH, Arsenic, Volatile Organics and Total Cyanide.

The Bentonville Wastewater Treatment Plant Laboratory has the following analytical capability for:

Biochemical Oxygen Demand (BOD5)	Total Suspended Solids
Carbonaceous (CBOD5)	Total Volatile Suspended Solids
Ammonia-Nitrogen	pH Total Alkalinity
Nitrate + Nitrogen ¯ N	MPN Total Phosphorus
Total Residual Chlorine	Fecal Coliform
Chemical Oxygen Demand (COD)	

Bentonville's POTW laboratory does not have the equipment for metals, oil & greases or organics analysis at this time; these parameters are analyzed by a contract laboratory. Funding for contract laboratory work comes from the Legal and Professional Fees account.

TABLE 2. INFLUENT METALS DATA 2012

Date	As (µg/l)	Be (µg/l)	Cd (µg/l)	Cr (µg/l)	Cu (µg/l)	CN (µg/l)	Pb (µg/l)	Hg (µg/l)	Mo (µg/l)	Ni (µg/l)	Se (µg/l)	Ag (µg/l)	Zn (µg/l)
1/17-18/12	<0.5	<0.5	<0.5	<10	38	<0.00001	2.1	<0.0002	<8	12	<0.5	1.4	160
4/2-3/12	0.58	<0.5	<0.5	<10	36	<0.00001	2.4	0.0023	<8	6.3	<0.5	0.53	170
7/16-1712	0.98	<0.5	<0.5	<10	46	<0.00001	2.3	<0.0002	<8	7.6	<0.5	1.2	260
10/1-2/12	0.65	<0.5	<0.5	<10	44	<0.00001	1.7	<0.00068	<8	4.9	<0.5	<0.5	160

TABLE 3. EFFLUENT METALS DATA 2012

Date	As (µg/l)	Be (µg/l)	Cd (µg/l)	Cr (µg/l)	Cu (µg/l)	CN (µg/l)	Pb (µg/l)	Hg (µg/l)	Mo (µg/l)	Ni (µg/l)	Se (µg/l)	Ag (µg/l)	Zn (µg/l)
1/19-20/12	<0.5	<0.5	<0.5	<10	6.8	<0.00001	<0.5	<0.0002	<8	3.9	<0.5	<0.5	53
4/4-5/12	<0.5	<0.5	<0.5	<10	2.0	<0.00001	<0.5	<0.0002	<8	2.7	<0.5	<0.5	32
7/18-19/12	<0.5	<0.5	<0.5	<10	15.0	<0.00001	<0.5	0.0012*	<8	4.3	<0.5	<0.5	61
10/3-4/12	<0.5	<0.5	<0.5	<10	3.9	<0.00001	<0.5	<0.0002	<8	2.8	<0.5	<0.5	38

*Lab blank 0.00041

TABLE 4. Influent and Effluent Conventional Pollutants 2012

2012 Influent Parameter	mg/l	lbs./day @ 3.14 MGD
Biochemical Oxygen Demand 5-day	286	7,243
Total Suspended Solids	329	8,565
Ammonia Nitrogen	27.3	711
Total Phosphorous	9.3	241

2012 Effluent Parameter	mg/l	Actual Average lbs./day @ 3.14 MGD	Permit Mass Limits lbs./day (Monthly Average)
Biochemical Oxygen Demand 5-day	2.11	55.3	333.6
Total Suspended Solids	5.1	133.6	500.0
Ammonia Nitrogen	0.1	2.62	Apr-Oct 53.4 Nov-Apr 136.8
Total Phosphorous	0.48	12.56	33.4

E. Sludge Analysis/Protection of Sludge Quality

All sludge samples are grab samples and are collected quarterly. The grab consists of series of seven samples taken from various places in either the sludge storage bed or from the gravity belt press, if operating. Results of analyses are used for calculations for composting and (out of state, contracted land) application requirements.

Sludge samples are analyzed for the following parameters:

Total Kjeldahl Nitrogen	Nitrate + Nitrite Nitrogen	Ammonia – Nitrogen	pH
Total Phosphorus	Total Solids	Volatile Solids	Fecal Coliform
Total Potassium	Fecal Coliform	Total TCLP (Once/yr.)	Total Mercury
Total Cadmium	Total Copper	Total Lead	Total Zinc
Total Nickel	Total Selenium	Total Silver	Molybdenum
Total Chromium	Total Cyanide	Arsenic	Beryllium

One of the principal motivations for establishing local limits is to prevent restriction of the POTW's sludge disposal options. EPA and State agencies have established limitations on the land application of sludge. Sludge is dewatered by use of a belt press and is further processed

by the City's compost facility. After composting, some sludge is sold to the general public as compost, containing Class A sludge. The remainder of the (raw, dewatered) sludge is land applied in Kansas by a commercial land application firm. All sludge is applied according to provisions of NPDES Permit no. AR0022403. The amount of sludge applied per acre is determined by the total pounds of plant available nitrogen per dry ton of sludge. The application rates (pounds per acre per year) are determined for all parameters where limits exist in the Kansas NPDES permit of the contracted waste hauler. Annual application rates are also determined for all pollutants contained in 503 sludge regulations. Ceiling concentrations contained in the 503 sludge regulations will be used in calculation of maximum allowable headworks loadings.

40 CFR 503, Table 1 Ceiling Concentration Criteria for Protection of Land Application Option:

Parameter	Ceiling Conc.(mg/kg)	Parameter	Ceiling Conc.(mg/kg)
Total Arsenic	75	Total Mercury	57
Total Cadmium	85	Total Molybdenum	75
Total Chromium	3,000	Total Nickel	420
Total Copper	4,300	Total Selenium	100
Total Lead	840	Total Zinc	7,500

TABLE 5. BIOSOLIDS METALS ANALYSIS 2012

Date	As (mg/kg)	Cd (mg/kg)	Cu (mg/kg)	Pb (mg/kg)	Hg (mg/kg)	Mo (mg/kg)	Ni (mg/kg)	Se (mg/kg)	Zn (mg/kg)
1/3/12	<5	<0.4	240	15	0.69	7.0	12	10	450
4/2/12	<5	<0.4	280	15	0.34	8.7	17	<7	580
7/2/12	<5	<0.4	220	6.6	0.55	5.6	13	<7	410
10/8/12	<5	1.2	280	9.5	0.48	6.8	12	<7	690
Average	<5	0.3	255	11.5	0.52	7.0	13.5	2.5	533
EPA Max. mg/kg	75	85	4,300	840	57	75	420	100	7,500
Safety Factor	75%	100%	94%	97%	99%	91%	97%	98%	93%

TABLE 6. CONVENTIONAL BIOSOLIDS ANALYSIS FOR 2012

Date	% Total Solids	% Vol. Solids	TKN (mg/kg)	NH_3^-N (mg/kg)	$NO_3+NO_2^-N$ (mg/kg)	pH (SU)	Total Potassium (mg/kg)
1/3/12	11.8	8.8	64,000	970	220	5.8	4,200
4/2/12	13.0	8.63	45,000	1,804	1,200	4.9	4,400
7/2/12	13.0	9.24	53,000	1,424	480	3.9	3,200
10/8/12	13.5	9.47	60,000	1,780	690	4.1	4,500
Average	12.8	9.04	55,500	1,495	648	--	4,075

EPA Guidance Inhibition Levels for Activate Sludge POTW's
Based on a POTW Flow Rate of 3.14 MDG

Pollutant	Inhibition mg/l	Inhibition lbs./day
Cadmium, T	1.00	25.35
Copper, T	1.00	25.35
Lead, T	1.00	25.35
Mercury, T	0.10	2.54
Nickel, T	1.00	25.35
Selenium, T	0.20	5.07
Silver, T	0.25	6.34
Zinc, T	0.50	12.68*
Chromium, T	1.00	25.35
Cyanide, T	0.10	2.54
Arsenic	0.10	2.54
Molybdenum	0.20	5.07
Beryllium	0.10	2.54

*Yellow highlight indicates driving criteria for local limits

Any sludge with Polychlorinated Biphenyls (PCB) concentration of greater than or equal to 50 mg/kg shall not be land applied.

The following equation is used to convert limits into available headworks loadings:

$$\text{Allowable headworks loading lbs/day} = \frac{C \times Q \times 0.0022}{R}$$

Where: C = Sludge disposal criterion, mg/kg dry sludge
Q = Sludge flow to disposal, dry metric tons per day
R = Removal efficiency across POTW, as a decimal
0.0022 = Unit conversion factor

Sludge disposal criteria are determined by the following formula:

$$\text{Sludge disposal limit (cumulative) mg/kg dry sludge} = \frac{CAR \times SA}{SL \times Q \times 0.365}$$

Where: CAR = Cumulative application rate limits, kg / hectare over the site life
SL = Site life, years
SA = Site area, acres
Q = Sludge flow to disposal, dry metric tons per day
0.365 = Unit conversion factor

The following equation is used to derive allowable POTW headworks loadings from water quality standards or criteria:

$$\text{Allowable headworks loading, lbs./day} = \frac{8.34 \times C \times (Qstr + Qpotw)}{1 - Rpotw}$$

Where: C = Water quality standard, mg/l
Qpotw = POTW flow, MGD
Qstr = Receiving stream (upstream) flow, MGD
Rpotw = Removal efficiency across POTW, as a decimal

F. Domestic Wastewater Loading

Twenty-four (24) hour flow proportional samples were collected from gravity sewer lines which have a flow of 40,000 to 75,000 gallons/day and do not transport any industrial waste. Pollutant concentrations in domestic / commercial sewage will be used as background levels for determination of concentration and mass limits in industrial user permits. An example of an industrial user permit limit calculation is included in this submittal.

Domestic / commercial samples were analyzed for the following:

5 – Day BOD	Total Suspended Solids	Phosphorus, T	pH	Ammonia - Nitrogen
Cadmium, T	Mercury per 1631E	Zinc, T		Arsenic
Copper, T	Nickel, T	Chromium, T		Beryllium
Lead, T	Silver, T	Molybdenum		Selenium

TABLE 7. DOMESTIC BACKGROUND METALS

Samples were collected from seven (7) different domestic sites and include data from 2002 to 2012.

Date	As (µg/l)	Be (µg/l)	Cd (µg/l)	Cr (µg/l)	Cu (µg/l)	CN (µg/l)	Pb (µg/l)	Hg (µg/l)	Mo (ng/l)	Ni (µg/l)	Se (µg/l)	Ag (µg/l)	Zn (µg/l)
1/18/12	<0.111	---	<0.111	<0.111	<0.111	<0.010	<0.111	<2.50	<1.11	<0.111	<0.556	<0.111	<5.56
8/21/12	1.2	<0.5	<0.5	<10	30	---	4.3	30	<8	4.5	<5	<0.5	130
8/21/12	3.9	<0.5	<0.5	<10	23	---	0.85	31	<8	3.8	<5	<0.5	130
8/22/12	0.94	<0.5	<0.5	<10	45	---	1.1	10	<8	2.8	<5	0.67	800
8/22/12	0.73	<0.5	<0.5	<10	29	---	0.72	9.1	<8	3.0	<5	<0.5	140
8/24/12	1.0	<0.5	<0.5	<10	48	---	1.2	34	<8	5.7	<5	<0.5	510
8/24/12	1.1	<0.5	<0.5	<10	36	---	0.84	17	<8	3.7	<5	<0.5	270

To be conservative, domestic background numbers not detected ("<" or ND) were entered into the MAIL spreadsheet as 50% of their method detection levels.

TABLE 8. DOMESTIC CONVENTIONAL POLLUTANTS 2012

Date	Location	5 Day BOD	Total Suspended Solids	Ammonia as N	T. Phosphorous
1/18/12	Garden Trail	437	253	31.7	7.8
8/21/12	SE 4th & SE C St.	448	214	27.5	7.8
8/21/12	Hidden Springs	227	217	23.4	5.3
8/22/12	Elm St.	283	132	26.1	6.8
8/22/12	Juniper	126	115	21.0	5.1
8/24/12	SE P St.	490	438	40.1	11.2
8/24/12	LDS Church	163	123	27.9	6.1
Average		**289**	**207**	**27.7**	**7.1**

G. Priority Pollutant Standards

The Bentonville Wastewater Treatment Plant is required by NPDES permit AR 00224403 to analyze for Table II priority pollutants once per year; Table III pollutants four times per year. The pollutants of concern identified by the City of Bentonville are some of the Table III metals, Total Cyanide, and typical conventional pollutants (5 – Day CBOD, Total Suspended Solids, Ammonia as N, Total Phosphorous). Most Table II pollutants have been undetected in recent scans and are not pollutants of concern.

H. Calculation of Maximum Allowable Headworks Loadings (MAHL)

Plant Design Capacity

According to the Operations and Maintenance Manual of the wastewater treatment plant of the City of Bentonville, the plant was designed based on an influent flow of 4.0 MGD, an influent 5-day BOD of 360 mg/L, and an influent Total Suspended Solids of 250 mg/l.
NH_3 and (T) Phosphorous are more recently permitted parameters. Data for calculation of the design MAHL for them is from EPA Guidance for Wastewater Treatment, page 9, Table 2.2 "Typical Characteristics of Urban Wastewater".

The following formula was used to convert plant design loading to allowable headworks loading:

Allowable influent loading using plant design flow of 4.0 MGD, lbs./day =

D = mg/l x Q = 4.0 MGD x 8.34 = Design Flow, MGD

Plant Influent Design Flow 4.0 MGD	Loading mg/l		Loading lbs./day
MAHL BOD5	360 mg/l	=	12,010
MAHL TSS	250 mg/l	=	8,340
MAHL NH3	15.0 mg/l	=	500
MAHL (T) Phosphorous	7.0 mg/l	=	234

An appropriate POTW process inhibition/interference criterion measures the capability of the POTW's biological treatment systems to accommodate pollutants and still adequately remove conventional pollutants. Threshold inhibition levels provide a measure of this capability of biological treatment systems to accommodate pollutants without adverse effects, and hence provide a sound basis from which to establish local limits.

Bentonville's wastewater treatment plant is an extended aeration plant, utilizing two anoxic basins for Nitrate-Nitrite removal, in addition to the conventional oxidation ditches.

The following equation is used to derive allowable headworks loadings from activated sludge treatment plant threshold inhibition levels:

$$\text{Allowable headworks loading, lbs./day} = \frac{8.34 \times C \times Q}{1-R}$$

Where: C = Threshold inhibition level, mg/l
Q = POTW flow, MGD
R = Removal efficiency, as a decimal

These values were incorporated, using the following past data, in calculations for MAHL and MAIL values for the POTW's pollutants of concern;

Plant Influent Flow	Tons/day Dry Sludge	Percent Safety Factor
3.14 MGD	2.60/day	15%

Guidance acquired from other pertinent documents for calculations used, are listed below:

WQ lbs./day = mg/l X 8.34X POTW average flow/ (1-Total POTW % Removal)

Activated Sludge Inhibition EPA default values (most conservative) are taken from Page G-1 of the 7/04 EPA TBLL guidance manual.

Beryllium is estimated at 0.10mg/l; Selenium and Molybdenum are estimated using 0.2mg/l from EPA's 12/87 guidance manual.

Percent removal EPA Default Median Removal Numbers from Page R-2 of the 7/04 TBLL guidance manual for Se, Cr and CN (Be is estimated at 50%).

Calculation for lbs./day = mg/l X Ave. POTW flow X 8.34

Sludge: lbs./day = dry tons X 0.002 X CFR 503 Table 1 criteria / % removal form EPA Pretreatment Program Implementation workshop material. ~ 6/93

Allocation for safety factor: lbs./day = (1 – Safety Factor) X MAHL

MAIL = Maximum Allowable Industrial Loading = MAHL – Allocations for % Safety Factor – Domestic lbs./day

Correspondence from ADEQ's Pretreatment Coordinator dated August 29, 2013 includes water quality criteria based on the City of Bentonville's site specific data. Due to the loss of industrial flow from Kraft, MAHL and MAIL calculations were determined without the inclusion of the 0.295 MGD flow from that facility. Yellow highlighted numbers indicate driving criteria for MAIL and MAHL determination

TABLE 9. Bentonville's Final MAIL's in Pounds per Day

Pollutant	Water Quality	Sludge	Inhibition	MAHL	MAIL
Cadmium, T	0.6949	0.596	25.35	0.596	0.5000
Copper, T	6.8364	26.43	25.35	6.836	4.8028
Lead, T	2.1237	5.64	25.35	2.124	1.7873
Mercury, T	0.0054	0.32	2.54	0.005	0.0041
Nickel, T	21.2074	4.46	25.35	4.457	3.6903
Selenium, T	0.2860	1.04	5.07	0.286	0.1801
Silver, T	3.0634	0.00	6.34	3.063	2.5976
Zinc, T	28.4567	58.56	12.68	12.677	5.2305
Chromium, T	178.6900	19.02	25.35	19.024	16.0447
Cyanide, T	0.4798	0.00	2.54	0.480	0.1558
Arsenic	24.1068	0.61	2.54	0.613	0.4840
Molybdenum	62.1412	0.66	5.07	0.659	0.4592
Beryllium	0.3032	0.00	2.54	0.2842	0.2514

I. Allocation of Maximum Allowable Headworks Loadings to Industrial Users

After maximum allowable industrial loadings are determined, they need to be converted to discharge limits on industrial user permits. A safety factor will be applied to the maximum allowable industrial loading value for each parameter. Headworks loading from domestic & background sources is subtracted. The result of this subtraction is the allowable industrial/commercial loading to be allocated to industrial users. The City of Bentonville will determine concentration limits based on industrial contributory flow. The (MGD) flow rate that is used to determine background loadings will be determined by subtracting the contributory flow from an industry or a group of industries from the average daily flow of the treatment plant. When new permits are written for industrial users, the flow from other sources which contribute any of the pollutants of concern will be used in calculations of discharge limits.

Incorporation of a Safety Factor

A tremendous amount of growth has occurred in the Bentonville area. The growth had predominantly been residential and office facilities. The percentage of industrial flow to total flow has actually declined in the last several years. There is no trend to suggest that a large increase in industries that discharge high volumes of wastewater will be established in our area in the near future. Most new industries will likely be food service industries that will be covered by our grease abatement program. Construction of an area wastewater plant reduced the influent flow to 3.0 MGD in dry weather. Due to reduction in flow, strong industrial waste has a greater impact on POTW operation. Industrial strength influent at any time, but especially during early morning hours, when flow is at its lowest point, is a serious concern. A safety factor of 15% will be incorporated to protect the headworks of the POTW.

The adjusted Metals MAIL's in the table below are calculated using the 15% safety factor and the following MAIL Calculation formula: MAHL (minus) Allocation for Safety Factor (minus) Domestic in pounds per day.

Conventional Pollutants In the table below are calculated using plant Design flow of 5 MGD, 2012 Domestic loading data, and 2012 industrial flow of 0.292 MGD.

Parameter (plant design + 1 MGD)	MAHL (lbs./day)	- 15% SF lbs./day	Dom. lbs./day actual 2012 flow of 3.14 MGD	MAIL lbs./day
5 – Day BOD	15,012	12,760	6,864	5,896
Total Suspended Solids	10,425	8,861	4,917	3,944
Total Ammonia Nitrogen	626	532	94	N/A*
Total Phosphorous	292	248	169	79

* No industries are assigned an Ammonia Nitrogen Limit.

Domestic/Background Loading

The values for domestic/background loadings used for calculation of IU permit limits are data from analysis of 24 hour flow proportional samples collected from gravity sewer lines which have a flow of at least 75,000 gallons/day and do not transport waste from any of our permitted industries.

Domestic Conventional Background Levels Based on 2012 Data:

Parameter	Concentration (mg/l)	Concentration using 3.04 MGD 4MGD - Industrial Flow (lbs./day)
5 – Day BOD	289	7327
Total Suspended Solids	207	5248
Ammonia – Nitrogen	27.7	702
Total Phosphorous	7.1	180

Based on the calculated MAILs, historical SIU loadings and the apparent safety factors or "buffer factors" exhibited for all pollutants of concern, allocation of the MAILs, or establishing technically based local limits for Bentonville's industries are not necessary at this time.

Calculation of Industrial User Permit Limits (if ever necessary)

After allowable industrial/commercial loadings are determined, the concentration limits are determined by the following formula:

$$\text{Concentration Limit} = \frac{\text{Allowable Industrial Loading, lbs./day}}{8.34 \times \text{Contributory Flow, MGD}}$$

Permit limits for Industrial Users will be calculated based on contributory flow. Some of the pollutant limits may be allocated to all permitted IU's, if their concentrations are above background levels or there is a potential for high pollutant levels. There may be an instance where a pollutant limit is allocated to a selected group of IU's, if they are the only IU's that discharge that pollutant, or in quantities that will affect the treatment plant or collection system. The following is an example of a conventional pollutant limit that is calculated for the permitted industrial users that contribute that pollutant, or may potentially contribute the pollutant above background levels. In this case, a 5-Day BOD limit will be determined for Kraft Foods of Bentonville. This is only an example, these are not actual permit limits.

Industrial User		**(MGD)**
Average flow for Kraft Foods	=	0.275
Average flow for Wal-Mart	=	0.017
Average flow for 3M ESPE OminCare	=	0.00006
Total Industrial Contributory Flow	=	0.2921

Total Domestic/Background Flow:

Flow (example) 4 MGD – Ind. Flow (example) MGD = Domestic MGD

Background (Domestic) BOD_5 (example) Concentration in mg/l

Background (Domestic) BOD_5 Loading

8.34 x 3.71 MGD x 289 mg/l = 8,942 lbs./d

Design MAHL Adjusted (with 15%safety factor) = 10,210 lbs./d

Total Allowable Industrial Loading:

10,210 MAHL lbs./day – Domestic 8,942 lbs./day = 1,268 industrial lbs./day

VII. Program Implementation

A. Determination of Industrial User Status

It is the responsibility of the Control Authority to locate and identify all significant industrial users (SIU's) connected to the City's wastewater collection system. This determination will be made based upon information collected by the industrial user survey and a possible site visit/inspection to review the application for permit submitted by the industrial user. General Survey form is Attachment C. More site specific forms may be used when applicable. Normally, this determination will be based upon the following definition of a significant industrial user:

Any industrial user of the City's wastewater treatment system who:

1. has a discharge flow of 25,000 gallons or more per average work day of process wastewater; or
2. has a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
3. is subject to National Pretreatment Standards; or
4. discharges any conventional or toxic pollutants which would cause inhibition; pass through of pollutants; sludge contamination; or endangerment of POTW workers.
5. Upon a finding that an Industrial User meeting the criteria in paragraphs 1, 2 or 4 above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User (SIU).

Final decisions on industrial user status will be made upon mutual agreement between all authorized representatives of the Control Authority. Final decisions will be objective in nature after careful consideration of all available data; and will based solely upon the criteria, with no exceptions or special circumstances being considered.

All significant industrial users are subject to:

Right of entry by the Control Authority
Inspection and sampling by the Control Authority
Issuance of an industrial user permit
Self-monitoring
Sampling requirements
Reporting requirements
Best Management Practices (BMP's)
Clean Kitchen Practices (CKP's)
Development of a slug control plan
Installation of pretreatment facilities
Compliance schedules
Administrative Orders (AO's)
Notices of Violation (NOV)
Civil or Criminal proceedings;

or any other appropriate actions as determined by the Control Authority.

B. Notification to Significant Industrial Users of SIU Status

Under 40 CFR 403.8(2)(iii) the City will notify SIUs identified above of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status The method of notification may be through certified mail, regular USPS mail or by electronic mail.

C. Procedure for Keeping Updated on Regulations

Once an industrial user has been determined to be a significant industrial user, they will be notified of such status within thirty (30) days after such determination has been made. This notification will state all applicable pretreatment standards, sampling and reporting requirements, hazardous waste notification requirements, compliance schedule for development of a slug/spill control plan, and any meetings required for the purpose of issuance of an industrial user permit.

It is the responsibility of the Control Authority to be aware of new regulations, standards, and requirements pertaining to a local pretreatment program. This will be accomplished by the following methods:

Correspondence with the Approval Authority
Reviewing latest additions of the Code of Federal Regulations via the internet
Attending seminars pertaining to pretreatment programs
Communication with personnel of other pretreatment programs

D. Industrial Waste Discharge Permits

Once an industrial user has been determined to be a significant industrial user with potential impact to the POTW, it will be issued an industrial waste discharge permit.

The Control Authority shall issue an industrial wastewater discharge permit upon evaluation and acceptance of the data furnished by the applicant provided such data shows compliance with the terms of the Sewer Use Ordinance. The Control Authority may make such interpretations and tests and take such samples as may be necessary to satisfactorily show the accuracy of the data furnished, especially regarding the estimated or actual amount and strengths of industrial wastes.

Where applicable, pretreatment facilities and/or flow regulating devices approved by the Control Authority shall be installed or plans, specifications, and construction schedules approved by the Control Authority shall be agreed on prior to the issuance of a permit under the Sewer Use Ordinance.

Acceptance of the Industrial Wastewater Discharge (IWD) permit by the user shall serve as acceptance of and agreement to all the terms and conditions of the Sewer Use Ordinance and said permit, including payment of all fees, charges, and surcharges incidental to such permit and for connection to or use of the City sanitary sewer system.

Existing establishments discharging into the City POTW on the effective date of the Sewer Use Ordinance shall be subject to all provisions of the Sewer Use Ordinance, including surcharge provisions, even though a permit to discharge may not have been issued hereunder.

Individual permits must be enforceable and contain, at a minimum, the following conditions:

1. Statement of duration (in no case more than five years);

2. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

3. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

6. Requirements to control Slug Discharges, if determined by the City to be necessary.

Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

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

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

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

5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the City;

6. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the City;

7. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

8. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

9. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

E. Slug Control Development Plan

The Control Authority will evaluate, whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Control Authority upon request.

If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of a discharge practices, including non-routine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days, and

4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loadings and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic-organic pollutants (including solvents), and/or measures and equipment for emergency response.

F. Wastewater Discharge Permitting of Extra Jurisdictional Industrial Users

Any new or existing significant industrial user located beyond the City of Bentonville limits, which is connected to the City's wastewater collection system, shall submit a wastewater discharge permit application within 90 days of the effective date of the City's Sewer Use Ordinance.

Alternately, the Control Authority may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

The City of Bentonville supplies the City of Centerton with water and wastewater services by contract. The City of Bentonville also supplies water and wastewater services to the Northwest Arkansas Regional Airport. These contracts are periodically reviewed and renewed. These contracts authorize the Control Authority to regulate any significant industrial user located within the city limits of Centerton and on Northwest Arkansas Regional Airport property.

G. Best Management Practices

Some of the pollutants of concern to the Bentonville POTW may be discharged by a large number of small facilities in addition to significant industrial users. The pollutants of concern may be pollutants listed in the specific prohibitions in the sewer use ordinance along with pollutants with established MAHLs. The number of small businesses that discharge a particular pollutant could be significantly greater than the number of SIUs covered under the pretreatment program. In order to effectively reduce the amount of pollutants discharged to the POTW, all facilities that discharge a particular pollutant should be regulated. It would neither be cost effective or practical to issue permits containing numerical pollutant limits to a large number of small businesses. The best way to control

pollutant loadings from small businesses is to implement an efficient and cost-effective source control program as an alternate to numerical local pretreatment limits.

The City of Bentonville will develop and implement Best Management Practices that are technology based as an alternative to numerical local limits for selected small businesses discharging pollutants of concern to the POTW. The BMPs will be specific procedures, developed by the Control Authority, to be implemented by the individual businesses designed to reduce the loading of a particular pollutant.

The City has developed BMPs, sometimes referred to as KCPs, for the food service industries to reduce FOG loading to the POTW and sanitary sewer overflows. We have incorporated these BMPs into Ordinance # 2012-65. Maintenance and cleaning frequencies for Oil and Grease interceptors will be required quarterly. Users with undersized interceptors or grease traps will be required to replace the interceptor or clean on a more frequent schedule. The 25 percent (25%) rule, described in Appendix M, will be used to determine the schedule. Continuous monitoring of grease interceptor cleaning will be through the permitting of grease haulers. Grease waste manifest forms are required to be submitted to the Control Authority monthly. FSE's that are noted on the manifest form as requiring maintenance will receive a visit and notification form (Appendix H) FSE's that have not pumped in the last quarter will be inspected and notified of the city's quarterly pumping requirements when necessary.

H. Pollution Prevention

In addition to implementation of Best Management Practices, the City of Bentonville will promote pollution prevention as an additional tool for meeting the goals of the Pretreatment Program. The Environmental Protection agency defines pollution prevention as waste reduction prior to recycling, treatment, or disposal. This approach changes the focus from managing waste after it is generated to eliminating or minimizing the problem before it occurs. It is the intention of pretreatment personnel to educate industrial users about the benefits of pollution prevention and encourage them to assess and implement pollution prevention into their own operations. A pollution prevention assessment and implementation of pollution prevention measures may be required by the Control Authority by incorporating the requirement into industrial user permits.

I. Self Monitoring by Industrial Users

An industrial user may be required, by its permit, to submit self-monitoring reports. Sampling, analysis, and reporting by industrial users to the Control Authority will be conducted at a minimum of once every six months. It will be the responsibility of the industrial user who self-monitors to conduct sample collection, analysis, and record keeping in accordance with the provisions of 40 CFR 136 and 403. Any data submitted which does not conform to these provisions will be determined to be invalid. The reporting of invalid data will be considered a violation of an industrial user permit, which may constitute enforcement action. Self-monitoring data may be used for generation of surcharges and determination of compliance status. The industrial user will be required to split samples with the Control Authority upon request. The Control Authority reserves the right to modify the industrial user's monitoring method at any time during the effective dates of an industrial user permit.

J. Review of Self Monitoring Reports

Self-monitoring reports must be reviewed carefully in order to determine whether the industrial user is complying with all applicable regulations and standards. Due dates will be established for submittal of self-monitoring reports. Late reports will be considered a permit violation. Review of self-monitoring reports should be conducted within 5 days of receipt of reports. When reviewing self-monitoring reports, special attention should be given to:

1. Effluent mass and concentration values as compared to permit limits
2. Sample holding times prior to analysis
3. Sample type
4. Use of an approved analytical procedure
5. Preservation techniques
6. Units used in reporting sample analysis data
7. Frequency of analysis as compared to permit requirements
8. Acceptability of quality assurance/quality control procedures
9. Mathematical accuracy
10. Chain of Custody procedures employed
11. Proper reporting period

Any self-monitoring reports which are incorrectly completed will be considered a violation of an industrial user permit, which may be subject to enforcement action by the Control Authority.

Data from self monitoring reports and data collected by the Control Authority will be entered on computer spreadsheets which will allow continuous summarization of minimum, maximum, and average values. Hard copies of self monitoring reports, laboratory report forms, chain of custody records, flow charts, and pH charts will be retained by the Control Authority for at least three years.

K. Compliance Inspections

Compliance inspections on all permitted industrial users will be conducted at least once per year. Inspections will normally be unannounced, and will consist of examination of the operation of the facility, the operation of treatment facilities, records, and sampling and analysis procedures. A checklist is included on the inspection form to determine if proper sampling, preservation, analysis, and flow measurement procedures are being employed. Any deficiencies observed during the inspection will be listed at the end of the inspection

form along with results of analysis of all samples collected. The completed report form along with required actions will be sent to the industrial user. A time frame for corrective actions will be established. Failure to take corrective actions within the time frame given will be considered a violation, which may result in enforcement action by the Control Authority. A follow up visit may be required, depending upon the type of corrective action required. A copy of a typical industrial inspection report is Appendix G.

L. Investigation of Noncompliance

If instances of industrial user noncompliance with pretreatment requirements do occur, the Control Authority will use the following procedures to investigate the noncompliance:

1. Determine if the noncompliance constitutes an emergency situation. The noncompliance will be considered an emergency if a discharge or action by the industrial user causes plant upset, pass through, contamination of sludge, or endangers the health and safety of POTW personnel and the general public. This determination will be made using the best judgment of the Control Authority based on sampling, analysis, and knowledge of plant processes and history by the Control Authority.

2. The industrial user will be notified immediately if noncompliance results in an emergency situation. A cease and desist order may be issued in an emergency situation. Depending on the severity of the violation the industrial user will be notified in writing. This will normally be in the form of a Notice of Violation.

3. Once the industrial user has been notified that a violation has occurred, it will be required to respond in writing stating what actions it will take to correct the noncompliance. Once the response is received, a time frame will be established for correction of the noncompliance. It will be the responsibility of the Control Authority to ensure that the corrective actions have been taken.

4. In case of an emergency situation the Control Authority will conduct quick response sampling, analysis and inspection. This will be done to verify the emergency situation and to gather data that will be admissible in court proceedings or other enforcement actions. If compliance cannot be attained by these procedures, the Control Authority will resort to legal recourse to obtain compliance by the industrial user. During these proceedings the industrial user will have the opportunity to challenge the Control Authority's violation determination.

5. When necessary, the Control Authority will monitor industrial user discharges without the prior knowledge of the industrial user to determine the compliance status of the user. These activities may include covert sampling/surveillance at any time of day or night.

M. Follow-up Activities for Noncompliance

If sampling performed by an industrial user indicates a violation, the user shall notify the Control Authority within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:

1. The Control Authority performs sampling at the industrial user at a frequency of at least once per month, or

2. The Control Authority performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

N. Public Participation

The Control Authority is required to publish, at least annually, in a paper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, the names of industrial users which, at any time during the previous pretreatment year, which begins November 1st and ends October 31st, were in significant noncompliance with applicable pretreatment requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations, including instantaneous limits, narrative standards, or BMP's which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

The following procedures for evaluating all industrial user monitoring data to determine whether an industrial user meets the criteria for significant noncompliance will be employed:

1. Beginning on the first day of the "pretreatment year" (i.e. that period of time which is considered when compiling the annual program status report), the year shall be divided into four quarters of three months each.

2. At the end of each quarter, all monitoring data for each industrial user for the previous six months will be evaluated to determine whether the industrial users are in significant noncompliance. This evaluation shall include all samples collected in accordance with the discharge permit issued to the industrial user, regardless of who collected the samples.

3. Any industrial user which meets the significant noncompliance criteria for any such six month period must be cited in the annual pretreatment program status report and published as stated previously.

VIII. Reporting Requirements for POTW's and Industrial Users

Industrial user reports are delineated in Article VI of the City's Ordinance # 2012-65, most will only be cited below:

A. Baseline Monitoring Reports
Article VI. Section 1. (a), (b)

B. Compliance Schedule Progress Reports
Article VI. Section 2.

C. Report on Compliance with Categorical Pretreatment Standard Deadline
Article VI. Section 3.

D. Periodic Reports on Continued Compliance
Article VI. Section 4.

E. Signatory Requirements for Industrial User Reports The reports required shall include the certification statement as set forth in §403.6(a)(2)(ii), **(Article VI: Section 13)** and shall be signed by, as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs A, C, and D of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather, complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs A, C, and D of this section is a partnership, or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph E.(1) or E.(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph E.(1) or E.(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) the written authorization is submitted to the Control Authority.

(4) If an authorization under paragraph E.(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph E.(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

F. Reporting Requirements for Non-categorical Industrial Users

A Significant Non-categorical Industrial User, operating under Best Management Practices in lieu of a Discharge Permit, may be required to submit at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of discharged pollutants requested by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User must submit documentation required by the Control Authority to determine their compliance status. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. Sampling and analysis and results from sampling events performed by the Control Authority, sampling results may be not used in lieu of the sampling by the significant non-categorical Industrial User.

G. Notice of Potential Problems, Including Slug Loading
Ordinance 2012-65; Article IV. Section 1

H. Record Keeping Requirements
Ordinance 2012-65; Article VI. Section 12

I. Provisions Governing Fraud and False Statements
Ordinance 2012-65; Article VI. Section 14

J. Hazardous Waste Notification
Ordinance 2012-65; Article VI. Section 8

K. POTW Annual Report

The Control Authority shall provide ADEQ with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:

(1) An updated list of the POTW's Industrial Users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to categorical Pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local Requirements. The list must also identify Industrial Users subject to categorical Pretreatment Standards that are subject to reduced reporting requirements under paragraph (e)(3), and identify which Industrial Users are Non-Significant Categorical Industrial Users.

(2) A summary of the status of Industrial User compliance over the reporting period;

(3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;

(4) A summary of changes to the POTW's pretreatment program that have not been previously reported to ADEQ; and

(5) Any other relevant information requested by ADEQ.

L. Confidential Information per 40 CFR 403.8(f)(1)(vii)

Article VII, Section 4 states:

a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public and other governmental agencies without restriction unless the user specifically requests otherwise and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information about processes or methods of production entitled to protection as trade secrets of the user. Ordinance 2012-65 Article VII, Section 4. (a), (b), (c) address the protection of confidential information.

(b) When such request by the person furnishing a report is accepted and approved by the Control Authority the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies and only for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Water Pollution Control Permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(c) Information accepted by the Control Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Control Authority until or unless a ten (10) day notification is given to the user.

IX. Compliance Monitoring

A. Monitoring by City Personnel

The City is required by 40 CFR 403.8 (f)(2)(v) to randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with

pretreatment standards, and inspect and sample the effluent from each Significant Industrial User at least once a year.

The City is also required by 40 CFR 403.8 (f)(2)(vii) to investigate instances of noncompliance with Pretreatment Standards and Requirements. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

For the purpose of satisfying these requirements, the City intends to routinely sample and analyze permit parameters from all permitted industrial users. Besides determining the compliance status of permitted industrial users, the City also needs to verify the accuracy of self monitoring data. The City may collect samples from permitted industrial users more frequently than what is indicated by minimum program requirements. If the City feels that an increased sample frequency will help to avoid complacency on the part of the industrial users. Routine sample collection and analysis will also serve the purpose of data collection for issuance of new industrial user permits and will also be an integral component of an industrial user survey. All monitoring by City personnel will be performed in accordance with 40 CFR 136.

All data collected from sampling by City personnel will be included with industrial user self monitoring data for the purpose of determining an industrial user's compliance status on the Control Authority's annual report to the Approval Authority.

Normally, sampling by City personnel will be unannounced. We feel unannounced sampling will be representative of conditions during an industrial user's daily operation.

B. Industrial User Self Monitoring

Self monitoring may be required on Industrial User permits. The frequency of sample collection and reporting will depend upon:

1. Volume of the industrial discharge
2. Type and concentrations of pollutants in the discharge
3. Adequacy of treatment
4. Expected variability of discharge levels
5. Potential for causing POTW upsets or operation and maintenance problems
6. Compliance history

Guidelines for Sampling Frequency for Industrial Users

Industry Flow average GPD	Sampling Frequency	Reports Due
0 - 500	2 / year (Dec. and June)	January 15 & July 15
500 – 10,000	1 / quarter	15th of Feb., May, Aug., Nov.
10,001 – 50,000	As permitted minimum: once/month	As permitted
over 50,000	As permitted	As permitted

The monitoring period for each year will be from November 1st to October 31st. For industrial users who are required to submit self-monitoring reports quarterly, the reports will be due on the 15th of February, May, August, and November. For industrial users who are required to submit self-monitoring reports monthly, the report due dates will be determined on a case by case basis. The report date will be reflected in the Industrial User Permit.

Regardless of the SIU and/or its flow, the SIU will be required to take a representative sample of its regulated wastewater at a minimum of once per six (6) months and submit the results to the Control Authority.

When determining an industrial user's compliance status or in the process of generating surcharges, monitoring performed by City personnel will be used along with an industrial user's self monitoring data.

C. Sampling Requirements for the Control Authority and Industrial Users

All sampling will be conducted in accordance with the following requirements:

1. Flow measuring equipment will be calibrated at a frequency to ensure accuracy within +/- 10% of actual flow as determined by a depth measurement in the primary measuring device. The Control Authority may check the accuracy of the IU's flow meter at any time. If results are not within +/- 10% of actual flow, a notice of violation will be issued and no sampling will be conducted until the meter certified accurate by an outside establishment trained and certified for such calibration.

2. Flow meters will be calibrated before collecting all 24 hour composite samples at facilities subject to surcharges.

3. If using automatic sampling equipment, all hoses and sample containers will be kept clean to prevent contamination from previous sampling events.

4. If refrigerated samplers are used, the temperature of the refrigerated portion of the sampler will be recorded when a 24 hour composite is collected. If portable samplers are used, the sample tub will be iced down and the temperature of the composite will be recorded.

5. All samples will be properly preserved. If samples are not preserved on site, they shall be properly preserved as soon as possible.

6. Correct sample container type and preservation techniques will be used.

7. All 24 hour composites will consist of at least twelve aliquots.

8. All pH measurements will either be conducted on site or within 15 minutes of sample collection.

9. Samples collected for oil and grease analysis will be in glass containers with Teflon lined caps. Glass bottles for Oil and Grease analysis shall be rinsed with the solvent used for extraction prior to sample collection. Four representative grab samples should be taken during the 24 hour sampling period. 250 ml samples may be combined in the laboratory to represent a 1L sample, or 4 1L samples may be collected and analyzed individually; results of the 4 samples may be averaged.

10. A completed comprehensive chain of custody form from a laboratory certified by ADEQ will be furnished for each sampling event. The chain of custody form should note the name of the industry, number of composite samples, number of grab samples collected, preservatives used, temperature of samples, and pollutants to be tested for each sample. The form should also note date and time of sampling and the person or persons collecting and relinquishing the samples. All on site data not computer generated should be clearly printed. Names should be printed and signed. A copy of a proper Chain of Custody form is included in this submittal as Appendix E

11. Splitting of samples may be conducted periodically at the IU's or the Control Authority's request. Composite samples will be thoroughly mixed before transfer to individual containers. Grab samples will be taken as nearly the same time as possible.

D. Laboratory Analysis and Quality Assurance/Quality Control

All laboratory analysis for compliance monitoring requires an adequate QA/QC program. If an industrial user is required to self monitor, it is their responsibility to insure laboratory data accuracy. If data contained on self monitoring reports is invalid, it will be considered a permit violation on the part of the industrial user. If monitoring is performed by the Control Authority, adequate QA/QC procedures must be established to verify the accuracy of laboratory measurements. All laboratory analysis, whether performed by the Industrial User or the Control Authority, will be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Control Authority determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Approval Authority.

E. Laboratory Analysis Requirement Details

1. A QA/AC program will be established and implemented. This program will consist of establishment of approved analytical methods, maintenance of QA/QC control charts, and establishment of standard operating procedures for sample collection.

2. Reference standards will be analyzed yearly. If an industrial user employs a contract lab for generation of self monitoring data, the user will require the contract lab to analyze these standards. The analysis of these reference standards will be conducted by the same laboratory that typically analyzes samples for the industrial user. Reference standards sent to the home laboratory for analysis is unacceptable. Results of this analysis will be submitted to the Control Authority. The user will maintain records of this analysis in their files.

3. Lab reports submitted along with self-monitoring reports will include results of duplicates and spikes. Samples used for duplicates and spikes should have concentrations similar to the sample results being reported.

4. All analysis will be conducted by a lab certified by ADEQ unless the City has the appropriate equipment and QA/QC procedures to conduct them.

F. Procedures for Tracking Industrial User Reports

Due dates for self-monitoring reports will be established in the industrial user's permit. Time frames and/or due date for other reports such as noncompliance reports, progress reports, etc. have been established in this Program. It will be the responsibility of the Pretreatment Supervisor to insure that reports are submitted in a timely manner. Reports not submitted on time may be a permit violation, depending on the industrial user's compliance history. Reports will be stamped by the Pretreatment Supervisor upon receipt. It will be the policy of the Control Authority to review reports within five days of receipt of the report.

Non-permitted Food Service compliance for Oil and Grease Interceptor pumping and Maintenance will be tracked by way of permitting the grease waste haulers and requiring monthly submittal by haulers, of all interceptor pumping manifest sheets. The required manifest forms include; Haulers Name and permit number; date and time; size of the interceptor; pumping schedule; assessment of the mechanical condition of the interceptor and what, if any, repairs are necessary. This manifest form includes the date, time, and place of disposal.

X. Industrial User Surcharges

An industrial user who discharges a pollutant load (lbs./day) at a higher percentage of total plant load than its percentage of hydraulic load (MGD) to the POTW will be required to enter into a surcharge agreement with the City. For example, if an industrial user discharges 20 % of the total lbs./day of Total Suspended Solids entering the treatment plant, but discharges only 5 % of the total flow entering the plant, the user will be required to pay a surcharge on its excessive Total Suspended Solids levels.

Surcharges will only be assessed on compatible pollutants and only if:

1. The waste will not cause damage to the collection system;
2. The waste will not impair the treatment processes;
3. The user agrees to payment of a surcharge over and above published sewer rates, as provided herein; and
4. The waste is amenable to treatment such that when it leaves the sewage to treatment plant to be discharged the waste does not exceed or cause the total discharge exceed the standards set by Federal and State agencies having jurisdiction.

Surcharges will be included on billings for the month following submission of new data.

Typical domestic waste values for conventional pollutants and pollutants of concern will be established by the Control Authority for use in surcharge calculations. The methods of sampling, data collection, and reporting for surcharge calculation will be defined in the Industrial Discharge Permit as assigned to each user as required.

All measurements, tests and analyses of the waste characteristics shall be determined in accordance with the latest approved methods in 40 CFR Part 136.

The volume of flow used in computing abnormal sewage surcharges shall be totalized monthly f rates, as provided herein; and low in million gallons per month as reported on the industrial user's self-monitoring report. All industrial users who are assessed a surcharge will be required to monitor flow daily. Flow monitoring shall be conducted utilizing flow measuring equipment approved by the Control Authority.

Computation of abnormal sewage surcharge for each pollutant, as applicable, shall be based on the following formula:

Surcharge for abnormal sewage discharge:

S = V x 8.34 x (ASC - TDW) x charge per lb.

where:

S = Surcharge in dollars for the billing period
V = Water discharged to wastewater system in millions of gallons during the billing period
8.34 = Weight of water in pounds per gallon
ASC = Abnormal Sewage Concentration
TDW = Typical Domestic Waste

Charge per pound is a variable based on the cost per pound to treat waste. This cost is calculated by the Control Authority as needed.

The City reserves the right to review and to reject any waters or industrial waste entering the sewer system or proposed to be discharged into the system having an average daily flow greater than ten percent (10%) of the design flow capacity of the plant which will treat the waste. In the event the City's measurement discloses such flow in excess of ten percent (10%) of said capacity, the City shall be under no obligation to receive such flow in excess of ten percent (10%). An owner affected hereby shall be promptly notified of such determination by the City. A special contract, at the City's option, may be made with the user to accommodate such excess flow.

XI. Enforcement

A. Enforcement Response Plan

All violations of the Bentonville Industrial Pretreatment Program should be met with an enforcement response. The purpose of this flexible plan is to provide guidance with which persons responsible for the administration and enforcement of the industrial pretreatment program can determine appropriate, free from procedural obstacles and less arbitrary investigative and enforcement processes, to remediate violations of any part of the program. An effective Enforcement Response Plan is required by both Federal and State Control Authorities.

This plan includes compliance with Pretreatment Standards, Best Management Practices and Program Requirements including but not limited to:

(a) Administrative violations: illegal or unauthorized discharge such as, an unpermitted industrial user (IU) was unaware of the requirement; or has failed to apply for an industrial user discharge permit after notification of the requirement to do so, or the failure to reapply for an existing expired permit.

(b) Discharge limit violations: violation of a permitted pretreatment standard, either isolated or recurring.

(c) Best Management Practices (BMP): violations of practices determined in the form of an ordinance or program by the control authority

(d) Reporting violations: (for permitted entities) failure to submit required reports; omitting proper signatory or certification; failure to notify the Control Authority of a substantial increase or decrease in production; late report submittals; omission of data on reports; falsifying reports; failure to respond to a permit violation notification.

(e) Monitoring violations: failure to monitor in accordance with 40 CFR 136; failure to install or maintain monitoring equipment required by the Control Authority; tampering with monitoring equipment; failure to use an ADEQ accredited laboratory.

(f) Compliance Schedule violations: failure to meet compliance schedule milestones, (varying levels form with good cause to failure to report to refusal to comply).

(g) Miscellaneous permit violations: discovered during inspection or investigations, including but not limited to: dilution of a regulated wastestream; failure to respond to a noncompliance event; failure to report additional sampling results; denial of entry.

B. Investigation of Violations

All elements of the pretreatment program including responses, actions and reporting requirements must be performed within prescribed, written timeframes. Therefore notifications involved with violations must be delivered with a "Proof of Delivery" document attached. All findings and investigations must be sufficiently documented to meet the test for "Admissible Evidence" in a court of competent jurisdiction.

Investigations by City of Bentonville pretreatment personnel should be completed and appropriate enforcement response initiated within the timeframe for specific violations listed below. Chronically recurring violations that have, or are expected to cause escalation in enforcement, should be communicated in written detail to the wastewater manager, so background information can be shared with the next level of authority in the enforcement process.

(a) Administrative violations; including Notices of Violation (NOV) and Administrative Orders (AO's) are not restricted to permitted users. Any Industrial Users (IU's) in violation of regulations or Best Management Practices (BMP's) of the City of Bentonville's pretreatment ordinance or program, even if unaware of the regulation, will initially be notified verbally and in writing. Failure to respond as required will result in escalation of enforcement as set forth in the Enforcement Response Guide.

(b) Discharge limit violations; including reports of noncompliance of Permitted SIU's during self-monitoring events; city monitoring analysis of SIU's and non-permitted IU's operating under BMP's, shall receive timely attention by Control Authority. Appropriate enforcement response shall be initiated within 10 days of receipt of non-compliance. Additional monitoring or by the SIU or escalated equipment maintenance schedules for those operating under BMP's, may be required. Proof of receipt documentation, should be filed with the documented violation and the IU's response for complete and easily accessible follow-up when necessary.

If investigation of any discharge limit violation or non-compliance with BMP's provides documentation of reasonable proof that the violation caused damage to the POTW, the city sewer lines or the environment; the investigation should then be referred to the wastewater manager (WM) for consultation with the public works director (PWD) and city attorney (CA). Civil or Criminal Actions to recover damages are covered under Arkansas Code 8-4-103 and City of Bentonville Ordinance 2012-65, Article X., Sections 1., 2., 3., and 4.

(c) Reporting violations; responses should be logged with the date of receipt and initials or signature of the person receiving the document to assure compliance with associated submittal time requirements. Follow-up and review of the document must take place with (5) working day of receipt and should be logged on the same page as the date of receipt. If further written response is required to the industry from the control authority, it will be

initiated no more than 10 working days from receipt of the original IU response to the violation. Telephone communication of issues pertaining to any violations should be documented in writing and maintained in an easily accessible area for potential follow-up. If investigation of reporting indicates intentional falsification, to avoid responsibility for damage to city property or the POTW; documentation will be referred to the proper city personnel for criminal prosecution under Arkansas Code 8-4-103 (g).

(d) Monitoring violations; comprehensive logging and maintenance of all IU monitoring, sampling, analysis data will conform to all applicable parameters sited in 40 CFR 136. Permits for SIU's, IU's and Permitted Waste Haulers will include detailed instruction for completion of Self-Monitoring Reports (SMR's), including time requirements for reports and responses per 40 CFR 136. City of Bentonville pretreatment personnel may present any additional documentation necessary, including photographs to provide proof of violations.

(e) Compliance Order Violations; proof of delivery time and date documentation shall be considered as initiation time of Compliance Order schedules. Required response time will be clearly stated in the Compliance Order. Timely, continued written communication from the IU; with documentation of progress toward compliance is expected. Failure to respond within the required time will be cause for escalation of enforcement per Ordinance 2012-65.

C. Enforcement Guide; Description and Responses

The following Enforcement Response Guide will describe the types of escalating enforcement responses the Control Authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place.

The Control Authority will consider the following criteria when determining a proper response:

1. *Magnitude* of the violation
2. *Duration* of the violation
3. *Effect of the violation* on the POTW
4. *Effect of the violation on the receiving water or municipal sewer system*
5. *Immediate effect of the violation on the environment*
6. Compliance history of the industrial user

Time Frames for Enforcement

a) All violations will be identified and documented within 5 working days of receiving compliance information.

b) Violations will be identified, documented and initial written enforcement response posted within 15 working days of documentation.

c) Violations that endanger, or have the potential to endanger the health or welfare of persons; or have the potential to interfere with operation of the POTW; or may in any way, endanger the environment will receive immediate enforcement response, up to and including suspension or termination of services.

d) Incidents of Significant Non-Compliance (SNC) will be addressed in writing with an enforceable order within sixty (60) days of identification and documentation of non-compliance.

e) Escalated enforcement action for continuing or recurring violations will be initiated within sixty (60) days of the final event, (such as the final completion date of a compliance schedule).

The following is a description of the types of enforcement responses the Control Authority may utilize in response to all anticipated types of non-compliance by industrial users.

1. Notice of Violation

A Notice of Violation is an official communication from the Control Authority to the noncompliant industrial user which informs the user that a pretreatment violation has occurred. It is an appropriate initial response to non-significant violations. It also represents the initial attempts of the Control Authority to resolve the noncompliance. The Control Authority will issue a Notice of Violation within ten (10) days after knowledge of the violation.

Upon receipt of a Notice of Violation, the industrial user shall reply within fifteen (15) days of the date of the notice in one of the following forms:

(a) A user admitting responsibility for the alleged violation shall submit a written report to the Control Authority. If the violation involves an indirect discharge of industrial waste that is prohibited, or exceeds quantity, quality, or concentration limitations, the written report shall contain information setting forth the time, date, location, cause, source, quantity, quality, and concentration of the discharge, and the corrective measures actually taken or to be taken by the user to prevent any similar recurrent discharges. If the violation involves an administrative or procedural noncompliance, the written report shall contain the corrective measures and time schedule the user has adopted to insure expeditious compliance. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of the Notice of Violation.

(b) A user denying responsibility for the alleged violation shall submit a written report to the Control Authority setting forth the basis for the denial and requesting a Show Cause Hearing.

(c) If a written response from the user is not submitted to the Control Authority within fifteen (15) days of the date of notice, the Control Authority may issue an Administrative Order or institute civil and/or criminal proceedings against the user.

2. Administrative Orders

Administrative Orders will be issued when Notices of Violation are not effective in bringing the industrial user into compliance in a timely manner. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

Administrative Orders may include:

(a) Compliance Schedules

(b) Modification of an industrial user's permit

(c) Modification of reporting requirements

(d) Requirement of appearance at a Show Cause Hearing

The following is a brief description of the types of Administrative Orders the Control Authority may use:

(a) Consent Order - The consent order is an agreement between the Control Authority and the industrial user normally containing three elements: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of Control Authority and industry representatives.

(b) Show Cause Order - An order to show cause directs the user to appear before the Control Authority, explain it's noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

(c) Compliance Order - A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not be discussed with the industry in advance.

(d) Cease and Desist Order - A cease and desist order directs a noncompliant user to cease illegal or authorized discharges immediately or to terminate its discharge altogether.

3. Civil or Criminal Action

The Control Authority will seek civil or criminal penalties under the provisions of the current Sewer Use Ordinance, or Pretreatment Ordinance #2012-65, when other enforcement responses are not effective in bringing the industrial user into compliance with pretreatment standards and requirements. Penalties collected will be in an amount not to exceed one thousand dollars ($1,000) for each violation by industrial users of pretreatment standards or requirements. Such criminal or civil action may be initiated only after a majority vote of the City's governing body resolves to pursue such action. Each day of a continuing

violation may be deemed a separate violation.

During the course of civil action, the Control Authority may need to assess penalties in an amount to recover the economic benefit an industrial user accrued by not complying with pretreatment standards and requirements on time. Penalties shall be uniform or reasonably consistent for similar instances of noncompliance. Economic benefit from non-compliance will be taken into account.

The burden of proof will be on the industrial user in civil litigation.

The burden of proof will be on the Control Authority in criminal prosecution.

Procedures for civil or criminal action will be initiated by the city attorney following a majority vote of the city's governing body.

ABBREVIATIONS FOR ENFORCEMENT REMEDIES

IU	**Industrial User**
SIU	**Significant Industrial User**
CIU	**Categorical Industrial User**
BMP	**Best Management Practices (Requirements in lieu of a Permit)**
PC	**Pretreatment Coordinator**
WM	**Wastewater Manager**
PWD	**Public Works Director**
SCA	**State Control Authority**
NOV	**Notice of Violation**
AO	**Administrative Order**
CA	**City Attorney or the City's Staff Attorney**
CC	**City Council**

UNAUTHORIZED DISCHARGES (not a permit violation) (SIU, CIU, or IU covered by BMP's)	Enforcement Responses	Personnel
IU unaware of requirement; no known harm to city equipment, the POTW or the Environment	Phone Call or NOV with Permit Application or Survey form, and administrative order for wastewater discharge analysis.	PC, WM
IU unaware of requirement; harm to city equipment, the POTW or the Environment	Phone call, compliance meeting, emergency order to suspend discharge, civil action to recover cost incurred;	PC, WM, PWD CA,CC
Failure to comply continues sixty (60) days past compliance deadline	Civil Action, Criminal Action Terminate Service	PWD, CA CA, CC CA, CC
Failure to install required pretreatment equipment to comply with BMP' qualifications	Phone call, NOV, Compliance Meeting, AO	PC, WM, PWD
Failure to implement a required BMP	Phone call, NOV, Compliance Meeting, AO	PC, WM, PWD
Failure to comply continues sixty (60) days past compliance deadline	Civil Action, Criminal Action Terminate Service	PWD, CA CA, CC CA, CC
(SIU, CIU, Waste Haulers)	**Enforcement Responses**	**Personnel**
Failure to apply for permit renewal (within 30 days)	Phone call, informal letter, NOV	PC
Recurring (after 30 days)	AO, Civil Action	PC, WM, PWD CA

Permit Limit Violation (Exceeding of Permit Limit)	Enforcement Responses	Personnel
Isolated, minor	NOV	PC
Recurring (two consecutive months after initial NOV)	Compliance Meeting, AO, Civil Action	PC, WM, PWD CA
Isolated, harm to POTW, city property or Environment	Compliance Meeting, AO, Civil Action	PC, WM, PWD CA, CC
Recurring, with harm to the POTW, city property or Environment	Civil Action Criminal Action Termination of Service	PC, WM, PWD CA, CC
Violation(s) meet criteria for Significant Noncompliance	AO, Public Notification per 40 CFR 136 Civil Action Criminal Action Termination of Service	PC, WM, PWD CA CA, CC CA, CC

Monitoring (Sampling) Errors/Violations	Enforcement Responses	Personnel
Incorrect; sample type; sample preservation or container type; sampling procedures; equipment calibration; sampling location; flow measurement; temperature or sample holding time exceeded; failure to monitor for all permit required pollutants; frequency of analysis requirement not met.	Phone call, plus NOV	PC
Failure to install required sampling location or monitoring equipment.	Phone call, NOV, AO, Compliance meeting	PC, WM, PWD
Failure to properly operate and maintain pretreatment facility (no harm)	Phone call, NOV, AO, Compliance meeting	PC, WM, PWD
Waste streams are diluted in lieu of treatment	Phone call, NOV, AO, Compliance meeting	PC, WM, PWD
Recurring (sixty (60) days after AO, with no good faith compliance proposal)	show cause hearing, civil or criminal action, termination of services	PC, WM, PWD CA

Reporting Errors/Violations	Enforcement Responses	Personnel
Errors on self-monitoring/laboratory reports; improperly signed or unsigned reports, mathematical calculation errors. Incomplete chain of custody forms; Errors on chain of custody forms. Failure to submit or late self-monitoring reports. Use of unapproved analytical methods per 40 CFR 136. Use of uncertified laboratory. Failure to maintain adequate records, (calibration, QA/QC, time/temperature). Failure to report results of additional monitoring	Phone call, NOV Phone call, NOV	PC PC
Recurring reporting errors (two consecutive months after initial NOV)	Compliance Meeting, AO, Civil Action	PC, WM, PWD CA
Inadequate recordkeeping (including BMP documents)	Incomplete or missing files, NOV	PC, WM, PWD, CA
Recurring Chronic	Compliance meeting, Show Cause, Consent order with penalties	PC, WM, PWD, CA
Failure to report isolated spill, slug load, or changed discharge (permit violation) no known damage	Phone Call, NOV	PC
Failure to report frequent or continued spills, slug loads, or changed discharge which results in damage to city property, the POTW, or the environment	Show cause hearing; civil action or criminal prosecution to recover losses	PC, WM, PWD CA, CC

Criminal Actions	Enforcement Responses	Personnel
Illegal discharge (no harm to POTW or environment)	Phone call, site visit, AO	PC, WM
Recurring after initial enforcement response	Civil or Criminal Action	PC, WM, PWD CA
Falsifying records	Criminal investigation, show cause hearing	PC, WM, PWD CA

Criminal Actions	Enforcement Responses	Personnel
Illegal discharge due to evidence of intent or negligence (results in harm to the environment or city equipment)	Criminal investigation, show cause hearing, criminal action	PC, WM, PWD CA, SCA
Tampering with city monitoring equipment	Criminal investigation, show cause hearing	PC, WM, PWD CA
Entry denial, consent withdrawn, or copies of records denied	Obtain warrant, return to IU	PC, WM, PWD CA
Recurring	AO, Civil Action, Terminate Service	PC, WM, PWD CA, CC

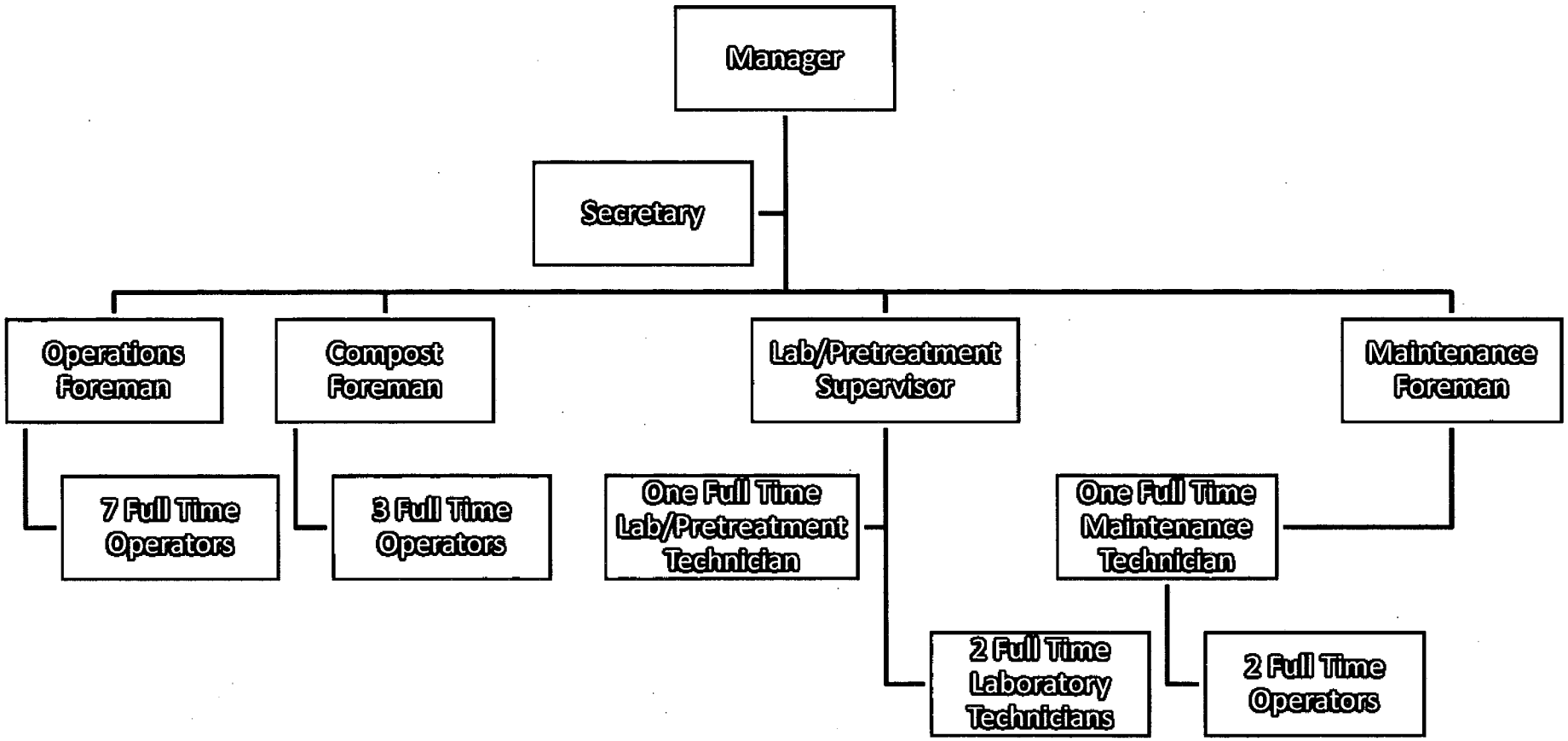
Compliance Schedules	Enforcement Responses	Personnel
Missed milestone by less than 30 days, or will not affect final milestone	Phone call, NOV, AO	PC, WM
Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	Phone call, Meeting, AO	PC, WM
Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	AO Civil Action	PC, WM, PWD CA, CC
Missed final Compliance Schedule Date by more than 30 days (reasonable, documented cause for delay)	Phone call, meeting, informal letter	PC, WM
Missed final Compliance Schedule Date by more than 30 days (no reasonable, documented cause for delay)	Civil Action	PWD, CA
Failure or refusal to comply with compliance schedule	Civil Action Criminal Action Terminate Service	PWD, CA PWD, CA, CC PWD, CA, CC

City of Bentonville Wastewater Utilities

City of Bentonville Organizational Chart

Appendix A

City of Bentonville Organizational Chart



City of Bentonville Wastewater Utilities

General Industrial User Survey

Appendix B

City of Bentonville, Wastewater Utilities
1901 N.E. "A" Street
Bentonville, AR 72712

INDUSTRIAL USER SURVEY

Please completely fill out the survey, and ensure it is signed before submitting to this office. Any questions that do not pertain to your company should be answered "N/A". If you have questions, please call Nancy Busen at (479-271-3160) for assistance.

BUSINESS INFORMATION	
Name:	
Physical Address:	
Mailing Address:	
Phone:	Fax:
Website:	
Days of Operation:	
Number of Employees:	

CONTACT INFORMATION	
Individual Responsible for Operation	Individual Providing Information
Name:	Name:
Title:	Title:
Phone:	Phone:
Email:	Email:

TYPE OF BUSINESS (please check all that apply)		
☐ Manufacturing / Assembly	☐ Storage / Warehouse	☐ Vehicle / Equipment Wash
☐ Sales / Distribution	☐ Food Preparation / Service	☐ Retail Sales only
☐ Auto Services	☐ Medical / Dental Office	☐ Other (specify)

PLEASE DESCRIBE IN DETAIL YOUR BUSINESS ACTIVITIES INCLUDING SERVICES, PROCESSES AND PRODUCTS. ATTACH ADDITIONAL SHEETS AS NECESSARY.

PLEASE LIST ALL RAW MATERIALS USED AT THIS FACILITY, IF APPLICABLE

DOES THIS FACILITY HAVE:

Any floor drains in the work area?		
Boiler Heating System?	☐ Yes	☐ No
Cooling Towers?	☐ Yes	☐ No
A septic tank for wastewater disposal?	☐ Yes	☐ No
Municipal Sewer Service?	☐ Yes	☐ No
A Grease Trap?	☐ Yes	☐ No
Oil/Water Separator?	☐ Yes	☐ No
A Silver Recovery Unit?	☐ Yes	☐ No

IF WASTEWATER IS DISCHARGED TO MUNICIPAL SEWER, PLEASE INDICATE THE TYPE:

Note: "Domestic" wastewater produced from the non-commercial preparation of food, or wastewater containing only human wastes and other similar matter from the sanitary conveniences of dwellings and commercial, industrial or institutional buildings. All other wastewater should be considered "Industrial or non-domestic".

☐ Domestic ☐ Industrial ☐ Non-domestic

CHECK THE BOXES OF ALL PROCESSES / ACTIVITIES THAT OCCUR AT THIS FACILITY.	
☐ Asbestos Manufacturing	☐ Medical Procedures / Surgeries
☐ Auto Body Shop, Vehicle Repair	☐ Metal Finishing (plating, anodizing, coating etching)
☐ Auto / Truck Wash	☐ Metal Products Manufacturing
☐ Battery Manufacturing	☐ Metals Molding, Casting, Forming
☐ Cement Manufacturing	☐ Machining-Sheet Metal Shop
☐ Copper / Aluminum Forming	☐ Painting / Finishing
☐ Coil Coating / Can Making	☐ Paint / Ink Formulation
☐ Chemical Manufacturing	☐ Petroleum Refining
☐ Dairy Products	☐ Pharmaceutical Manufacturing
☐ Dentistry	☐ Photo Processing
☐ Dry Cleaning / Laundries	☐ Plastics Manufacturing / Molding
☐ Electrical / Electronic Component Manufacturing	☐ Porcelain Coating
☐ Electroplating	☐ Printed Circuit Board Manufacturing
☐ Feedlot	☐ Pulp, Paper, Paperboard Manufacturing
☐ Fertilizer Manufacturing	☐ Rubber Manufacturing / Processing
☐ Flammables / Explosive Use	☐ Radioactive Materials Use
☐ Fuel Oil Dealer	☐ Smelting
☐ Funeral Services	☐ Soap / Detergent Manufacturing
☐ Glass Manufacturing	☐ Steam / Power Generation
☐ Grain Mill	☐ Sugar Processing
☐ Iron / Steel Manufacturing	☐ Textile Manufacturing
☐ Laboratory	☐ Timber Products
☐ Leather / Tanning / Refinishing	☐ Woodworking Shop

CHEMICAL INVENTORY – DOES THIS BUSINESS USE ANY OF THE MATERIALS LISTED BELOW?

(place an "X" in the appropriate box)

Category	Yes	No	Not Sure	If Yes, Please Identify
Inks/ Dyes / Paints				
Acids / Caustics				
Solvents / Incl. Cleaning				
Flammables / Explosives				
Grease / Oils				
Pesticides / Herbicides				
Metals / Inorganics				
Mercury or Silver Compounds				
Halogenated Aromatics				
Ethers				
Monocyclic Aromatics				
Phenols / Cresols				
Phthalate Esters				
Polycyclic Hydrocarbons				
Nitrosamines				
Nitrogen Containing Compounds				
Radioactive Isotopes				

If you are unsure of the category, please list any other chemicals used on a separate sheet.

IS ANY WASTEWATER FROM THIS FACILITY TREATED BEFORE DISCHARGED? ☐Yes ☐No

If yes, what kind of treatment is performed?

☐	Sand / Sediment Interceptor	☐	Amalgam Separator
☐	Silver Recovery	☐	Solvent Recovery
☐	Oil / Grease Interceptor	☐	Chemical or Physical Treatment
☐	pH Correction	☐	Other (specify below)

Specify:

HAS ANY CHEMICAL ANALYSIS BEEN PERFORMED ON WASTEWATER DISCHARGES FROM THIS FACILITY IN THE LAST THREE (3) YEAR?

☐ Yes ☐ No

ARE THERE ANY WASTES GENERATED AT THIS FACILITY THAT ARE NOT DISCHARGED TO THE SANITARY SEWER?

☐ Yes ☐ No . *NOTE: If yes, please describe the waste and disposal method for the waste.*

	Other Waste	Disposal Method
1		
2		
3		

DOES THIS FACILITY GENERATE ANY HAZARDOUS WASTE?

☐ Yes ☐ No *NOTE: If yes, please list hazardous wastes generated and disposal method. Attach additional sheets if necessary.*

	Hazardous Waste	Disposal Method
1		
2		
3		

PLEASE PROVIDE THE FOLLOWING INFORMATION OF ANY ONSITE WASTE TREATMENT VENDORS AND ANY COMPANIES THAT HAUL SOLID, LIQUID, HAZARDOUS OR NON-HAZARDOUS WASTES FROM THIS FACILITY FOR OFFSITE TREATMENT AND / OR DISPOSAL.

Company Name: _____

Address: _____

Phone: _____ Fax: _____

Website: _____ Email: _____

Company Name: _____

Address: _____

Phone: _____ Fax: _____

Website: _____ Email: _____

PLEASE ESTIMATE THIS FACILITY'S AVERAGE MONTHLY WATER USAGE FOR THE WINTER AND SUMMER MONTHS.

Average monthly gallons used: Winter:_____ Summer: _____

DO YOU ANTICIPATE ANY FUTURE CHANGES IN YOUR CURRENT OPERATIONS OR PROCESSES? ☐ Yes ☐ No

ATTACH A SCHEMATIC WITH THE LAYOUT OF YOUR FACILITY. PLEASE LABEL ACTIVITIES PERFORMED IN EACH AREA, ALL WATER SOURCES, ALL FLOOR DRAINS AND ALL DISCHARGES.

CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervisions in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing violations."

Name:_____ Title:_____
(Please Print)

Signature:_____ Date:_____

Please submit the completed survey to:

Nancy Busen, Lab/Pretreatment Supervisor
City of Bentonville, Wastewater Utilities
1901 N. E. "A" Street
Bentonville, AR 72712

City of Bentonville Wastewater Utilities

Industrial User Permit Application

Appendix C

CITY OF BENTONVILLE
Wastewater Treatment

Industrial Wastewater
DISCHARGE PERMIT APPLICATION

Date:	

SECTION A – GENERAL INFORMATION

1. Facility Name:

Operator/Manager(s) Name(s) :

Is the operator identified in 1, the owner of the facility? Yes ☐ No ☐

If no, provide the name and address of the operator and submit a copy of the contract and/or other documents indicating the operator's scope of responsibility for the facility.

Name	
Title	
Address	
City, State	
Zip Code	

2. Facility Address:

Street	
City	
State	
Zip Code	

3. Business Mailing Address:

P.O. Box	
Street	
City	
State	
Zip	

4. Designated signatory authority of the facility:
(Attach similar information for each authorized representative)

Name	
Title	
Street	
City	
State	
Zip	
Phone	
Fax	
Mobile	
Email	

5. Designated facility contact:

Name	
Title	
Phone	
Mobile	
Email	

SECTION B - BUSINESS ACTIVITY

1. If your facility employs or will be employing processes in any of the industrial categories or business activities listed below (regardless of whether they generate wastewater, waste sludge, or hazardous wastes), place a check beside the category or business activity (check all that apply).

Industrial Categories *

(Note: Double click on box to place checkmark)

- ☐ Aluminum Forming
- ☐ Asbestos Manufacturing
- ☐ Battery Manufacturing
- ☐ Can Making
- ☐ Carbon Black
- ☐ Coal Mining
- ☐ Coil Coating

- ☐ Copper Forming
- ☐ Electric and Electronic Components Manufacturing
- ☐ Electroplating
- ☐ Feedlots
- ☐ Fertilizing Manufacturing
- ☐ Foundries (Metal, Molding and Casting)
- ☐ Glass Manufacturing
- ☐ Grain Mills
- ☐ Inorganic Chemicals
- ☐ Iron and Steel
- ☐ Leather Tanning and Finishing
- ☐ Metal Finishing
- ☐ Nonferrous Metals Forming
- ☐ Nonferrous Metals Manufacturing
- ☐ Organic Chemicals Manufacturing
- ☐ Paint and Ink Formulating
- ☐ Paving and Roofing Manufacturing
- ☐ Pesticides Manufacturing
- ☐ Petroleum Refining
- ☐ Pharmaceutical
- ☐ Plastic and Synthetic Materials Manufacturing
- ☐ Plastic Processing Manufacturing
- ☐ Porcelain Enamel
- ☐ Pulp, Paper, and Fiberboard Manufacturing
- ☐ Rubber
- ☐ Soap and Detergent Manufacturing
- ☐ Steam Electric
- ☐ Sugar Processing
- ☐ Textile Mills
- ☐ Timber Products

A facility with processes inclusive in these business areas may be covered by Environmental Protection Agency's (EPA) categorical pretreatment standards. These facilities are termed "categorical users".

2. Give a comprehensive description of all operations at this facility including primary products or services. (attach additional sheets as necessary):

3. Indicate applicable Standard Industrial Classification (SIC) for all processes (If more than one applies, list in descending order of importance):

Process	SIC Code

4. PRODUCT VOLUME:

Past Calendar Year

Product	Average (Daily Units)	Maximum (Daily Units)

Estimated This Calendar Year

Product	Average (Daily Units)	Maximum (Daily Units)

SECTION C – WATER SUPPLY

1. Water Sources: (check as many as are applicable)

(Note: Double click on box to place check mark)

- ☐ Private Well
- ☐ Surface Water
- ☐ Municipal Water Utility

(Specify City):

- ☐ Other (Specify):

2. Water Utility Service Information :

Name on Utility Invoice	
Street	
City	
State	

Zip Code	
Water Service Account #	

3. List average water usage on premises:
(New facilities may estimate)

Type	Average Water Usage (GPD)	Indicate Estimated (E) or Measured (M)
Contact cooling water		
Non-contact cooling water		
Boiler feed		
Process		
Sanitary		
Air pollution control		
Contained in product		
Equipment and washdown		
Irrigation and lawn care		
Other		
Total		

SECTION D – SEWER INFORMATION

1. a. <u>For an existing business:</u>

Is the building presently connected to the public sanitary sewer system?

☐ YES: Sanitary sewer account number

☐ NO: Have you applied for a sanitary sewer hookup? ☐ YES ☐ NO

b. <u>For a new business:</u>

(i). Will you be occupying an existing vacant building (such as in an industrial park)? ☐ YES ☒ NO

(ii) Have you applied for a building permit if a new facility will be constructed? ☐ YES ☐ NO

(iii) Will you be connected to the public sanitary sewer system?

☐ YES ☐ NO

2. List size, descriptive location, and flow of each facility sewer which connects to the City's sewer system. (If necessary, attach additional information on another sheet.)

Sewer Size (in inches)	Descriptive Location of Sewer Connection or Discharge Point	Average Flow (Gallons Per Day)

SECTION E – WASTEWATER DISCHARGE INFORMATION

1. Does (or will) this facility discharge any wastewater other than from restrooms to the City sewer?

☐ YES If the answer to this question is "YES", complete the remainder of the application.

☐ NO If the answer to this question is "NO", skip to Section I.

2. Provide the following information on wastewater flow rate. [New facilities may estimate]

Hours per Day Discharged (example, 8 hours / day)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

Hours of Discharge (example, 9am to 5pm)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

Peak Hourly Flow Rate (GPD)	
Maximum Daily Flow Rate (GPD)	
Annual Daily Average (GPD)	

3. If batch discharge occurs or will occur, indicate: (New facilities may estimate)

Number of batches per day	
Average discharge per batch (GPD)	
Day(s) of week discharges occur	
Time(s) of discharge (indicate am or pm)	
Flow rate (gallons per minute)	
Percent of total discharge	

4. Schematic Flow Diagram – For each major activity in which wastewater is or will be generated, draw a diagram of the flow of materials, products, water, and wastewater from the start of the activity to its completion, show all unit processes. Indicate which processes use water and which generate waste streams. Include the average daily volume and maximum daily volume of each waste stream (new facilities may estimate). If estimates are used for flow data this must be indicated. Number each unit process having wastewater discharges to the community sewer. Use these numbers when showing these unit processes in the building layout in Section H. This drawing must be certified by a State Registered Professional Engineer.

Facilities that checked activities in question 1 of Section B are considered Categorical Industrial Users and should skip to question 6.

5. For Non-Categorical Users Only: List average wastewater discharge, maximum discharge, and type of discharge (batch, continuous, or both), for each plant process. Include the reference number from the process schematic that corresponds to each process. (New facilities should provide estimates for each discharge).

Number	Process Description	Average Flow (GPD)	Maximum Flow (GPD)	Type of Flow (batch, continuous, none)

ANSWER QUESTION 6 & 7 ONLY IF YOU ARE SUBJECT TO CATEGORICAL PRETRETMENT STANDARDS.

6. For Categorical Users: Provide the wastewater discharge flows for each of your processes or proposed processes. Include the reference number from the process schematic that corresponds to each process. (New facilities should provide estimates for each discharge).

Number	Regulated Process	Average Flow (GPD)	Maximum Flow (GPD)	Type of Flow (batch, continuous, none)

Number	Unregulated Process	Average Flow (GPD)	Maximum Flow (GPD)	Type of Flow (batch, continuous, none)

Number	Dilution	Average Flow (GPD)	Maximum Flow (GPD)	Type of Flow (batch, continuous, none)

7. For Categorical Users Subject to Total Toxic Organic (TTO) Requirements:

Provide the following (TTO) information.

a. Does (or will) this facility use any of the toxic organics that are listed under the TTO standard of the applicable categorical pretreatment standards published by EPA?

☐ YES
☐ NO

b. Has a baseline monitoring report (BMR) been submitted which contains TTO information?

☐ YES
☐ NO

c. Has a toxic organics management plan (TOMP) been developed?

☐ YES
☐ NO

8. Do you have, or plan to have, automatic sampling equipment or continuous wastewater flow metering equipment at this facility?

Current: Flow Metering	☐ YES	☐ NO	☐ N/A
Sampling Equipment	☐ YES	☐ NO	☐ N/A
Planned: Flow Metering	☐ YES	☐ NO	☐ N/A
Sampling Equipment	☐ YES	☐ NO	☐ N/A

If so, please attach drawings of the present or future location of this equipment and describe the equipment below:

9. Are any process changes or expansions planned during the next three years that could alter wastewater volumes or characteristics? Consider production processes as well as air or water pollution treatment processes that may affect the discharge.

☐ YES
☐ NO (skip question 10)

10. Briefly describe these changes and their effects on the wastewater volume and characteristics: (Attach additional sheets if needed.)

11. Are any materials or water reclamation systems in use or planned?

☐ YES
☐ NO (skip question 12)

12. Briefly describe recovery process, substance recovered, percent recovered, and the concentration in the spent solution. Submit a flow diagram for each process: (Attach additional sheets if needed.)

SECTION F - CHARACTERISTICS OF DISCHARGE

All current industrial users are required to submit monitoring data on all pollutants that are regulated specific to each process. Use the tables provided in this section (starting on page 12) to report the analytical results.
(**U**) for unknown.
For all other (non-regulated) pollutants, indicate whether the pollutant is;
known to be present (**P**),
suspected to be present (**S**),

or known ***not*** to be present (**O**), by placing the appropriate letter in the column for average reported values.

New dischargers should use the table to indicate what pollutants will be present or are suspected to be present in proposed waste streams by placing a;
(**P**) expected to be present,
(**S**) may be present, or
(**O**) will not be present under the average reported values.

Pollutant	Detection Level Used mg/l	Maximum Daily Value		Average of Analysis		Number of Analyses
		mg/l	lbs./day	mg/l	lbs./day	
Acenaphthylene						
Acrolein						
Acrylonitrile						
Benzene						
Benzidene						
Carbon Tetrachloride						
Chlorobenzene						
1,2,4-Trichlorobenzene						
Hexachlorobenzene						
1,2-Dichloroethane						
1,1,1-Trichloroethane						
Hexachloroethane						
1,1-Dichloroethane						
1,1,2-Trichloroethane						
1,1,2,2-Tetrachloroethane						
Chloromethane						
Bis (2-chloroethyl) ether						
17 Bis (chloro methyl) ether						
2-Chloroethyl vinyl ether						
2-Chloronaphthalene						
2,4,5-Trichlorophenol						
Parachlorometa cresol						
Chloroform						
2-Chlorophenol						
1,2-Dichlorobenzene						
1,3-Dichlorobenzene						
1,4-Dichlorobenzene						
3,3-Dichlorobenzidene						
1,1-Dichloroethylene						
1,2-Trans-dichloroethylene						
2,4-Dichlorophenol						
1,2-Dichloropropane						
1,2-Dichloropropylene						
1,3-Dichloropropylene						
2,4-Dimethylphenol						
2,4-Dinitrotoluene						
2,6-Dinitrotoluene						
Diphenolhydrazine						
Ethyl benzene						
Fluoranthane						
4-Chlorophenyl phenyl ether						
4-Bromophenyl phenyl ether						

Pollutant	Detection Level Used mg/l	Maximum Daily Value mg/l	Maximum Daily Value lbs./day	Average of Analysis mg/l	Average of Analysis lbs./day	Number of Analysis
Bis (2-chlorisopropyl) ether						
Bis (2-chloroethoxy) methane						
Methylene Chloride						
Methyl chloride						
Methyl bromide						
Bromoform						
Dichlorobromomethane						
Chlorodibromomethane						
Hexachlorobutadiene						
Hexachlorocyclopentadiene						
Isophorone						
Naphthalene						
Nitrobenzene						
Nitrophenol						
2-Nitrophenol						
4-Nitrophenol						
2,4-Dinitrophenol						
4,6-Dinitro-o-cresol						
N-nitrosodimethylamine						
N-nitrosodiphenylamine						
N-nitrosodi-n-propylamine						
Pentachlorophenol						
Phenol						
Bis (2-ethylhexyl) phthalate						
Butyl benzyl phthalate						
Di-n-butyl phthalate						
Di-n-octyl phthalate						
Diethyl phthalate						
Dimethyl phthalate						
Benzo (a) anthracene						
Benzo (a) pyrene						
3,4-benzofluoranthene						
Benzo (k) fluoranthane						
Chrysene						
Acenaphthylene						
Anthracene						
Benzo (ghi) perylene						
Fluorine						
Phenanthrene						
Dibenzo (ah) anthracene						
Indeno (1,2,3,-cd) pyrene						
Pyrene						

Pollutant	Detection Level Used mg/l	Maximum Daily Value		Average of Analysis		Number of Analyses
		mg/l	lbs./day	mg/l	lbs./day	
Tetrachloroethylene						
Toluene						
Trichloroethane						
Vinyl chloride						
Aldrin						
Dieldrin						
Chlordane						
4,4-DDT						
4,4-DDE						
4,4-DDD						
Alpha-endosulfan						
Beta-endosulfan						
Endosulfan sulfate						
Endrin						
Endrin adephyde						
Heptachlor						
Heptachlor epoxide						
Alpha-BHC						
Beta-BHC						
Gamma-BHC						
Delta-BHC						
PCB-1242						
PCB-1254						
PCB-1221						
PCB-1232						
PCB-1248						
PCB-1260						
PCB-1016						
Toxaphene						
TCDD						
Asbestos						
Acidity						
Alkalinity						
Bacteria						
BOD_5						
COD						
Chloride						
Chlorine						
Fluoride						
Hardness						
Magnesium						
NH_3-N						

Pollutant	Detection Level Used mg/l	Maximum Daily Value mg/l	Maximum Daily Value lbs./day	Average of Analysis mg/l	Average of Analysis lbs./day	Number of Analyses
Oil and Grease						
T.S.S.						
Total Organic Carbon						
Kjeldahl N						
Nitrate-N						
Nitrite-N						
Organic N						
Orthophosphate P						
Phosphorus						
Sodium						
Specific Conductivity						
Sulfate						
Sulfide						
Sulfite						
Antimony						
Arsenic						
Barium						
Beryllium						
Cadmium						
Chromium						
Copper						
Cyanide						
Lead						
Mercury						
Nickel						
Selenium						
Silver						
Thallium						
Zinc						

Indicate on the following table, the type of analysis used for each analyte found to be present. Be sure methods conform to 40 CFR Part 136; if they do not, indicate what method was used.

Analyte Detected	Method of Analysis Used

SECTION G – TREATMENT

1. Is any form of wastewater treatment (see list below) practiced at this facility?
   - ☐ Yes
   - ☐ No

2. Is any form of wastewater treatment (or changes to existing wastewater treatment) planned for this facility within the next three years?
   - ☐ Yes, describe:

   - ☐ No

3. Treatment devices or processes used or proposed for treating wastewater or sludge (check as many as appropriate).

- ☐ Air flotation
- ☐ Centrifuge
- ☐ Chemical precipitation
- ☐ Chlorination
- ☐ Cyclone
- ☐ Filtration
- ☐ Flow equalization
- ☐ Grease or oil separation, list type

- ☐ Grease trap (if checked, submit a detailed drawing)
- ☐ Grinding filter
- ☐ Grit removal
- ☐ Ion exchange
- ☐ Neutralization, pH correction
- ☐ Ozonation
- ☐ Reverse osmosis
- ☐ Screen
- ☐ Sedimentation
- ☐ Septic tank

- ☒ Solvent separation
- ☐ Spill protection
- ☐ Sump
- ☐ Biological treatment,
  - Type:
- ☐ Rainwater diversion or storage
- ☐ Other chemical treatment,
  - Type:
- ☐ Other physical treatment,
  - Type:
- ☐ Other,
  - Type:

4. Description:

Describe the pollutant loadings, flow rates, design capacity, physical size, and operating procedures of each treatment facility checked above.

5. Attach a process flow diagram for each existing treatment system. Include process equipment, by-products, by product disposal method, waste and by-product volumes, and design and operating conditions.

6. Describe any changes in treatment or disposal methods planned or under construction for wastewater discharge to the sanitary sewer. Please include estimated completion dates.

7. Do you have a treatment operator? ☐ Yes ☒ No (If Yes,)

Name	
Title	
Phone	
Mobile (cell)	

Email	

Full Time (specify hours, days of week)	
Part Time (specify hours, days of week)	

8. Do you have a manual on the correct operation of your treatment equipment?
   ☐ Yes ☐ No

9. Do you have a written maintenance schedule for your treatment equipment?
   ☐ Yes ☐ No

SECTION H - FACILITY OPERATIONAL CHARACTERISTICS

1. Shift Information

2. Indicate whether the *business activity* is:

   ☐ Continuous through the year, or
   ☐ Seasonal – Check the months of the year during which the business activity occurs:

Jan. ☐ **Feb.** ☐ **Mar.** ☐ **Apr.** ☐ **May** ☐ **Jun.** ☐ **Jul.** ☐ **Aug.** ☐ **Sept.** ☐

Oct. ☐ **Nov.** ☐ **Dec.** ☐

Comments:

3. Indicate whether the *facility discharge* is:

   ☐ Continuous through the year, or
   ☐ Seasonal – check the months of the year during which the business activity occurs:

Jan. ☐ **Feb.** ☐ **Mar.** ☐ **Apr.** ☐ **May** ☐ **Jun.** ☐ **Jul.** ☐ **Aug.** ☐ **Sept.** ☐

Oct. ☐ **Nov.** ☐ **Dec.** ☐

Comments:

4. Does operation shut down for vacation, maintenance, or other reasons?

☐ No
☐ Yes, indicate reasons and period when shutdown occurs:

List types and amounts (mass or volume per day) of raw materials used or planned for use (attach list if needed):

Raw Material	Mass or Volume per Day

5. List type and quantity of chemicals used or planned for use (attach list if needed). Include copies of Manufacturer's Safety Data Sheets for all chemicals identified:

CHEMICAL	QUANTITY	UNITS ml/s/Liters/Gallons	TIME FRAME Day, Mo, Year

6. Building Layout – Draw to scale the location of each building on the premises. Show map orientation and location of all water meters, storm drains, numbered unit

processes (from schematic flow diagram), public sewers; and each facility sewer line connected to the public sewers. Number each sewer and show existing and proposed sampling locations. This drawing **must** be certified by a State Registered Professional Engineer.

A blueprint or drawing of the facilities showing the above items must be attached with this application.

SECTION J – NON DISCHARGED WASTES

1. Are any waste liquids or sludges generated and **not** disposed of in the sanitary sewer system?

☐ Yes, please describe below
☐ No, skip the remainder of Section J

Waste Generated	Quantity (per year)	Disposal Method	On site	Off site (Indicate State, County)

2. Indicate which wastes identified above are disposed of at an off-site treatment facility and which are disposed of on-site.

3. If any of your wastes are sent to an off-site centralized waste treatment facility, identify the waste and the facility.

4. If an outside firm removes any of the above checked wastes, state the name(s) and address(es) of all waste haulers:

Business Name	
Street	
P.O. Box	
City, State	
Zip Code	
Permit Number	
Telephone	

5. Have you been issued any Federal, State, or local environmental permits?

☐ Yes
☐ No

If yes, please list the permit(s):

Permitting Entity	Permit Number

SECTION I – SPILL/SLUG LOAD PREVENTION

1. Do you have chemical storage containers, bins, or ponds at your facility?

☐ YES
☐ NO

If yes, please give a detailed description of their location, contents, size, type, and frequency and method of cleaning. Also indicate in a diagram or comment on the proximity of these containers to a sewer or storm drain. Indicate if buried metal containers have cathodic protection.

2. Are there floor drains in the manufacturing or chemical storage area(s)?

☐ YES
☐ NO

If yes; where do they discharge to?

3. If you have chemical storage containers, bins, or ponds in manufacturing area, could an accidental spill lead to a discharge to: (check all that apply).

- [ ] an onsite disposal system
- [ ] public sanitary sewer system (e.g. through a floor drain)
- [ ] storm drain
- [ ] to ground
- [ ] other, specify:
- [ ] not applicable, no possible discharge to any of the above routes

4. Do you have an accidental spill/slug load prevention plan to prevent spills of chemicals or slug discharges from entering the Control Authority's collection systems?

- [ ] Yes - (Please enclose a copy with the application)
- [ ] No
- [ ] N/A, Not applicable since there are no floor drains and/ or the facility discharge (s) only domestic wastes.

5. Please describe below any previous spill events and remedial measures taken to prevent their reoccurrence.

SECTION K – AUTHORIZED SIGNATURES

Compliance certification:

1. Are all applicable Federal, State, or local pretreatment standards and requirements being met on a consistent basis?

- [ ] YES
- [ ] NO
- [ ] Not yet discharging

2. <u>If No:</u>

a. What additional operations and maintenance procedures are being considered to bring the facility into compliance? Also, list additional treatment technology or practice being considered in order to bring the facility into compliance.

b. Provide a schedule for bringing the facility into compliance. Specify major events planned along with reasonable completion dates. Note that if the Control Authority issues a permit to the applicant, it may establish a schedule for compliance different from the one submitted by the facility.

Milestone Activity	Completion Date

AUTHORIZED REPRESENTATIVE STATEMENT:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Official who compiled reported data for this report

Name: (Printed)	
Title:	
Signature:	
Date:	
Phone:	

Official Signatory for this document

Name: (Printed)	
Title:	
Signature:	
Date:	
Phone:	

City of Bentonville Wastewater Utilities

Industrial User Permit

Appendix D

City of Bentonville, Wastewater Utilities Industrial Pretreatment Division
1901 N. E. "A" Street
Bentonville, AR 72712
Phone 479-271-3160
Fax 479-271-3163

Industrial User Permit # (Year of Issue)-# (in order of permits issued in that year)

In accordance with the provisions of Ordinance #2012 - 65;

XYZ Global, Inc.
Cheese Division
100 Southeast Any Street
Bentonville, AR 72712

is hereby authorized to discharge industrial wastewater from the above identified facility into the Bentonville wastewater collection system in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. Violation of any permit provision is a violation of Ordinance # 2012 - 65, subject to enforcement action documented in the City of Bentonville Industrial Pretreatment Program.

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

This permit shall become effective on, _____ and shall expire at midnight on _____

The Permittee shall not discharge after the date of expiration. If the Permittee wishes to continue to discharge or extend this expiration date, an application must be filed for renewal of this permit in accordance with the requirements of Ordinance # 2012 - 65, a minimum of 60 days prior to the expiration date.

Issued this _____ day of _____ 201

_____

Pretreatment Supervisor, City of Bentonville

PART 1 - DESCRIPTION OF OUTFALL AND EFFLUENT LIMITATIONS

A. The Permittee is authorized to discharge process wastewater to the Bentonville wastewater collection system from the outfall(s) listed below. A drawing of the facility is in Attachment 'A' showing the location of the pretreatment building and sampling point designated as Outfall 01. All processed wastewater is discharged through a 3" Parshall flume in the discharge channel of the pH neutralization basin.

If the Permittee installs additional or alternative pretreatment equipment resulting in a different discharge location, this permit will be modified for the purpose of authorizing the discharge, flow measurement, and sampling locations after approval by the Control Authority.

B. The discharge from the outfall shall not exceed the following mass limits:

Parameter	Daily Maximum
5 - Day BOD	6,144 (lbs./day)
Total Phosphorous	68 (lbs./day)
Total Suspended Solids	4,608 (lbs./day)
Oil & Grease	100 mg/L

Mass limits for 5 - Day BOD, Total Phosphorous and Total Suspended Solids may be updated yearly from the effective date of this permit. Mass limits may be updated to reflect changes in Permittees flow data, pollutant loading at the Bentonville wastewater treatment plant, or NPDES permit changes for the Control Authority.

pH Limits

The pH of the discharge shall not be less than 6.0 standard units or greater than 12.0 standard units for longer than sixty consecutive minutes on any day and for no longer than a total of seven hours and twenty six minutes during a calendar month. Monitoring equipment shall be equipped with a visual and audible alarm system. The alarm system shall be calibrated to 11.6 SU and 6.5 SU.

C. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in the City of Bentonville Pretreatment Program, Ordinance # 2012 - 65, and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this permit.

D. The Permittee shall not discharge wastewater containing any of the following substances from any of the outfalls:

1. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such intensity that the temperature at the POTW exceeds 40° C. (104° F.)

2. Solids or viscous substances capable of causing obstructions or other interferences with proper operation of the wastewater collection system.

3. Any concentration of free or emulsified oil and/or grease of animal or vegetable origin that, in a particular case can: (a) deposit grease or oil in sewer lines in such a manner as to clog the sewers; (b) overload skimming and grease-handling equipment; or (c) have deleterious effects on the treatment process due to the excessive quantities.

4. Any pollutant, including oxygen demanding pollutants at concentration and/or mass loading which will cause the pollutant to pass through to the receiving waters or interfere with the wastewater treatment facility;

5. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the wastewater treatment plant.

6. Containing noxious or malodorous gases or substances capable of creating a public nuisance;

7. Containing solids of such character and quantity that special and unusual attention is required for their handling;

8. Containing any substance which may affect the treatment plant's effluent and cause violation of the NPDES Permit requirements;

9. Containing any substance which would cause the treatment plant to be in noncompliance with sludge use, recycling, or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State;

10. Containing color which is not removed in the treatment processes;

PART 2 - MONITORING AND REPORTING REQUIREMENTS

A. The Permittee shall monitor Outfall 01 for the following:

Parameter	Units	Frequency of Analysis	Sample Type
Process Flow	MGD	Daily***	Totalizing Meter
pH	Std. Units	Continuous	pH Recorder
5-Day BOD	mg/l	Daily ***	24 FC*
Total Suspended Solids	mg/l	Daily***	24 FC*
Total Phosphorus	mg/l	Daily ***	24 FC*
Oil and Grease	mg/l	Daily ****	Grab**

*24 hour flow proportional composite.

**Per CFR 403.12 (5) (iii) a minimum of 4 Oil & Grease samples must be collected at approximately equal intervals during the 24 hour sampling process. All samples may be composited at the laboratory for analysis.

*** Frequency of analysis requirements shall be in effect for 7 calendar days after all production has ceased. The permittee shall notify the control authority in writing, at least 2 weeks prior to the last day of production. pH will be continuously monitored until closure.

B. All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with 40 CFR 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

C. Samples for 5 - Day BOD analysis will be checked for Total Chlorine Residual prior to analysis and if a chlorine residual is detected, the sample shall be de-chlorinated with Sodium Sulfite. Samples for 5 - Day BOD analysis shall be neutralized to pH 6.5 - 7.5 with a solution of Sulfuric Acid or Sodium Hydroxide of such strength that the quantity of reagent does not dilute the sample by more than 0.5 %.

D. Samples for 5 - Day BOD analysis shall be seeded with either a natural or synthetic seed in amounts that will produce a seed correction of 0.6 - 1.0 mg/l. The seed may be added to the dilution water or directly to the BOD bottle containing the sample and dilution water.

E. pH instrumentation will be calibrated utilizing a minimum of two buffer solutions. The meter shall be calibrated daily by qualified personnel. Standard operating procedures for calibration shall be posted onsite. Buffers of 10.0 SU and 6.0 SU shall be used for calibration. A certified buffer of 6.0 SU or 8.0 SU from a different source shall be verified used to verify accuracy within plus or minus 0.2 and documented. A copy of documentation will be submitted with the monthly self-monitoring report. Documentation of calibration of pH instrumentation will be retained by the Permittee.

F. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be collected at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without approval by the Control Authority.

G. Flow measuring devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of ±10% from true discharge rates throughout the range of expected discharge volumes.

H. **Records of sampling and analysis information shall include:**

1. The date and time of sampling, sample location, sample type, and the name(s) of the person or persons collecting the samples;

2. Sample preservation techniques used;

3. The date and time analyses were performed;

4. Who performed the analyzes;

5. The analytical techniques/methods used;

6. The results of such analyses; and

7. Results of duplicate and spiked samples.

8. Temperature of the sample upon arrival at the contract lab.

I.

Monitoring results obtained shall be summarized and reported on an Industrial User Monitoring Report Form once per month. Monthly Self-Monitoring Reports are due ***on or before*** **12:00pm (noon) on the** 8th day of the month following the monitoring period. If the 8th day of the month falls on a weekend, the report is due no later than 8 am the following Monday. The completed, signed report may be submitted electronically and followed by a signed original hard (paper) copy in a timely manner.

J.

If the Permittee monitors any pollutant more frequently than required by this permit, for permitted or non-permitted parameters, using test procedures approved under 40 CFR part 136 or as specified in this permit, all analytical data from said monitoring, including chain of custody, shall be electronically submitted simultaneously by the contract laboratory, to both the permittee and the control authority and included in the monthly self monitoring report submitted to the Control Authority.

K. **Requirements for Sample Collection**

All sampling will be conducted in accordance with the following:

1. Flow meter calibration will be checked before collection of all flow proportioned composite samples. Calibration shall be calculated in GPM and shall not exceed a difference of ±10%.

Yearly calibration verification will be performed by a certified outside source with documentation posted at the flow meter.

2. If automatic sampling equipment is used, all hoses and sample containers will be kept clean to prevent contamination from previous sampling events.

3. If refrigerated samplers are used, the temperature of the refrigerated portion of the sampler will be recorded when a twenty four hour composite is collected. The temperature of the sampler must be <6° C. If portable samplers are used, the sample tub will be iced down and the temperature of the composite sample will be recorded. The iced sample should be <6°C.

4. All samples will be properly preserved. If samples are not preserved on site, they should be sent to the contract laboratory as soon as possible for preservation.

5. All samples will be collected in the correct sample container type per Federal Register/Rules and Regulations, Vol. 72, No. 57.

6. All twenty four hour composite samples will consist of at least twelve aliquots.

7. All pH measurements will either be conducted on site or within fifteen minutes of sample collection. A duplicate sample will be analyzed and recorded with each sample.

8. Samples collected for Oil and Grease analysis will be in glass containers with Teflon lined caps. Glass sample bottles for Oil and Grease analysis should be rinsed with the solvent used for extraction in the test procedure prior to sample collection. A minimum of four (4) representative grab samples will be collected per 24 hour sampling event per 40 CFR 403.12 (5)(iii). Each aliquot must be properly preserved at the time the sample is taken.

9. A chain of custody form will be completed for each sampling event. The chain of custody form should indicate sample identification, date and time of sampling, the person or persons who collected the sample(s), sample type, sample container size and type, preservatives used, pollutants to be analyzed for, and date and time of when sample(s) were relinquished and received including the temperature of the sample upon arrival at the contract laboratory, if a contract lab is used.

10. If the Permittee requests a sample split with the Control Authority, splitting of samples will consist of aliquots of one well mixed composite sample adequate for analysis of the required parameters, dispensed with a representative of both the Permittee and Control Authority present and respective chains of custody completed on site. Samplers may be locked during sample collection.

L. Quality Assurance / Quality Control Requirements

1. A QA/QC program will be established and implemented. This program will consist of establishment of approved analytical methods, maintenance of QA/QC control charts, and establishment of standard operating procedures for sample collection.

2. Lab reports submitted will include results of duplicates and spikes. Samples used for duplicates and spikes should have concentrations similar to the sample results being reported.

M. Instructions for Completion of Self-Monitoring Report Form

If the Permittee uses the Excel workbook supplied by the Control Authority, data will be entered on the self-monitoring report form automatically. If the Permittee does not use the workbook, the following instructions should be followed.

1. Enter minimum, average, and maximum measurements during the monitoring period under the concentration column for 5 - Day BOD, Total Suspended Solids, Total Phosphorus, and Oil and Grease. Enter the minimum and maximum measurements during the monitoring period under the quantity column for pH. Enter the average of all measurements under the quantity column for Process Flow.

2. Determine lbs/day of 5 - Day BOD, Total Suspended Solids, and Total from analytical data of each sample collected by the following formula:

8.34 x Flow (MGD) x Concentration of pollutant (mg/l)

Enter the average and maximum of lbs/day determinations on each sample collected under the quantity column.

3. Under "No. Ex.", enter the number of measurements that exceed the monthly average, daily maximum, or minimum permit limit for each parameter. For example, if the monthly average limit is exceeded and three sample measurements exceeded the daily maximum limit, that would be a total of four permit violations for that parameter for the monitoring period. The number "4" would be entered under the "No. Ex." column for that parameter. If there were no violations, enter the number "0" under the "No. Ex." column.

4. Enter all values for 5 - Day BOD and Total Suspended Solids as whole numbers, one digit following the decimal point for Total Phosphorus, Oil and Grease, and pH, and three digits following the decimal point for flow. If a measurement or average of measurements is below a detection limit, be sure to use the < sign.

5. Make appropriate entries for sample type and frequency of analysis.

6. Enter the total monthly flow (MGM) in the designated space.

7. Sign and date the report.

8. Clearly print the name of the person signing the report below the signature.

N. Reporting

Analytical data, including chain of custody will be electronically submitted simultaneously by the contract laboratory to both the permittee and the control authority.

The monthly self-monitoring report packet shall contain:

1. The completed self-monitoring report form
2. A form with daily flow and monitoring data
3. A copy of the original flow monitoring data sheet
4. A copy of the wastewater flow meter calibration record

5. A copy of the pH calibration record for the neutralization pit
6. A copy of all pH charts
7. A copy of the daily temperature record of the refrigerated sampler

O. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Control Authority at any time.

P. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the Control Authority shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Q. The Permittee shall give notice to the Control Authority 60 days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or any change in the nature of the discharge. MSDS documents shall be submitted seven (7) calendar days before initial use of any chemical or biological products that will be discharged to the City of Bentonville sewer system.

R. The Permittee shall give notice in writing to the Control Authority fifteen (15) days prior to any scheduled production shutdown. Any unscheduled production shut down of twelve (8) hours or more shall be reported by telephone immediately upon knowledge of necessity to halt production, with written notification within 5 days.

S. Authorized Signature / Report Certification. All applications, reports or information submitted to the Control Authority shall be signed and certified.

1. All permit applications shall be signed:

   a. For a corporation: by a principal executive officer of at least the level of vice-president;
   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

2. All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above;

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility.

3. Any person signing a document under this section shall make the

following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

4. Any change in signatures shall be submitted to the Control Authority in writing immediately following the change.

T. Accidental Discharge / Slug Load Report / Slug Discharge Plan

The Control Authority will conduct an inspection to determine the need for a slug discharge control plan.

The Permittee shall take all necessary steps to minimize any adverse impact to the POTW resulting from noncompliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall immediately notify the Control Authority of slug discharges or spills that may enter the public sewer, or any other significant changes in operations, wastewater characteristics and constituents.

The Permittee shall notify the WWTP immediately upon the occurrence of an accidental discharge of substances prohibited by Ordinance # 2012 - 65. The WWTP shall be notified by telephone at 271-3160. Wastewater personnel can be reached at this number at any time and day of the year. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. Within five (5) days following an accidental discharge, the Permittee shall submit to the WWTP a detailed written report. The report shall specify:

1. Description and cause of the upset, slug or accidental discharge, the cause thereof, and the impact on the Permittees compliance status. The description should also include location of discharge, type, concentration and volume of waste.

2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of noncompliance.

U. Bypass of Treatment Facilities

Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternatives exist. The Permittee may allow any bypass to occur

which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. The Permittee must notify the Control Authority as soon as possible after assuring the safety of personnel but never more than 24 hours after the occurrence.

V. Reporting a Bypass

for an anticipated bypass:

1. If the Permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the Control Authority.

for an unanticipated bypass:

The Permittee shall ***immediately*** notify the Control Authority and submit a written notice to the POTW within 24 hours of becoming aware of the bypass.

W. All reports required by this permit shall be submitted to the WWTP at the following address:

Bentonville Wastewater Treatment Plant
Attn: Pretreatment Supervisor
1901 N. E "A" Street
Bentonville, AR 72712

PART 3 - STANDARD CONDITIONS

A. Right of Entry

The Permittee shall allow the Control Authority, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittees premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;

4. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and

5. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate.

B. Revocation/Severability

The provisions of this permit are severable, and permission to discharge to the control authority may be revoked by issuance of cease and desist order directing a noncompliant user to cease illegal or unauthorized discharges immediately if any provision of this permit is held invalid.

C. Duty to Comply

The Permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

D. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

E. Permit Action

This permit may be modified, revoked and reissued, or terminated for good causes including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

2. Substantial alterations or additions to the discharger's operation which were not covered in the effective permit;

3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters;

5. Violation of any terms or conditions of this permit;

6. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

7. Upon request of the Permittee, provided such request does not create a violation of existing applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

F. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

G. Limitation on Permit Transfer

Industrial user permits are issued to a specific user for a specific operation and are not assignable to another user or transferable to any other location without the prior written approval of the Control Authority. In the event of sale, the Permittee must inform the purchaser of all responsibilities and obligations under this permit.

H. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The application must be submitted at least 60 days before the expiration date of this permit.

PART 4 - OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

A. Proper Operation and Maintenance (Best Management Practices)

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve industrial discharge from this facility at *or below* compliance limits issued in this permit. Proper operation and Best Management Practices includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.

B. Dilution

The Permittee shall not increase the use of potable or process water or in any way attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

C. Duty to Halt or Reduce Activity

Upon reduction, loss or failure of the treatment facility, the Permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Prohibition of non-process or domestic wastewater

The addition of stormwater or any non-process/domestic wastewater via the pretreatment system to the City of Bentonville sewer system is strictly prohibited.

E. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

PART 5 - ENFORCEMENT

A. Notice of Violation

A Notice of Violation is an official communication from the Control Authority to a noncompliant industrial user which informs the user that a pretreatment violation has occurred. The Control Authority will issue a Notice of Violation within ten (10) days after knowledge of the violation. Upon receipt of a Notice of Violation, the industrial user shall reply within fifteen (15) days of the date of the notice in one of the following forms:

1. A user admitting responsibility for the alleged violation shall submit a written report to the Control Authority stating the cause of noncompliance and corrective measures actually taken or to be taken to prevent any similar recurrent violations. If the violation involves exceeding permit discharge limits, the user shall also submit results of additional monitoring to demonstrate return to compliance with permit limits.
2. A user denying responsibility for the alleged violation shall submit a written report to the Control Authority setting forth the basis for the denial and requesting a Show Cause Hearing.

If a written response from the user is not submitted to the Control Authority within fifteen (15) days of the date of notice, the Control Authority may issue an Administrative Order or institute civil and/or criminal proceedings against the user.

B. Administrative Orders

Administrative Orders will be issued when Notices of Violation are not effective in bringing the industrial user into compliance in a timely manner. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

Administrative Orders may include:

1. Compliance Schedules
2. Modification of an industrial user's permit
3. Modification of reporting requirements
4. Requirement of appearance at a Show Cause Hearing

The following is a brief description of the types of Administrative Orders the Control Authority will use:

1. Consent Order - The consent order is an agreement between the Control Authority and the industrial user normally containing three elements: (a) compliance schedules; (b) stipulated fines or remedial actions; and (c) signatures of Control Authority and industry representatives.

2. Show Cause Order - An order to show cause directs the user to appear before the Control Authority, explain it's noncompliance, and show cause why more severe enforcement actions against the user should not go forward.

3. Compliance Order - A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and it's terms need not be discussed with the industrial user in advance.

4. Cease and Desist Order - A cease and desist order directs a noncompliant user to cease illegal or unauthorized discharges immediately or to terminate it's discharge altogether.

C. Civil or Criminal Action

The Control Authority will seek civil or criminal penalties under the provisions of Ordinance # 2012 -65 when other enforcement responses are not effective in bringing the industrial user into compliance with pretreatment standards and requirements. Penalties collected will be in an amount not to exceed one thousand dollars ($ 1,000) for each violation by industrial users of pretreatment standards or requirements. Such criminal or civil action may be initiated only after a majority vote of the City's governing body resolves to pursue such action. Each day of a continuing violation may be deemed a separate violation.

During the course of civil action, the Control Authority may need to assess penalties in an amount to recover the economic benefit an industrial user accrued by not complying with pretreatment standards and requirements on time. Penalty calculations will utilize the EPA's "Economic Benefit of Noncompliance" (BEN) model. This model is contained in EPA's "Guidance Manual for POTW's to Calculate the Economic Benefit of Noncompliance" dated 9/90. This calculation will normally be done manually utilizing the Economic Benefit Worksheet contained in this manual.

D. Recovery of Costs Incurred

In addition to civil and criminal liability, the Permittee violating any of the provisions of this permit or Ordinance # 2012 - 65 or causing damage to or otherwise inhibiting the Control Authority wastewater disposal system shall be liable to the Control Authority for any expense, loss, damage or fines caused by such violation or discharge. The Control Authority shall bill the Permittee for the costs incurred by the Control Authority for any chemicals, cleaning, repair, or replacement work caused by the violation or any abnormal sewage discharge. Surcharges will be determined per Article IX, section (g) of Ordinance # 2012-65. Refusal to pay the assessed costs shall constitute a separate violation of Ordinance # 2012 -65.

E. Calculation of Surcharges

Surcharges for BOD or TSS will begin with the average waste per month in excess of 300 mg/l per parameter.

To calculate: excess BOD (converted to pounds) X the average flow per month in MGD X the current cost of treating the waste per pound.

Example: Average BOD result 450mg/l

450 – 300 = 150 mg/l
150 X 8.34 (pound conversion) 1251

Flow 7.50 MGM
Cost $.30
1251 BOD or TSS in lbs. X 7.50 MGM X $.30 = $ 2,814.75

Surcharges for Total Phosphorous will begin with the average waste per month in excess of the domestic, or noncommercial load in mg/l. Phosphorous surcharges will be calculated as follows:

Where:

ASC = Abnormal Sewage Concentration
CC = Current cost in dollars per pound of liquid Aluminum Sulfate
3.6 = Gallons of aluminum sulfate required to precipitate one pound of total phosphorous.
7.5 mg/l = Current Average Domestic contribution to POTW
8.34 = Pound conversion
MGM = Average monthly water discharged from industry to POTW in million gallons per month.
S = Surcharge in dollars

S = MGD x 8.34 x (ASC – 7.5) x 3.6 x CC

Example:

Industrial phosphorous discharge per month =14 mg/l
Current cost of Liquid Aluminum Sulfate per pound = $ 1.05
Volume of flow from industry in MGM = 7.50

S = 7.50 x 8.34 x (14.0 – 7.5) x 3.6 x $1.05

7.50 x 8.34 x 6.5 x 3.6 x $1.05 = $ 1,536.85

PART 9 - DEFINITIONS

Act - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq., as adopted by the Arkansas Water and Air Pollution Control Act, Act. 472 of 1949, as amended.
Abnormal Sewage Discharge – Any discharge containing parameters in excess of normal domestic sewage waste.

ADEQ – Arkansas Department of Environmental Quality

Biochemical Oxygen Demand - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20° C.) expressed as milligrams per liter (mg/l).

Best Management Practices (BMP) - shall mean specific procedures accepted by the Control Authority to be implemented by individual businesses designed to reduce the loading of a particular pollutant of concern.
Bypass - The intentional diversion of wastes from any portion of a treatment facility.

CFR - The Code of Federal Regulations as published by the U.S. Government.

City - The City of Bentonville, Arkansas, or where the context indicates, the Mayor, Manager of the Wastewater Treatment Plant, or other authorized representative.

Control Authority - The administrator of the industrial pretreatment program as designated by the Mayor, and who is charged with certain duties and duties by the City's Sewer use ordinance.

Daily Discharge - The discharge of a pollutant measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.

Daily Maximum Discharge Limit - The highest allowable daily discharge during the calendar month.

EPA - The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

FOG – Fats, Oils and Grease are those components of wastewater amenable to measurement by methods described in Standard Methods for the Examination of Water and Wastewater, current edition. The term shall include polar & non-polar fats, oils, and grease and other components extracted from wastewater by these methods.

Grab Sample - An individual sample collected on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease - Fatty acids, soaps, fats, waxes, oils, and any other material extracted by solvent from acidified samples and not volatilized during evaporation of the solvent.

Hazardous Waste - Any liquid; semi-liquid; solid waste, or combination of wastes, which, because of its quantity, concentration, physical, chemical, or infectious characteristics may:

1. Have any of the following characteristics: toxic, corrosive, irritant or strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness;

2. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Arkansas Solid Waste Disposal Act, or the Administrator, United States Environmental Protection Agency pursuant to the Federal "Solid Waste Disposal Act", as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

Industrial User - A source of indirect discharge

Instantaneous Maximum Concentration - The maximum concentration allowed in any single grab sample.

Manager - The person designated by the Mayor to supervise the operation and maintenance of the publicly owned treatment works (POTW).

May - A discretionary term.

mg/l - Milligrams per liter or parts per million (ppm).

MGD - Million gallons per day.

Monthly Average Discharge Limitation - The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

pH - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, expressed in standard units.

Pollutant - Any dredged spoil, soil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and/or industrial or agricultural waste discharged into water.

Pollution - The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water below certain minimum desirable quality standards.

Pretreatment Requirement - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment Standard, or Standard - Any regulation containing pollutant discharge limit promulgated by the EPA in accordance with Section 307 (b) and (c) of the act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

Publicly Owned Treatment Works - The city sanitary sewer system or treatment works as defined by Section 212 of the Act.

7 Day Average - Other than for fecal coli form bacteria, the arithmetic mean of the values for effluent samples collected over a calendar week.

Shall - A mandatory term.

Significant Industrial User - A wastewater source that:

1. Is a categorical industry under the Federal regulations; or

2. Discharges 25,000 gallons or more per average workday; or

3. Contributes a process waste stream greater than five percent of the flow carried by the municipal system receiving the waste; or

4. Has in its waste a toxic pollutant in toxic amounts; or

5. Has significant impact, either singly or in combination with other contributing industries, on the treatment works or on the quality of its effluent.

Slug Discharge - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

State - The State of Arkansas

Surcharge - A service charge in addition to the normal monthly rate which shall be assessed to those non-domestic users who discharge into the Bentonville system wastewater pollutant levels exceeding those found in typical domestic wastewater.

30 Day Average - Other than for fecal coli form bacteria, the arithmetic mean of the values for effluent samples collected over a calendar month.

Total Suspended Solids (TSS) - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removed by laboratory filtering using a method which is approved by the EPA in 40 CFR 136.

Total Toxic Organics (TTO) - All quantifiable values greater than 0.1 milligrams per liter for each toxic organics as specified under Section 307 (a) of the Act.

Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Federal Water Pollution Control Act (Clean Water Act), Section 307 (a), or other federal law.

24-hour Composite Sample - Consists of a minimum of 12 effluent portions collected at equal time intervals over the 24 hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24 hour period.

Upset - An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

User - Any person who contributes, causes, or permits the contribution of wastewater into the City POTW.

Wastewater - The water, whether treated or untreated, that has been used by and discharged from any industry, commercial enterprise, household or other water consumer.

City of Bentonville Wastewater Utilities

Field Sample/ Chain of Custody

Appendix E

City of Bentonville Wastewater Utilities, Industrial Pretreatment Division
1901 N. E. "A" Street
Bentonville, AR 72712

Field Sample Report and Chain of Custody Record

PRESERVATION CODES

1	Cool <6 °C	**5**	Thiosulfate for Dechlorination
2	Non-preserved	**6**	Hydrochloric Acid (HCl), pH <2.0
3	Sulfuric Acid (H2SO4), pH <2.0	**7**	Sodium Hydroxide (NaOH), pH >12
4	Nitric Acid (HNO2), pH <2.0	**8**	Phosphoric Acid (H3PO4), pH <2.0

COMPOSITE SAMPLING

Sampling Location							Sample I.D. #		
Date:	Time On:	Initial flow:		Set up by			Sampler Iced?	Y	N
Date:	Time Off:	End Flow:		Removed by			Lab arrival time		
Composite Sample Data		Total Flow		#of aliquots			Ice remaining?	Y	N
Preserved on site?		Yes	No				Iced in Transit?	Y	N
Analysis Requested↓		# of Bottles↓		Preservation ↓					
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
							Iced in Transit?	Y	N
Continuous pH Monitoring?		Yes	No	Maximum			Minimum		

GRAB SAMPLES (reporting for pH samples are on the back of this sheet)

Sampling Location:		Analysis:	Sampled By:	
Date:	Time:	Sample I.D. #:	Sample Iced? Yes	No
Lab arrival time:				
Sampling Location:		Analysis:	Sampled By:	
Date:	Time:	Sample I.D. #:	Sample Iced? Yes	No
Lab arrival time:				
Sampling Location:		Analysis:	Sampled By:	
Date:	Time:	Sample I.D. #:	Sample Iced? Yes	No
Lab arrival time:				
Sampling Location:		Analysis:	Sampled By:	
Date:	Time:	Sample I.D. #:	Sample Iced? Yes	No
Lab arrival time:				

pH analyzed on site? Yes No

Location:		Grab Sample	Y	N	Sample ID #		Duplicate?	
						Result ↓	Yes	No
Sample # 1	Date:	Time:	Analysis Time:					
	By:							
Sample # 2	Date:	Time:	Analysis Time:					
	By							
Sample # 3	Date:	Time:	Analysis Time:					
	By							
Sample # 4	Date:	Time:	Analysis Time:					
	By							

pH Meter Calibration

Date:	**pH Buffer 4.0↓**	**Meter Reading↓**	**Actual Reading↓**
Time:			
Date:	**pH Buffer 7.0↓**	**Meter Reading↓**	**Actual Reading↓**
Time:			
Date:	**pH Buffer 10.0↓**	**Meter Reading↓**	**Actual Reading↓**
Time:			

Chain of Custody Record

Relinquished by (Printed)	Date/Time
Relinquished by (Signed)	Date/Time
Received by (Printed)	Date/Time
Received by (Signed)	Date/Time

Outside lab analysis requested? Yes No

Were there any comments or unusual circumstances or results during sampling?

CHAIN OF CUSTODY RECORD

CLIENT INFORMATION

City of Bentonville WWTF
Pretreatment Division
1901 N. E. "A" Street
Bentonville, AR 72712

CLIENT CODE:

Reporting Information

E-Mail:
Telephone: (479) 271-3160
Fax: (479) 271-3163
Bill to/ P.O.#:

Bottle Type:

1) 1 Liter
2) 500 ML
3) 250 ML
4) 330 ML
5) 100 ML

Preservation Codes:

1. Cool, 4 Degrees Centigrade
2. Non-preserved
3. Sulfuric Acid (H_2SO_4), pH < 2
4. Nitric Acid (HNO_3), pH < 2
5. Thiosulfate for Dechlorination
6. Hydrochloric Acid (HCl)
7. Sodium Hydroxide (NaOH), pH > 12
8. Phosphoric Acid (H_3PO_4) pH < 2

	TEST PARAMETERS					Bottle Type Code
Preservative Code:						G = Glass, P = Plastic
Bottle Type:						V = VOA, A = Amber, SC = Snap Cap

Sampler(s) Signature:

Sampler(s) Printed:

LAB ID #	SAMPLE COLLECTION Date/s	Time/s	Grab	Comp	Number of Bottles	Sample Matrix	SAMPLE IDENTIFICATION . DESCRIPTION						

Relinquished by: (Signature)	Date/Time	2. Received by: (Signature)
Relinquished by: (Signature)	Date/Time	4. Received by lab: (Signature)

SAMPLE CONDITION UPON RECEIPT IN LAB

1. CUSTODY SEALS: __Yes __No
2. CONTAINERS CORRECT: __Yes __No
3. COC/LABELS AGREE: __Yes __No
4. PRESERVATION CONFIRMED: __Yes __No
5. RECEIVED ON ICE: __Yes __No
6. TEMPERATURE UPON RECEIPT: °C

FOR COMPLETION BY LAB ONLY

REMARKS / COMMENTS

FEDEX UPS

City of Bentonville Wastewater Utilities

Statement of Attorney's Support

Appendix F.

Appendix F. Statement of Attorney's Support

In my capacity as Staff Attorney for the City of Bentonville, Arkansas, I support all requirements of the City's current Industrial Pretreatment Program; Pretreatment Ordinance 2012-65; the sewer use ordinance and any amendments thereto.

The city has the authority to adequately carry out the programs described and required in 40 CFR 403.8.The legal authority is issued as required by 40 CFR 403.8(f)(2): to comply with the Environmental Protection Agency and Arkansas Department of Environmental Quality in their capacity to enforce the laws of the Clean Water Act.

2012-65 Ordinance Provisions and 403.8(f)(2) Procedures

40 CFR 403.8(f)(1)(i)
Relevant Ordinance Provisions:
Article 1, Section 6, Part (d)
Article II, Sections, 1 and 2
Article V, Section 2 (b)
Article V, Section 2 (c)

40 CFR 403.8(f)(1)(ii)
Relevant Ordinance Provisions:
Article III, Section 7

40 CFR403.8(f)(1)(iii)
Relevant Ordinance Provisions:
Article V

40 CFR 403.8(f)(1)(iv)(B)
Relevant Ordinance Provisions
Articles VI and VII

40 CFR Chapter 1, Subchapter N, Parts 405-471 and 40 CFR 403.8(f)(1)(ii)
Relevant Ordinance Provisions:
Article III, Sections 1-7

40 CFR403.8(f)(1)(iv)(A)
Relevant Ordinance Provisions:
Article V, Section 7 (e)
Article VI, Section 1, (b)(8)

Revisions include specific pretreatment program requirements listed in 40 CFR 403 and Streamlining Rule Revisions, which are listed in 40 CFR 403.8 Fact Sheets 1 thru 10. Non-compliance will be addressed through Articles X and XI.

A Grease Abatement program for food services, controlled by Best management Practices (BPM's) and monitored by permitting of grease waste haulers is included in Ordinance 2012-65. BMP enforcement has been added to Article X and XI.

Samples of both industrial user and waste hauler permit applications and permits are included as appendices with this pretreatment program. Other appendices include; Chain of custody; Manifest Forms; Service Required Forms; Industrial Inspection Report Form; 25% Rule Explanation (for grease control); a City of Bentonville Wastewater Utilities Organizational Chart and this statement of support of this program by this office.

Camille Thompson
Staff Attorney
City of Bentonville

City of Bentonville Wastewater Utilities

Compliance Inspection Report

Appendix G.

City of Bentonville
Industrial Pretreatment Division

Compliance Inspection Report

Name of Permittee _____

Date and time of Inspection _____

Name and Title of Inspector _____

Facility Representative:

Name _____
Title _____
Telephone _____
Fax _____
Email _____

Other Participants

Name _____
Title _____
Telephone, (If different from above) _____

Name _____
Title _____
Telephone, (If different from above) _____

☐ Announced Inspection ☐ Unannounced Inspection

Part 1. General Information

☐ Categorical IU ☐ Non-categorical SIU ☐ Conditionally Exempt ?

Industry Type _____

Applicable SIC Code(s) _____

Manufacturing processes used _____

_____

Raw materials used _____

_____

Loading / Receiving Docks

Drains or Sumps ? ☐ Yes ☐ No

If yes, where routed to: ☐ Storm ☐ Sanitary ☐ Pretreatment ☐ Other _____

Regulated Wastestream(s) _____

Outfall Description: _____

Is treatment batch or continuous ? _____

Is discharge batch or continuous ? _____

Average discharge flow (MGD) _____

Applicable categorical standards:
(e.g., 413, 433, 425, etc.) _____

Pollutants covered by local limits: _____

Type of wastewater treatment utilized: _____

Is the IU currently in compliance with:

Yes	No	
☐	☐	Permit Limits ?
☐	☐	Reporting Requirements ?

If no, what is the nature of non-compliance ? _____

Is the IU currently operating under any consent decree, Administrative Order, compliance or enforcement action ?

Yes	No
☐	☐

If yes, describe the required enforcement action: _____

Findings of most recent Pretreatment Compliance Inspection:

Date Deficiencies Noted

What progress has the IU made in correcting the identified deficiencies ?

Part 2. Treatment Facility Evaluation, Pollution Prevention Activities, Spill and Slug Control

Is the permittee currently experiencing difficulties in treatment or plant operation ?

Yes ☐ No ☐

If yes, describe the current problems:

Overall evaluation of the permitted IU's treatment facility / operation of facility:

Housekeeping: ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Yes	No	
☐	☐	Are there O & M policies and procedures ?
☐	☐	Is mode of operation consistent with procedures in the O & M manual ?
☐	☐	Is employee training conducted ?
☐	☐	If yes, are *regular* training sessions conducted ? If yes _____ per year.

Comments _____

Pollution Prevention Activities

Does the permitted IU utilize any of the following Pollution Prevention (P_2) measures ?

Yes	No	
☐	☐	Technology Changes _____
☐	☐	Input Material Substitutions _____
☐	☐	Product Changes _____
☐	☐	Recycling If yes, type of items recycled _____
☐	☐	Employee Training _____

Comments: _____

Spill and Slug Control:

Manufacturing Processes

Describe the impact a slug load from this facility would have on the POTW:

_____

_____

Yes	No	
☐	☐	Does Permitted IU have a written Spill / Slug Control Plan ?
☐	☐	Are employees routinely trained in Spill / Slug Control ? X _____ per yr.
☐	☐	Is there written documentation of Spill / Slug Control training ?
☐	☐	Do process solution tanks overflow ?
☐	☐	If so, is liquid contained? How? _____
☐	☐	Has the facility had any past slug discharges?
☐	☐	Is there an alarm system for equipment failure?
☐	☐	Is the POTW phone number prominently displayed for personnel in case of spill or slug loads on evening or night shifts?

☐ ☐ Are there floor drains or trenches ? Routed to: _____

☐ ☐ Does the Control Authority require additional Slug / Spill control Measures?

Spill potential : ☐ High ☐ Medium ☐ Low

Comments : _____

_____

Pretreatment System

Yes	No	
☐	☐	Is discharge pH adjustment necessary ?
☐	☐	Spare pretreatment equipment parts on site ?
☐	☐	Is there an alarm system for equipment failure ?
☐	☐	Is there a posted Emergency Response Plan for failure ?

Chemical Storage

What chemicals are used at the facility ? _____

_____

_____

Description of chemical storage areas: _____

_____

Describe how chemicals are transported from storage or containment to area of use.

_____

_____

_____

Yes	No	
☐	☐	Can chemicals reach floor drains if spilled ?
☐	☐	Has the facility had any past chemical slug discharges ?
☐	☐	If yes, was the discharge reported promptly to the Control Authority ?
☐	☐	Are there floor drains or trenches ? Routed to: _____
☐	☐	Do chemical solution tanks overflow ?
☐	☐	If so, is liquid contained ? How ? _____
☐	☐	Does the permittee have adequate spill / slug prevention measures in

place in the chemical storage area?

If no, describe the action(s) that need to be taken:

Part 3. Sludge Generation / Waste Disposal

Is sludge / waste created in the IU's Process ?

Yes	No
☐	☐

Sludge dewatering method used

Average Solids Content (%)

Amount generated (gallons or lbs / month)

Sludge Disposal Method

Sludge storage capacity

Shipment frequency

Yes	No	
☐	☐	Are manifest records available ?

Identification of sludge hauler(s)

Disposal location(s)

Yes	No	N/A	
☐	☐		
☐	☐		Is hazardous sludge generated?
☐	☐		Is hazardous waste discharged to the POTW?
☐	☐	☐	Are hazardous waste manifests available?

Manner of hazardous waste disposal

Part 4. Analysis of Self Monitoring Program

Flow Measurement

Yes	No	N/A	
☐	☐	☐	Is the primary measuring device in good condition ?
☐	☐	☐	Secondary instruments properly operated and maintained ?
☐	☐	☐	Is flow being measured accurately ?
☐	☐	☐	Is there documentation of flow meter calibration ?
☐	☐	☐	Are flow measurement records kept on file ?

Comments:

Sample Collection

Yes	No	N/A	
☐	☐	☐	Does the sampling location yield well-mixed, representative samples ?
☐	☐	☐	Are samples the correct type ?
☐	☐	☐	Are sample bottles the correct type ?
☐	☐	☐	Are composite samples proportional to flow ?
☐	☐	☐	Are samples cooled to 4° C. during collection of 24 hr. composites ?
☐	☐	☐	Are samples preserved properly ?
☐	☐	☐	Are complete chain of custody forms filled out for each sampling event ?
☐	☐	☐	Is sampling equipment clean & in good working condition ?

Comments:

Sample Analysis

Yes	No	N/A	
☐	☐	☐	Does the permittee perform any of the analysis in-house ?

Yes	No	N/A	
☐	☐	☐	If yes to the previous question, does the permittee document instrument calibration and utilize QA / QC measures ?
☐	☐	☐	Are samples analyzed within required holding times per 40 CFR 136.3 ?
☐	☐	☐	Are pH buffers expired?
☐	☐	☐	Are approved analytical procedures (40 CFR 136.3) used ?
☐	☐	☐	Does sample analysis include analysis of duplicates, spikes, and standards ?
☐	☐	☐	Does permittee reject results of analysis or request analysis to be rerun due to poor precision and/or accuracy results ?

Comments: _____

_____

Reporting Procedures

Yes	No	N/A	
☐	☐	☐	If the permittee is a Categorical IU, does it submit Baseline Monitoring Reports, reports on compliance with categorical pretreatment standard deadline, and periodic reports on continued compliance within the time frames specified in 40 CFR 403.12 ?
☐	☐	☐	If the permittee is discharging hazardous wastes as defined in 40 CFR 261, do they notify the POTW, the EPA Regional Waste Management Division and State Director, hazardous waste authorities in writing of such discharge ?
☐	☐	☐	Does the permittee submit reports by deadlines specified in its permit or by deadlines specified by an enforcement action ?
☐	☐	☐	If monitoring and analysis are performed more frequently than required by permit, are the results of additional analysis reported in permittees' self-monitoring report ?
☐	☐	☐	Does the permittee notify the Control Authority within 24 hours of becoming aware of a discharge violation ?
☐	☐	☐	Does the permittee submit results of additional analysis to the Control Authority within 30 days of becoming aware of a discharge violation ?

Reporting Procedures (continued)

Yes	No	N/A	
☐	☐	☐	Does the permittee notify the Control Authority **in advance** of any substantial change in the volume or nature of pollutants in their discharge ?

☐ ☐ ☐ Does the permittee immediately notify the Control Authority in the event of an accidental discharge or the discharge of a slug load ?

☐ ☐ ☐ Does the permittee, within 5 days after an accidental discharge or slug load, submit to the Control Authority a detailed written report describing the nature and cause of the discharge and the measures to be taken to prevent similar future occurrences ?

☐ ☐ ☐ If the permittee knows in advance of the need for a bypass of treatment equipment, does it submit prior notice to the Control Authority at least 10 days before the date of the anticipated bypass ?

☐ ☐ ☐ Does the permittee notify the Control Authority within 24 hours following an unanticipated bypass ?

Comments: _____

_____

Part 5. Results of Sampling and Analysis by Control Authority

Parameter	Date & Time of Sample	Sample Type	Preservation Technique

Samples Collected by _____

Part 6. Inspection Findings and Required Corrective Actions

Inspection findings :

_____

_____

_____

Required Corrective Actions:

Inspection completed the _____ day of _____ , 20 ____.

Industrial User Representative(s) present:

Name Printed	Signature	Date

Control Authority Representative

Name Printed	Signature	Date

City of Bentonville Wastewater Utilities

Grease Interceptor Service Required Form

Appendix H.

Grease Interceptor Service Required

City of Bentonville Wastewater, Pretreatment Division

Section A – Food Service Information

Date:	**Time:**	
Business Name:		
Business Address:		
City:	**State:**	**Zip Code:**
Phone:	**Mobile:**	**Fax:**
Email Address:		
Signature of Inspector:		

Section B – Interceptor Information

Grease Hauler used:

Date of last service: _____

Depth of GI (in inches) _____ **Grease** _____ **Solids** _____

% Full _____

Is Generator on a pumping schedule? ☐ Yes ☐ No ☐ Don't know

If yes, How often? ☐ Monthly ☐ Quarterly ☐ Other _____

Is Grease Interceptor in Good Condition? ☐ Yes ☐ No

Have This Grease Interceptor Serviced ☐ **Pumped** ☐ **By:** _____

Service Required:

FSE Representative (Printed):

Manager (printed):

Signature:

Reference City Ordinance # 2012-65

Article I

Section 5. Applicability

(a) Food service entities shall be required to have properly sized and functioning grease interceptors or grease removal devices: restaurants; cafeterias; hotels; motels; cafes; schools; hospitals; nursing homes; grocery stores; bakeries; churches; caterers; and any other facility that discharges applicable wastewater as determined by the Control Authority.

Article III

Section 5. Best Management Practice and Pollution Prevention

Clean Kitchen Practice (CKP) CKP are Best Management that all food service and industry are required to follow to help prevent fats, oils and greases from entering the sanitary sewer system. These include:

1. NEVER pour oil and/or grease down any drain or into toilets;
2. Use smaller quantities of liquid oil;
3. Do not use solid grease or lard;
4. Scrape food scraps into a trash receptacle instead of garbage disposal;
5. Use Baskets or screens in all kitchen drains to prevent food debris from entering the drains;
6. Wipe greasy pots, pans dishes & utensils before placing them in hot water or a dishwasher;
7. Collect, recycle or dispose of used oil through an approved grease hauler;
8. Properly screen or seal floor drains;
9. Capture oil and grease from ventilation and exhaust hoods through proper cleaning;
10. Keep grease interceptors well maintained and working properly;
11. Clean grease interceptors on a regular basis;
12. Maintain records of grease interceptor cleaning;

Questions? Contact 479-271-3160

City of Bentonville Wastewater Utilities

Grease Hauler Manifest Form

Appendix I

City of Bentonville, Wastewater Utilities
Grease Hauler Manifest Form

Complete ALL Sections Legibly

Section A – Waste Transporter Information		
Date:	**Time:**	
Business Name:		**Bentonville Permit #**
Phone:		**Mobile:**
Transporters Name (printed):		
Signature:		
Section B – Waste Generator Information		
Business Name:		
Address:	**City:**	**State, ZIP:**
Phone:	**Manager (printed):**	
Generators Signature:		
Number of gallons removed. _____		
Is Generator on a pumping schedule? ☐ Yes	☐ No	
If yes, How often? ☐ Monthly	☐ Quarterly	☐ Other _____
Is Grease Interceptor in need of repair? ☐ Yes	☐ No	
Section C – Waste Disposal Information		
Disposal Date:	**Time:**	
Disposal Business Name:		
Address:	**City:**	**State, ZIP:**
Phone:		**Mobile:**
Transporters Name (printed):		**Signed:**
Disposal Accepted By(printed):		**Signed:**

Form has 4 carbon copies

City of Bentonville Wastewater Utilities

Grease Waste Hauler Application

Appendix J

City of Bentonville, Wastewater Utilities
1901 Northeast "A" Street
Bentonville, AR 72712
Phone: (479) 271-3160
Fax: (479) 271-3163

Grease Hauler Permit Application

Section A – General Information

Date :

1. Business Name

2. Business Address

City: **State:** **Zip Code:**

Phone: **Mobile:** **Fax:**

Email Address:

Designated signatory authority of the business:

Name(s):

City: **State:** **Zip Code:**

List all permits that are currently held, including type of permit, permit number and issuing agency.

Permit Type	Permit Number	Permitting Agency

Section B - Insurance Information

Attach Proof of Vehicle and Liability Insurance that meets or exceeds the following:

a. As a prerequisite to the issuance of any permit required by this article that the permittee shall file with the Control Authority, and shall thereafter keep in full force and effect at all times (1) a policy of comprehensive general liability insurance, with a company authorized to do business in the state of Arkansas, in minimum amounts of one-hundred thousand dollars ($100,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage, and (2) a policy of automobile liability insurance, covering the operation of each vehicle used in such business, in minimum amounts of one-hundred thousand dollars ($100,000.00) per person for bodily injury , three-hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage. The City shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the Industrial Monitor at least thirty (30) days prior to cancellation by the insurer or the insured.

b. Submit with this application a photocopy of the transporter's driver's license. The permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

Section C – Service Information

Indicate service(s) provided by this business. Check all that apply.

Pump Grease Interceptors	☐
Pump Septic Tanks	☐
Pump Portable Toilets	☐
Provide Additional Plumbing Services	☐
Provide Treatment for Grease Waste at a Separate Facility	☐
Haul Machine Oil or Petroleum based products	☐

List all vehicles that will be used to pump or transport grease waste.

Vehicle Make/Model	License Tag Number	Vehicle Capacity

List all sites that are currently being used or anticipated to be used for the disposal of grease		
Business Name	**Business Address**	**Business Telephone**

Section C – Insurance Information

Attach proof of insurance in compliance with the following requirements.

General Liability	
$1,000,000.00	per occurrence, bodily injury
$50,000.00	per occurrence, property damage
Each Vehicle	
$1,000,000.00	per person, bodily injury
$3,000,000.00	per occurrence, bodily injury
$50,000.00	per occurrence, property damage

Section D – Authorized Signatures

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (Please Print)		**Title**
Signature	**Date**	**Phone**

City of Bentonville Wastewater Utilities

Grease Waste Hauler Permit

Appendix K

City of Bentonville
Wastewater Utilities
Pretreatment Division
1901 N.E. "A" Street
Bentonville, AR 72712
479-271-3160
FAX: 479-271-3163

Grease Waste Hauler Permit
BWH # 2012-00

effective on January 1, 2013
expires on December 31, 2013

Permit Application Renewal Date
October 1, 2013

October 28, 2013

In accordance with the provisions of City of Bentonville Ordinance # 2012-65:

XYZ Hauling
123 Main St.
Bentonville, AR 72712

is authorized by this permit to collect, pump or haul waste kitchen grease generated by food services located within the City of Bentonville in accordance with ordinance # 2012-65 and the conditions contained in this permit.

Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under Federal, State or local laws, including any such regulations, standards, requirements or laws that may become effective during the term of this permit.
The permittee shall comply with all conditions of this permit. Noncompliance with any item or condition of the permit constitutes a violation of ordinance # 2012-65 and is subject to administrative, civil and criminal penalties described therein.

This permit is not transferable without prior notification and approval from the City. The original copy of this permit shall be maintained at the above listed address. Additional copies of this permit may be obtained by contacting the Lab/Pretreatment Supervisor.

If the permittee wishes to continue an activity regulated by this permit after the permit expires, the permittee shall apply for a new permit at least 90 days before this permit expires. If the permittee has met the above stated application deadline and/or if the failure to reissue the permit is not due to any act or failure to act on the part of the permittee, the expired permit is effective and enforceable until the permit is reissued.

Issued by _____

Pretreatment Supervisor, City of Bentonville

this _____ day of _____ 2012

Section 1 - Permit Required

(a) It shall be unlawful for any person to pick up and transport liquid waste generated within the City of Bentonville to any wastewater treatment plant or disposal facility without first obtaining a waste hauler permit from the City of Bentonville Control Authority. The permit shall designate the liquid waste authorized for transportation in each vehicle.

(b) A person who desires a permit must make application on a form provided by the Control Authority.

(c) A person who desires a permit must submit with his application a photocopy of the transporter's driver's license. A permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

(d) The Control Authority shall not issue a permit without a certificate of inspection for each vehicle from the ADH. The inspection must verify that each vehicle is in compliance with the provisions of this ordinance.

(e) The permit is not transferable.

Section 2. Insurance - Required

As a prerequisite to the issuance of any permit required by this article that the permittee shall file with the Control Authority, and shall thereafter keep in full force and effect at all times (1) a policy of comprehensive general liability insurance, with a company authorized to do business in the state of Arkansas, in minimum amounts of one-hundred thousand dollars ($100,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage, and (2) a policy of automobile liability insurance, covering the operation of each vehicle used in such business, in minimum amounts of one-hundred thousand dollars ($100,000.00) per person for bodily injury, three-hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty-thousand dollars ($50,000.00) per occurrence for property damage. The City shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the Industrial Monitor at least thirty (30) days prior to cancellation by the insurer or the insured.

Section 3. Fee and Display of Permit

(a) Each permittee shall pay a permit fee specified by the Control Authority. An additional fee, specified by the Control Authority, will be charged for each permitted vehicle. Each permit must be renewed annually, at least 90 days before the permit expiration date for the current year.

(b) The Control Authority shall number permits consecutively. Each permit holder shall display on both sides of each vehicle (in a color contrasting with the background; (using letters a minimum of three inches in height) the ADH license number, and the following:

BVL (City permit No.)

The permit holder shall place business name, ADH license number, and the vehicle permit number on each vehicle. The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times.

Section 4. Liquid Waste Vehicles: Maintenance

(a) A liquid waste transporter shall:

(1) Maintain tanks, pumps, valve hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;

(2) Provide a safety plug or cap for each valve of a tank; and

(3) Cause the vehicle exterior to be clean and the vehicle odor-free at the beginning of each work day.

(b) The Control Authority may cause any vehicle operated in violation of this article to be impounded or immobilized until the violation is corrected. The Control Authority may also revoke the permit for an improperly operated vehicle.

Section 5. Liquid Waste Vehicles: Inspection

(a) To qualify for a permit, a vehicle must comply with the following requirements:

(1) The sample tank shall be an integral part of a vehicle to transport liquid waste; portable tanks or other containers temporarily installed in vehicles are prohibited;

(2) Piping, valves, and connectors shall be securely attached to tank and/or vehicle;

(3) Truck tank must be liquid tight;

(4) Truck tanks to be constructed so that every interior and exterior portion can be easily cleaned;

(5) Piping, valves, and connectors shall be accessible and easy to clean;

(6) Opening of a tank to be constructed so that collected waste will not spill during filling, transfer or during transport;

(7) Outlet connections to be constructed so that no liquid waste will leak, run, or spill out from the vehicle;

(8) Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and

(9) Pumps, and valves, cylinders, diaphragms, and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation

without spillage, spray, or leakage, and capable of being easily disassembled for cleaning.

Section 6. Responsibilities of Liquid Waste Transporter

(a) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall determine (1) the nature of the material to be transported, and (2) that his equipment is sufficient to properly handle the job without spillage, leaks, or release of toxic or harmful gases, fumes, liquids, or other substances. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.

(b) A transporter with a City of Bentonville liquid waste transporter permit shall not transport hazardous materials, in vehicles permitted by the City for transporting liquid waste.

(c) A transporter holding a City of Bentonville permit must use a disposal site permitted and approved by the Arkansas Department of Environmental Quality (if land applied) or the environmental control authority in any adjoining state.

(d) The following described manifest system, consisting of a multi-part manifest ticket, shall be used to document the generation, transportation, and disposal of all applicable liquid waste generated in the City of Bentonville, shall be used:

(1) Manifest books shall be purchased by the transporter from the City of Bentonville, for an established fee;

(2) A transporter shall complete one manifest for each location serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemicals of portable toilet companies servicing their own units shall be exempt from trip ticket requirements but shall be required to submit a monthly total of volumes disposed and the location of disposal to the Control Authority;

(3) A copy of the grease trap manifest shall be signed by the generator/ responsible party or manager and the transporter at the time of waste collection; a copy thereof shall be maintained by the generator for a period of three (3) years

(4) A copy of the manifest shall be signed by the transporter and disposer at the time of disposal and; a copy thereof shall be maintained by the disposer

(5) A copy of the manifest shall be maintained by the transporter and; a completed copy of each manifest generated in the city shall be presented on the first of each month to the Control Authority

(6) A copy of all completed manifests shall be maintained by the Control Authority for a period of three (3) years.

(7) All pertinent sections of the manifest must be completed prior to signing.

(9) Liquid waste haulers of *septic waste only* may note on the manifest if the generator is not available to sign the document provided all other information for the generator including the phone number is listed; a responsible

party for grease interceptor generators must be onsite to observe interceptor cleaning.

(e) Submit with this application a photocopy of the transporter's driver's license. A permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

Section 7. Accumulation of Liquid Waste

It shall be unlawful for any person to allow liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

Section 8. Disposal of Liquid Waste

a. It is unlawful for any person to unload or offer for sale or exchange liquid waste anywhere except at a place permitted by the City, the State, or the Federal government.

b. It is unlawful for any person to deposit or discharge liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

Section 9. Responsibilities of Liquid Waste Generator

A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste transporter operating under a City permit.

a. It shall be the responsibility of the grease generator to assure the manifests are complete, accurate and include;

Business name
Business address
Telephone number
Waste capacity of the interceptor
Date of delivery to transporter
Name and signature of the FSE manager or owner

b. The generator shall ensure that all water, floating grease, and sludge is removed from the interceptor

c. The generator shall use only waste haulers permitted by the city

d. Report spills, and accidents involving collection device to the proper local authorities within 24 hours;

e. Clean up spills and accidents immediately and have all waste material disposed of by a permitted waste hauler.

Section 10. Responsibilities of Liquid Waste Disposers

party for grease interceptor generators must be onsite to observe interceptor cleaning.

(e) Submit with this application a photocopy of the transporter's driver's license. A permittee shall notify the Control Authority of employment changes during the permit period and shall provide the Control Authority a copy of the new transporter's driver's license.

Section 7. Accumulation of Liquid Waste

It shall be unlawful for any person to allow liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.

Section 8. Disposal of Liquid Waste

It is unlawful for any person to unload or offer for sale or exchange liquid waste anywhere except at a place permitted by the City, the State, or the Federal government.

It is unlawful for any person to deposit or discharge liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.

Section 9. Responsibilities of Liquid Waste Generator

A generator of liquid wastes shall not have hazardous wastes or liquid waste in combination with hazardous waste removed from his premises by a liquid waste transporter operating under a City permit.

It shall be the responsibility of the grease generator to assure the manifests are complete, accurate and include;

Business name
Business address
Telephone number
Waste capacity of the interceptor
Date of delivery to transporter
Name and signature of the FSE manager or owner

The generator shall ensure that all water, floating grease, and sludge is removed from the interceptor

c. The generator shall use only waste haulers permitted by the city.

Report spills and accidents involving collection device to the proper local authorities within 24 hours;

Clean up spills and accidents immediately and have all waste material disposed of by a permitted waste hauler.

Section 10. Responsibilities of Liquid Waste Disposers

(a) It shall be unlawful for a liquid waste disposer to allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard.

(b) A liquid waste disposer shall:

(1) Obtain and maintain compliance with all licenses and/or permits required by local, state, or federal law;

(2) Accept waste only from permitted transporters;

(3) Maintain trip ticket copies for a period of two years;

(4) Accept only those classes of waste authorized by ordinance or permit; and

(5) Make available all records required to be kept for inspection by the Control Authority during normal business hours.

Section 11. Rules and Regulations

The Control Authority may promulgate rules and regulations necessary to carry out the provisions of this article and to protect the public from health and safety hazards. The Control Authority may amend any permit issued hereunder to ensure compliance with applicable laws and regulations.

Section 12. Denial, Suspension, and Revocation of Permit

(a) The Control Authority may deny a permit if it is determined that an applicant is not qualified under Article II of this ordinance and may suspend or revoke a permit if it is determined that a permittee:

(1) Has violated a provision of this permit or Ordinance 2012-65;

(2) Has failed to pay a required fee;

(3) Has failed to comply with maintenance or inspection requirements; or

(4) Has failed to deliver completed manifests to the Control Authority.

(5) Has failed to deliver hauled waste to a destination in accordance with all local, state and federal regulations.

(6) Falsifying manifest records;

(b) After suspension under this section, a permittee may file a request for reinstatement of the permit. When the Control Authority determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations, and all required fees have been paid, the permit may be reinstated at the option of the Control Authority.

(c) The Control Authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violated any of the provisions of this article, any rule or regulation promulgated by the Control Authority, or any applicable City ordinance or State law.

(d) It shall be unlawful for a permittee whose permit is suspended or revoked to collect, transport, or dispose of any waste materials within the jurisdiction of the Control Authority.

Section 13. Penalties

(a) Any person, operator, or owner who shall violate any provision of this article, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than one thousand dollars ($1000.00) or double that sum for each repetition of such offense. Each violation and each day a violation continues shall constitute a separate offense.

(b) Any person found guilty of violating any provision of this article shall be liable to the City for any expense, loss, fines or damage occasioned by the City for proper clean-up and proper disposal of said waste materials.

Section 14. Permit Modification

This permit may be modified for good causes including, but not limited to, the following:

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;

2. Material or substantial alterations or additions to the discharger's operation, or discharge volume or character which were not considered in drafting the effective permit;

3. A change in any condition in either the discharger or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters;

5. Violation of any terms or conditions of the permit;

6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

Section 15. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

1. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit;

2. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

City of Bentonville Wastewater Utilities

Septic/Portable Toilet Waste Hauler Permit

Appendix L

THE CITY OF BENTONVILLE

WASTEWATER DEPARTMENT
Industrial Pretreatment Division

Septic Waste Hauler Permit, Issued

Permit No. BWH

In accordance with the provisions of Ordinance # 2012-65;

is hereby authorized to transport and dispose of wastewater to the Bentonville Wastewater Treatment Plant in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under Federal, State or local laws, including any such regulations, standards, requirements or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of Ordinance #

This permit shall become effective on _____ and shall expire at midnight on _____

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal of this permit in accordance with the requirements of Ordinance #, **a minimum of 30 days prior to the expiration date.**

Issued by _____
Pretreatment Supervisor, City of Bentonville

this _____ day of _____ 2013

Section 1 - Areas Regulated by Permit

A. The City of Bentonville will accept loads from all residential customers receiving utility services from the City of Bentonville who are not presently connected to the City's wastewater collection system. The City will also accept loads from all residential customers with septic tanks in the City of Centerton. It is the responsibility of the waste hauler to provide documentation to verify that the waste originated from any of the acceptable areas. A waste hauler wanting to dispose of any load originating from outside of these designated areas will do so only after permission has been granted by the wastewater treatment plant's plant manager or personnel authorized by the plant manager.

B. A waste hauler wanting to dispose of any load from a commercial or industrial establishment will do so only after permission has been granted by the plant manager or personnel authorized by the plant manager.

Section 2 - Discharge Requirements

A. Disposal Point

1. The disposal of all trucked wastes must be performed at a location designated by the wastewater plant's plant manager or authorized representative.
2. Disposal to the Bentonville wastewater collection system at any other location is prohibited without permission from the plant manager or other authorized representative. The permittee must provide notice to the wastewater personnel prior to disposal and the actual disposal must be performed under the supervision of plant personnel. In all cases, **disposal may only be performed Monday through Friday from 8:00 a.m. to 4:00 p.m., excluding holidays.**

B. Waste Analysis

1. Trucked wastes may be subject to sampling and analysis. The permittee may also be required to suspend the discharge of waste until the analysis is complete. The cost of this analysis will be covered by the waste generator. The Bentonville Wastewater Treatment Plant reserves the right to refuse permission to dispose of any trucked waste.
2. The City is not obligated, by issuance of this permit, to analyze all trucked wastes.

3. Current MSDS documents are required for all Portable Toilet Discharges. It is the responsibility of the Permittee to maintain and present all MSDS changes to the control authority immediately.

Section 3 - Prohibited Discharges

A. General Prohibitions

The permittee shall not introduce into the wastewater treatment plant any pollutant(s) which may cause pass through or interference with the treatment process.

B. Specific Prohibitions

The permittee shall not introduce the following pollutants into the wastewater plant:

1. Pollutants which create a fire or explosion hazard in the treatment plant, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 ° Fahrenheit or 60 ° Centigrade.

2. Pollutants which will cause corrosive structural damage to the wastewater treatment plant, but in no case discharges with a pH lower than 5.0 standard units.

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the wastewater treatment plant.

4. Any concentration of free or emulsified oil and/or grease of animal or vegetable origin that, in a particular case, can: (a) overload skimming and grease handling equipment; or (b) have deleterious effects on the treatment process due to the excessive quantities.

5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts exceeding 100 mg/l.

6. Any material which may cause excessive discoloration, such as but not limited to, dye wastes and vegetable tanning solutions where the discoloration will not be removed by the wastewater treatment plant.

7. Any pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° Fahrenheit or 60° C. using the test methods specified in 40 CFR 261.21.

Section 4 - Monitoring and Records

This permit may be modified for good causes including, but not limited to, the following:

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;

2. Material or substantial alterations or additions to the discharger's operation, or discharge volume or character which were not considered in drafting the effective permit;

3. A change in any condition in either the discharger or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters;

5. Violation of any terms or conditions of the permit;

6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

D. Permit Termination

This permit may be terminated for the following reasons:

1. Falsifying manifest records;

2. Refusing to allow monitoring;

3. Failure to pay charges;

4. Attempting to dispose of any load in a manner other than those allowed by this permit.

E. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

1. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit;

2. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

Section 6 - Special Conditions

A. The permittee must carry liability insurance, and provide satisfactory evidence of it to the Control Authority, in such amounts and form as determined by the Control Authority. Such insurance shall afford compensation for taking corrective action and for bodily injury, and for property damage to third persons caused by accidental releases. Coverage shall be in the amount of one hundred thousand dollars ($100,00.00) per occurrence for bodily injury, and fifty thousand dollars ($50,000.00) per occurrence for property damage, and a policy of automobile liability insurance, covering the operation of each vehicle used in such business, in minimum amounts of one hundred thousand dollars ($100,000.00) per person for bodily injury, three hundred thousand dollars ($300,000.00) per occurrence for bodily injury, and fifty thousand dollars ($50,000.00) per occurrence for property damage. The City shall be named as an additional insured in all insurance policies required by this article.

B. The permit holder shall display on both sides of each vehicle (in color contrasting with the background using three inch letters or letters larger than the business name) the following:

Name
BWH (assigned permit #)

The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times. A permit receipt will be supplied at the completion of permit requirements.

City of Bentonville Wastewater Utilities

Grease Interceptor 25% Rule Explanation

Appendix M

City of Bentonville Wastewater Utilities

Grease Abatement Program Grease Interceptor 25% Rule

A City of Bentonville Wastewater Utilities Pretreatment Technician will visit your restaurant to verify your grease trap is maintained sufficiently to protect the sanitary sewer system. The inspector may ask to see your manifest (records) from a permitted transporter, conduct an inspection of your kitchen and measure the accumulation of grease and solids in your grease interceptor.

Unless specified in writing by the City of Bentonville Wastewater Utilities Pretreatment Supervisor, all grease interceptors must be pumped a minimum of every (90) days.

An undersized interceptor or poor kitchen practices may require an increased pump out frequency.

Violations may be issued for not having a grease interceptor, failure to service your grease interceptor at least every 90 days, or using a non-permitted transporter.

Per City Ordinance, all food service establishments must have grease removal devices maintained by a grease transporter with a current valid permit from the City of Bentonville. A list of permitted haulers can be obtained from the Pretreatment Technician or be requested by calling 479-271-3160.

When interceptors reach 25% of the design capacity, they are no longer capable of retaining the water for a period of time that allows the solids to settle and the grease to form a layer at the top.

Measure from bottom to the top of contents

Does this example meet the 25% rule?

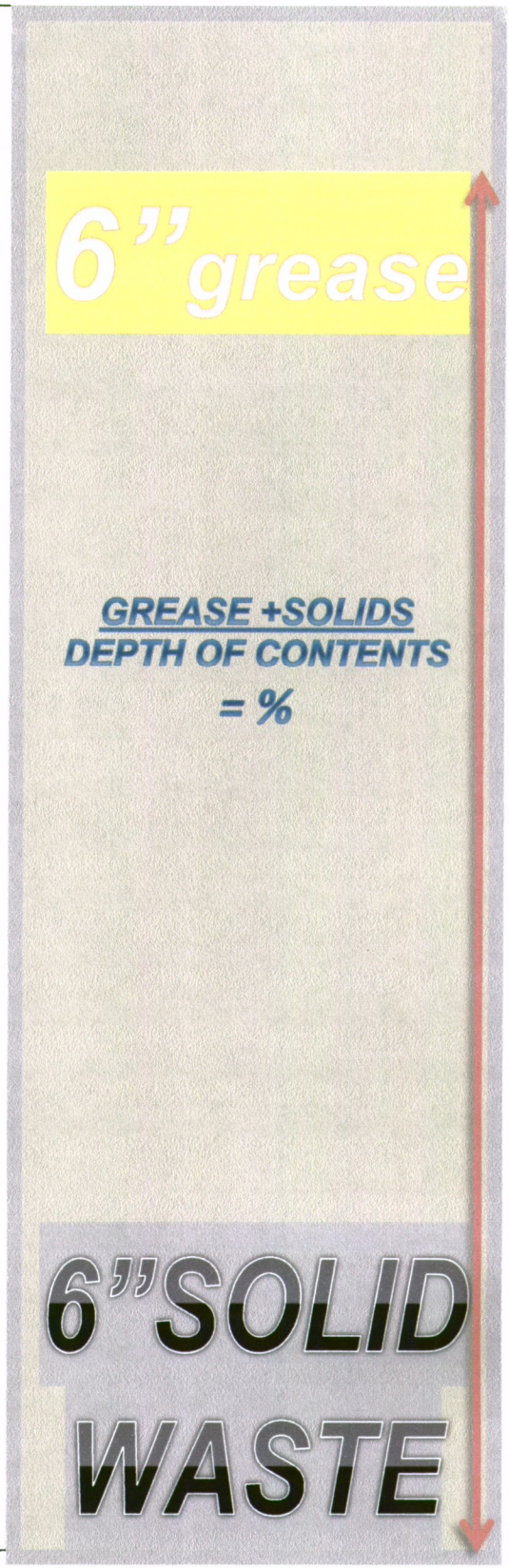
Total FOG on top of interceptor = 0.5 ft.
Total solids at bottom of interceptor = 1.0 ft.
Total depth of interceptor contents = 4.0 ft.

Grease 0.5' + Solids 0.5'= 1÷ Depth of Contents 4.0' X 100 =

25% **time to call your grease hauler!**

Remind your kitchen staff that wiping plates and cooking pots before washing saves

$$ money $$!



Revised 9/2013

FROM:
City of Bentonville, Wastewater Utilities
Industrial Pretreatment Division
1901 N.E. "A" Street
Bentonville, AR 72712

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

7013 1090 0001 0961 5634

Priority Mail
ComBasPrice

UNITED STATES POSTAGE
PITNEY BOWES
02 1R
0002006373
$ 11.81⁰
NOV 01 2013
MAILED FROM ZIP CODE 72701

RECEIVED

Mr. Allen Gilliam
ADEQ State Pretreatment Coordinator
5301 Northshore Dr.
North Little Rock, AR 72118-5317