

## Henderson, Katie

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**From:** Torrence, Rufus  
**Sent:** Wednesday, March 14, 2012 9:49 AM  
**To:** Tom Myers  
**Cc:** Henderson, Katie  
**Subject:** AFIN 04-00106 AR0020273 City of Siloam Springs Streamlining Modification  
**Attachments:** SU Industrial Pretreatment Program 20120307.docx; SU Letter of Review 20120314.pdf

Attn: Tom Meyers, Environmental Compliance Manager

The Department has completed the review of the City's program modification as shown in the attached letter. The required and recommended changes are shown in the attached "color" program narrative.

The Department will confirm the review by sending the City the letter and attachment in the US mail.

The Department appreciates the City's cooperation.

Rufus Torrence, Engineer  
ADEQ  
(501) 682-0626  
[torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us)

# ADEQ

ARKANSAS  
Department of Environmental Quality

March 14, 2012

Thomas A. Meyers, Environmental Compliance Manager  
City of Siloam Springs  
P.O. Box 80  
Siloam Springs, Arkansas 72761

RE: City of Siloam Springs Draft Program Narrative-Update for Streamlining Rule Requirements and  
TBLL Development  
(NPDES Permit Number AR0020273, AFIN 04-00106)

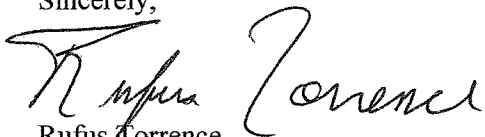
Dear Mr. Meyers:

On October 14, 2005, EPA modified 40 CFR Part 403. These modifications to 40 CFR Part 403 are commonly referred to as the "Streamlining Rule Revisions". In response to the streamlining revisions, the City adopted a new pretreatment ordinance. With a letter dated February 21, 2012, the City submitted the new ordinance, the updated program narrative, and a Technically Based Local Limit (TBLL) development to the Department for review.

The Department has reviewed the submittal. The required and recommended changes are indicated in the enclosed proposed narrative. The City must make the corrections to the narrative and submit the complete program document with all attachments (preferably in a three ring notebook) to the Department. The draft of the ordinance did not show the date of adoption or signatures. Please provide the Department with the date for updating the codes (Article V-Industrial Pretreatment). Preferably, the newly updated codes (Article V) should be submitted in the program document in lieu of Ordinance 1084. The TBLL development and existing point sources indicate that local limits for toxic and conventional pollutants are not necessary at this time. However, the metal loadings at the headworks of the POTW indicate that the City should take steps to reduce the metal concentrations in the domestic wastewater.

The City should submit the complete program document to the Department by **May 1, 2012**. If you have any questions or concerns, please contact my office at 501-682-0626 or by email at [torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us).

Sincerely,



Rufus Torrence  
ADEQ Engineer

Enclosures: Proposed Narrative dated March 7, 2012

# PROPOSED NARRATIVE 20120307

## Color Code

**Red** Required Change **Green** Recommended Change **Yellow** Attention Only

## INDUSTRIAL PRETREATMENT PROGRAM

### CITY OF SILOAM SPRINGS

March 2012

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## I. INTRODUCTION

In accordance with the provisions of the Arkansas Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the federal Clean Water Act (33 U.S.C., 1251 et seq.), the City of Siloam Springs is authorized to discharge treated wastewater from its publicly-owned treatment works (POTW) under the National Pollutant Discharge Elimination System (NPDES) Permit No. AR0020273, attached as Exhibit A. The NPDES Permit requires the City to operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act and the General Pretreatment Regulations (40 C.F.R. Part 403). In accordance with those requirements, Siloam Springs has developed the following Industrial Pretreatment Program to regulate, monitor and enforce requirements for the discharge of pollutants from Industrial Users to the POTW.

The Siloam Springs POTW is a biological nutrient reactor system providing primary and secondary treatment. The POTW was constructed at various times in the past with the most recent expansion beginning in 2009 and scheduled for completion in 2012. The POTW is equipped with inlet works including metering and grit removal facilities, followed by primary clarification, Biological Nutrient Splitter (BNR), BNR Process systems designed for anaerobic, anoxic, and activated sludge with return activated sludge, waste activated sludge, mix liquor suspended solids return, final clarification, chlorination, dechlorination and reaeration. Sludge handling facilities include, gravity thickening, waste activated sludge thickening, aerobic digestion, and dewatering by a belt filter press. The Tank Farm which includes sodium chloride, sodium bisulfite, aluminum sulfate for chemical additions.

The average daily inflow to the POTW is 3.0 mgd. Approximately 1.66 mgd of that flow is from non-domestic Users.

City Ordinance 1084 The City's legal authority to implement and enforce this Pretreatment Program is located in the City Codes [Chapter 98-Utilities, Article V-Industrial Pretreatment]. Ordinance 1084 Article V provides authority to prevent process inhibition, adverse pass-through, and sludge contamination. Sludge is disposed of in a permitted landfill in compliance with regulations at 40 C.F.R. Part 503.

## II. PROGRAM OBJECTIVES

A POTW is a sewage collection system and wastewater treatment plant owned and operated by a state or municipality. POTWs may receive wastewater from various sources including domestic users, commercial users and industrial users. The purpose of the Siloam Springs Industrial Pretreatment Program is to protect the Siloam Springs POTW and the environment from adverse effects from discharges of pollutants into the POTW and to limit the levels of pollutants discharged into the POTW so that the requirements of the City's NPDES permit are met. The program will also improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

## III. SUBMISSION REQUIREMENTS

In accordance with 40 C.F.R. § 403.9, the City of Siloam Springs submits this Industrial Pretreatment Program for approval.

**Comment [RT1]:** The reviewer recommends removing the permit from Attachment A and inserting a page which directs the reader to the location of the current permit.

**Comment [RT2]:** The City Codes are the POTW's legal authority to implement and enforce the pretreatment program; the ordinances are legal mechanisms to update the codes. Therefore, the City legal authority will not be updated until the codes are updated.

**Comment [RT3]:** Code of Federal Regulations are EPA legal authority; the CFR is updated by statutes (legal mechanisms).

**A. STATEMENT FROM CITY ATTORNEY (40 C.F.R. § 403.9(b)(1))**

I am attorney for the City of Siloam Springs, Arkansas. In my capacity as City Attorney, I am making this statement as part of the City's submission of its Industrial Pretreatment Program for approval pursuant to the terms of the City's National Pollutant Discharge Elimination System permit and requirements of federal and state laws and regulations.

The City has authority adequate to carry out the programs described and required in 40 C.F.R. § 403.8. The legal authority that provides the basis for each procedure under 40 C.F.R. § 403.8(f)(2) is City Ordinance 1084 are the Municipal Codes (Chapter 98-Utilities; Article V-Industrial Pretreatment (updated from time to time by Ordinance 1084; et al)). Specifically, the following provisions of proposed revised Ordinance 1084 provide the basis for the corresponding procedures under 40 C.F.R. § 403.8(f)(2):

<u>Ordinance Provision(s)</u>	<u>§ 403.8(f)(2) Procedures</u>
2.1 and 7.1	403.8(f)(2)(i)
4.1	403.8(f)(2)(ii)
2.1	403.8(f)(2)(iii)
6	403.8(f)(2)(iv)
2.7 and 7	403.8(f)(2)(v)
7	403.8(f)(2)(vi)
7	403.8(f)(2)(vii)

Specific pretreatment program requirements in 40 C.F.R. § 403.8 will be imposed and noncompliance will be addressed through requirements in Ordinance 1084, and permits issued certain industrial users. The City has enacted a fats, oil, and grease ordinance (Ordinance No. 11-17). Although Ordinance No. 11-17 is not a required pretreatment program component, Ordinance 11-17 complements Ordinance 1084 and, therefore, information regarding Ordinance No. 11-17 may be included in this summary document. Compliance with Categorical Pretreatment Standards and Pretreatment Standards and Requirements will be ensured through enforcement measures authorized by Ordinance 1084 and implemented with guidance from the City's Enforcement Response Plan.

A copy of Ordinance 1084, a sample wastewater discharge permit, the City's Enforcement Response Plan, and Ordinance 11-17 are attached to this Industrial Pretreatment Program as Exhibits B, C, D, and E, respectively.

\_\_\_\_\_  
City Attorney

**Comment [RT4]:** Consider replacing "Ordinance 1084" with "Article V" throughout this narrative.

**Comment [RT5]:** The City should cite the corresponding sections in Article V (The public relies on the codes to show the current law).

**Comment [RT6]:** If the City elects to cite sections in Article V, please insert the updated Article V in Attachment B.

**B. STATEMENT OF ENDORSEMENT AND APPROVAL BY THE BOARD OF DIRECTORS OF THE CITY OF SILOAM SPRINGS**  
(40 C.F.R. § 403.9(b)(2))

We the undersigned Board of Directors of the City of Siloam Springs, Arkansas endorse and approve this Industrial Pretreatment Program. We are the governing body responsible for funding this Industrial Pretreatment Program if it is approved by the Approval Authority and we are the governing body responsible for considering and voting on passage of **Ordinance 1084** attached to this Industrial Pretreatment Program as Exhibit B.

_____	_____
_____	_____
_____	_____
_____	_____
	_____
	Mayor

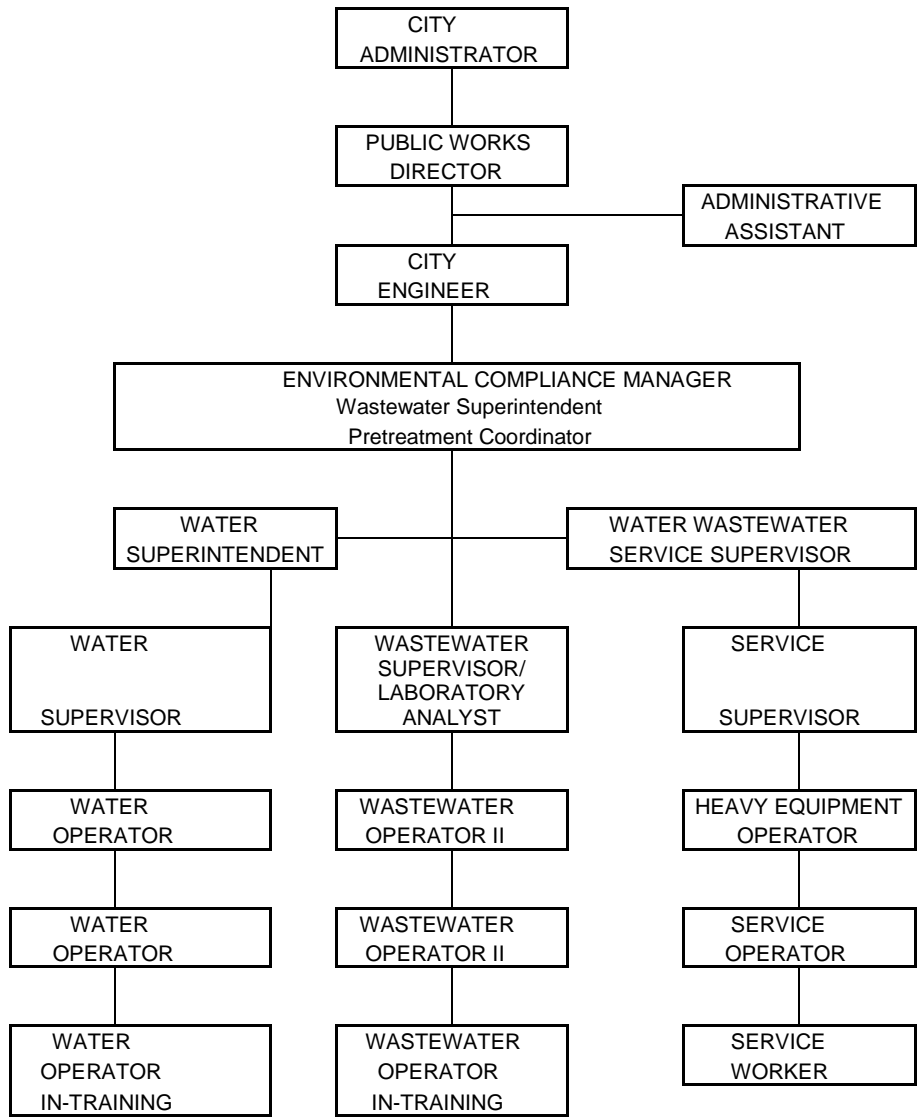


C. **POTW ORGANIZATION** (40 C.F.R. § 403.9(b)(3))

1. Organizational Structure and Chain of Command

The City Board of Directors has, under **Ordinance 1084**, authorized the City Administrator to administer this Industrial Pretreatment Program. The City Administrator directly supervises the Public Works Director with advice and counsel from the City Administration Department and the City Attorney. The Public Works Director directly supervises the Environmental Compliance Manager/Wastewater Superintendent/ Pretreatment Coordinator who in turn, supervises the Wastewater Supervisor and Wastewater Operator(s). The Environmental Compliance Manager also is responsible for working with any contract laboratory engaged by the City. The following Industrial Pretreatment Organization Chart depicts the relative positions and responsibilities of individuals in the above-described positions. In addition, the Organizational Chart depicts the chain of command for implementation of this Industrial Pretreatment Program.

**INDUSTRIAL PRETREATMENT ORGANIZATION CHART**



2. Personnel Requirements

CITY ADMINISTRATOR

GENERAL DESCRIPTION OF RESPONSIBILITIES: Chief executive officer for the City of Siloam Springs. Is responsible to the Mayor and the seven member City Board of Directors for the proper and efficient operations of all departments of City government.

DUTIES: As prescribed by Section 19-811, Arkansas Statutes Annotated and as further presented by the City Board of Directors.

Supervise and control all administrative departments, agencies, offices and employees of the City.

Administer and recommend revisions to employment policies and procedures.

Represent the Board of Directors in the enforcement of all obligations in favor of the City.

Inquire into the conduct of any municipal office, department or agency of the City.

Contact for and purchase supplies, material and equipment.

Approve for payment or disapprove bills, debts or liabilities of the City.

Transfer to or from any office department or agency of the City, any materials, equipment, supplies, or personnel.

Prepare the municipal budget annually and be responsible for its administration after adoption.

Has all powers, except those involving the exercise of sovereign authority, which under statutes applicable to municipalities under the aldermanic form of government, or under ordinances and resolutions of the City in effect at the time of its reorganization into the City Administrator form of government, may be vested in the Mayor.

### CITY ATTORNEY

GENERAL DESCRIPTION OF RESPONSIBILITIES: Is responsible to the City Administrator to provide legal advice and guidance to all departments of the City.

#### DUTIES:

Provides legal advice and guidance to City Departments.

Provides legal advice and guidance to City Administrator and Managers and Supervisors regarding compliance with employment laws and policies.

Acts as City Prosecutor for local municipal court cases.

Acts as City Defense Counsel in all litigation brought against the City.

Acts as plaintiff's attorney in all suits brought against others by the City.

Files petitions for writs of mandamus, injunctive relief and other legal matters in courts of appropriate jurisdiction to enforce City ordinances.

## PUBLIC WORKS DIRECTOR

### GENERAL PURPOSE

Performs complex supervisory, administrative and professional work in planning, organizing, directing, and supervising the Water and Wastewater Departments, including environmental, water, sewer, and other water works projects and programs.

### SUPERVISION RECEIVED

Works under the broad policy guidance and direction of the City Administrator.

### SUPERVISION EXERCISED

Exercises supervision over the Environmental Compliance Manager/Wastewater Superintendent/Pretreatment Coordinator and ultimately, supervision over all personnel in the Water and Wastewater Departments.

### ESSENTIAL DUTIES AND RESPONSIBILITIES

Directly supervises Environmental Compliance Manager/Wastewater Superintendent/Pretreatment Coordinator.

Works according to regular schedule and additional hours as required/assigned. Regular attendance is essential.

Determines work procedures, prepares work schedules, and expedites workflow.

Issues written and oral instructions.

Assigns duties and examines work for exactness, neatness, and conformance to policies and procedures.

Studies and standardizes Department policies and procedures to improve efficiency and effectiveness of operations.

Maintains harmony among workers and resolves grievances.

Prepares composite reports from individual reports of subordinates.

Adjusts errors and complaints.

Prepares and documents budget requests; administers adopted budget in assigned area of responsibility.

Plans, organizes, coordinates, supervises and evaluates programs, plans, services, staffing, equipment and infrastructure of the water, wastewater treatment plants and industrial pretreatment.

Evaluates needs and formulates short and long term plans to meet needs in all areas of water treatment, wastewater treatment, and industrial pretreatment.

Directs the development or update of the Comprehensive Sewer Plan, Comprehensive Water Plan, and other plans involving the municipal water and wastewater plans.

Determines applicable codes, regulations, and requirements for industrial pretreatment.

Directs the preparation of engineering plans and specifications, bidding, competency of contractors and vendors, and the selection criteria for public contracts.

Oversees project management for the construction of the water treatment and wastewater treatment plants. Oversees assigned projects to ensure contract compliance with time and budget parameters for the project.

Coordinates the preparation of reviews and updates the sanitary sewer, water system maps, data base, and comprehensive plans.

Responds to public or other inquiries relative to department policies and procedures. Evaluates issues and options regarding municipal water works and makes recommendations.

Maintains regular contact with consulting engineers, construction project engineers, City, County, State and Federal agencies, professional and technical groups and the general public regarding Departmental activities and services, in areas of Director's responsibility.

Monitors inter-governmental actions affecting water or wastewater works.

Assists in the training of city personnel in water treatment and wastewater treatment systems and techniques.

ENVIRONMENTAL COMPLIANCE MANAGER/WASTEWATER  
SUPERINTENDENT/PRETREATMENT COORDINATOR

SUPERVISION RECEIVED

Works under the general supervision of the Public Works Director.

SUPERVISION EXERCISED

Exercises supervision over the Wastewater Supervisor, the Water Wastewater Service Supervisor and employees in those departments.

WASTEWATER SUPERINTENDENT

GENERAL PURPOSE

Performs a variety of skilled, technical, supervisory, and administrative work in the planning, construction, operation, repair, maintenance, and replacement of municipal wastewater treatment systems.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Operates and maintains the wastewater collection system, treatment plant(s), and lift stations to control flow and processing of wastewater, sludge, and effluent in order to meet NPDES or other local, State, or Federal regulations.

Plans, schedules, and implements construction, maintenance, and operation activities designed to provide quality wastewater treatment service for the City; oversees construction and maintenance work to determine acceptability and conformance to standards.

Supervises the installation, maintenance, and repair of electrical systems for the wastewater treatment system.

Oversees the analysis of wastewater, sludge, and effluent samples to provide data for the efficient operation of wastewater treatment plants.

Trains, supervises, and disciplines employees performing the duties of maintenance, construction, and repair of wastewater treatment facilities.

Supervises the control and use of, and assumes responsibilities for, all materials, supplies and equipment used in the maintenance, construction, and repair of wastewater treatment systems and other department facilities.

Inspects and supervises the repair of water quality equipment, wastewater collection systems, pumping stations, meters, and treatment plant systems at frequent intervals to insure that all aspects of the system are functioning properly.

Requisitions needed supplies for the department and maintains a variety of records relating to personnel, equipment, supplies, water consumption, and reports.

**Comment [RT7]:** Was the "Wastewater Superintendent" position combined with the "Environmental Compliance Manger/Wastewater Superintendent/Pretreatment Coordinator" position??

Advises Public Works Director, Attorney, and other City officials in matters relating to department activities; provides information to various civic, educational, and public groups and individuals regarding wastewater collection and treatment problems and services.

Supervises, instructs, and assists assigned crews in wastewater treatment activities.

Insures that all necessary materials, supplies, and equipment are available by maintaining an inventory of parts and materials and obtaining necessary parts, tools, and supplies from the store room.

Responds to complaints regarding wastewater system failures, leaks, or other problems; evaluates situation, determines if liability lies with the City or the property owner; explains findings to property owners; and notifies appropriate crew if necessary.

Contacts residents and business owners in area where services will be discontinued and explains when services will be shut off and how soon services will be restored.

Insures the proper maintenance of equipment and tools by supervising and participating in cleaning and checking equipment and tools after use.

Oversees the safety of assigned maintenance workers by instructing individuals in proper safety procedures and monitoring work in progress.

Assists in motivating and evaluating personnel by acting as a liaison between crew members and other City supervisors.

Inspects and assists in the control and use of supplies and equipment used in the maintenance, construction, and repair of wastewater treatment systems and other department facilities to insure that all equipment is in proper working order.

Analyzes annual operating costs and makes recommendations for department budget.

Provides recommendations regarding heavy equipment purchases and requisitions all supplies and materials needed for effective department operation.

Assists in the design and installation of new wastewater treatment lines, pumps, plants, or related and facilities.

Participates in short- and long-term planning of capital improvement projects.

Monitors pretreatment users to assure compliance with discharge requirements.

Enforces rules, regulations, policies, and procedures relating to the operation of the wastewater utility system.

Coordinates with other utilities for locations of utility systems.



PERIPHERAL DUTIES

Operates a variety of power construction and maintenance equipment used in the department.  
Serves on various employee or other committees as assigned.

PRETREATMENT COORDINATOR

GENERAL PURPOSE

Performs a variety of skilled, technical, and administrative work in the planning, construction, operation, maintenance, and implementation of the City's Industrial Pretreatment Program.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Inspects and evaluates industrial and commercial facilities to ensure compliance with Local, State and Federal regulations which concern wastewater discharges.

Responsible for the assessment and resolution of wastewater discharge violations such as illegal discharges and exceeding allowable limits discharges of the ordinance or permit.

Implements the Enforcement Response Plan of the Pretreatment Program which involves conducting informal and formal investigations.

Issues and administers Notices of Violation and assists the City Attorney in the preparation of documentation and evidence as needed in Civil Litigation, arranges for Show Cause Hearing and responds directly either in person, by telephone or written correspondence to wastewater discharge violations.

Represents the City at meetings and seminars with industrial and commercial customers or community action groups which address issues pertaining to high strength wastewater discharges.

Participates in the dissemination of information and education affecting the Industrial Pretreatment Program.

Issues and enforces Wastewater Discharge Permits and Liquid Waste Hauling Permits for regulation of the transport and disposal of septic tank, grease trap and portable toilet wastes.

Provides the public utilities department with billing data for customers who discharge high strength wastewater and who pay a surcharge fee.

Responsible for knowing the Federal, State, and Local regulations that effect the Industrial Pretreatment Program.

Analyzes annual operating costs and makes recommendations for department budget.

Participates in short and long-term planning of capital improvement projects.

**Comment [RT8]:** Was the "Pretreatment Coordinator" position combined with the "Environmental Compliance Manger/Wastewater Superintendent/Pretreatment Coordinator" position??

Provides written reports for the Public Works Director as required.

PERIPHERAL DUTIES

Serves on various employee or other committees as assigned.

## WASTEWATER SUPERVISOR/LABORATORY ANALYST

### SUPERVISION RECEIVED

Works under the general supervision of the Environmental Compliance Manager.

### SUPERVISION EXERCISED

None generally. May serve as a lead worker over lower level plant operators or maintenance workers.

## WASTEWATER SUPERVISOR

### GENERAL PURPOSE

Performs a variety of semi-skilled and skilled, technical and maintenance work in the operation, repair, and maintenance of municipal wastewater treatment facilities and systems.

### ESSENTIAL DUTIES AND RESPONSIBILITIES

Monitors the performance of all equipment, gauges, and charts in the treatment plant and pump stations; records statistical data concerning plant operations; maintains, operates, repairs, and replaces equipment as necessary; charts lab test results for trend analysis and maintains accurate records of analyses and test results; evaluates data and writes reports as required.

Operates, maintains, and repairs malfunctions at the wastewater treatment plant; repairs gauges, pumps, filters, and other controls and equipment.

Collects samples and identifies concentrations of chemical, physical, or biological characteristics of wastewater required in accordance with local, State, and Federal requirements; gathers and tests wastewater samples for plant efficiency reports as required.

Performs quality control tests on lab equipment and lab analyses; evaluates procedures and results for accuracy and determines appropriate methods.

Assures that plant operates within required standards.

Trains and maintains lesser skilled operators in acceptable lab methods and procedures to assure accuracy of test results.

Contains and disposes of hazardous wastes generated by the lab.

Calibrates, modifies, and repairs instrumentation and control equipment including recorders, flow meters, and other water quality monitoring equipment.

Operates and maintains wastewater pumps and valves to control and adjust flow and treatment process.

### PERIPHERAL DUTIES

Ability to substitute for the Environmental Compliance Coordinator should the need arise.

Maintains the drawings and schematics of electric and other systems in the treatment plant.

Monitors performance of electrical systems, circuits, and equipment systems in the treatment plant.

Serves on various employee or other committees as assigned.

### LABORATORY ANALYST

#### GENERAL PURPOSE

Performs sampling and laboratory analysis of samples from the wastewater treatment plant and industries.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES

Performs chemical and biological analyses of municipal wastes, industrial effluents, treatment plant processes, and the receiving stream. Performs bacteriological analyses of wastewater treatment facility effluent.

Collects samples at the wastewater treatment plant and industries as required or scheduled. Conducts field analyses for selected parameters as directed. Maintains records of samples collected and chain-of-custody records.

Follows EPA approved methodology to satisfy operational and regulatory permit requirements.

Maintains a quality control program to assure precision, accuracy, and correctness of analyses using a system of internal and external checks and controls.

Performs necessary calculations to determine analysis results. Maintains an adequate recordkeeping system.

Follows Federal and State guidelines and provides required permit information. Makes procedural modifications as necessary.

Performs instrument calibrations and chemical standardizations as required.

Prepares chemical solutions and reagents necessary to perform laboratory analysis.

Cleans the laboratory, equipment and glassware to maintain a neat and orderly working area and to assure quality performance and longevity of equipment.

Performs other duties as assigned.

### PERIPHERAL DUTIES

Attends meetings, classes and seminars to satisfy training and licensing requirements.

Serves on various employee or other committees as assigned.

**D. FUNDING** (40 C.F.R. § 403.9(b)(4))

The City has sufficient resources and qualified personnel to carry out the authorities and procedures described in this Industrial Pretreatment Program. Funding for the Industrial Pretreatment Program is from sewer general sales collected from all domestic users and Industrial Users of the City's sewer system. Each year the City allocates all of those revenues to the Program, as well as income from fees and penalties imposed upon Users through **Ordinance 1084**, to operation of the Program. The City Administrator prepares an estimate of Industrial Pretreatment Program implementation costs each year with approval by the City Board of Directors as part of the City's fiscal planning.

**IV. ABBREVIATIONS AND DEFINITIONS**

**A. Abbreviations**

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

- ADEQ            Arkansas Department of Environmental Quality
- BOD            – Biochemical Oxygen Demand
- BMR            – Baseline Monitoring Report
- CFR            – Code of Federal Regulations
- CIU             Categorical Industrial User
- COD            – Chemical Oxygen Demand
- EPA            – U.S. Environmental Protection Agency
- FOG            Fats, Oils, and Grease
- gpd            – gallons per day
- mg/l            – milligrams per liter
- NPDES        – National Pollutant Discharge Elimination System
- POTW         – Publicly Owned Treatment Works
- RCRA         – Resource Conservation and Recovery Act
- SDWA         – Safe Drinking Water Act
- SNC            Significant Noncompliance

- SWDA – Solid Waste Disposal Act
- SIC – Standard Industrial Classification
- TSS – Total Suspended Solids
- TTO – Total Toxic Organics
- U.S.C. – United States Code

**B. Definitions**

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

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

B. Approval Authority. Arkansas Department of Environmental Quality (ADEQ).

C. Authorized Representative of the User.

(1) If the 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; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for 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 user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 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 company, and the written authorization is submitted to the City.

D. Best Management Practices or BMPs. Schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.3 of **Ordinance 1084**. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20\_ centigrade, usually expressed as a concentration (e.g., mg/l).

F. Categorical Industrial User or CIU. An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

H. City. The City of Siloam Springs or the Board of Directors for the City of Siloam Springs.

I. City Administrator. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

J. Composite Sample. A sample which is taken proportional to flow in accordance with procedures set forth at 40 C.F.R. part 403 Appendix E, and by the City.

K. Control Authority. The City.

L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

M. Existing Source. Any source of discharge that is not a new source.

N. FOG. Fats, oil and grease.

O. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

P. Hauled Wastewater. Wastewater that is contributed to the POTW after being transported from its source to the point where it is discharged to the City sewer or POTW.



Q. Hauled Wastewater Discharge Authorization. A written authorization that the City may issue to authorize a person to discharge Hauled Wastewater. Such authorization shall require compliance with all applicable pretreatment standards and limitations.

R. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

S. Industrial User or User. A source of Indirect Discharge.

T. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration 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.

U. Interceptor. A large grease removal device typically sized to treat all grease laden water from a restaurant or facility (usually 1000-2000 gal. tank); typically located outside the facility in a side yard, green space or parking area. Grease interceptor maintenance is usually performed by permitted haulers or recyclers and consists of removing the entire **volumte** (liquids and solids) from the interceptor and properly disposing of the material in accordance with applicable Federal, State, and local laws.

V. Interference. A discharge, which 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.

W. 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).

X. 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.

Y. 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 thereafter promulgated in accordance with that section, provided that:

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

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

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

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

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

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

(i) any placement, assembly, or installation of facilities or equipment; or

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

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Z. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

AA. Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

BB. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or

their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

CC. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

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

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

FF. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

GG. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

HH. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 98-503 of **Ordinance 1084**.

II. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) 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.

JJ. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

KK. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

LL. Significant Industrial User.

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a 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.

MM. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.3 of [Ordinance 1084](#).

NN. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

OO. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

PP. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

QQ. Trap. A small grease removal device typically sized to treat an individual sink or dishwasher connection (usually 25-50 gal. tank); typically located within the establishment in close proximity to a sink or dishwasher. Grease trap maintenance is typically performed by maintenance staff or other employees of the establishment.

RR. User or Industrial User. A source of indirect discharge.

SS. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Arkansas or any portion thereof.

TT. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

UU. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**V. LEGAL AUTHORITY**

The legal authority for the City's administration of its Industrial Pretreatment Program is provided by **Ordinance 1084** which is attached as Exhibit B. The Ordinance addresses and makes all requirements required by 40 C.F.R. § 403.8(f)(1), (2), (4), (5) and (6). The funding requirements of section 403.8(f)(3) are met through this Industrial Pretreatment Program document. This Industrial Pretreatment Program incorporates all of **Ordinance 1084**. The following sections explain in more detail how the Ordinance requirements will be achieved.

**A. Control Contributions of Pollutants From Industrial Users (40 C.F.R. § 403.8(f)(1)(i))**

The City has the legal authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Users where such contributions do not meet applicable Categorical Pretreatment Standards or Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit. Ordinance §§ 2, 3, 4, 5, 6, 11, 12. Through User inventories, inspection and compliance sampling, evaluation of User self-monitoring, and other available information the City evaluates the contributions of Users and identifies instances in which this authority should be invoked. Section VII of this Industrial Pretreatment Program describes how the City will identify and locate all possible Industrial Users that might be subject to this Program.

**B. Require Compliance with Pretreatment Standards and Requirements (40 C.F.R. § 403.8(f)(1)(ii))**

The City has the legal authority to require compliance with applicable Categorical Pretreatment Standards and Pretreatment Standards and Requirements by Industrial Users, and to require compliance with BMPs as the City Administrator may develop. Ordinance §§ 2, 3, 4, 5, 6, 11, 12. **Ordinance 1084** imposes Categorical Pretreatment Standards and Pretreatment Standards and Requirements on Users and these requirements are implemented through the Ordinance or through permits issued under the Ordinance. Through compliance monitoring and evaluation of User self-monitoring the City will identify non-compliance and use options presented in **Ordinance 1084** and the Enforcement Response Plan to address non-compliance.

**C. Issue Industrial User Permits (40 C.F.R. § 403.8(f)(1)(iii)(B)(1)-(6))**

The City has the legal authority to control, through wastewater discharge permits, the contribution to the POTW by each Industrial User to ensure compliance with applicable Categorical Pretreatment Standards and Pretreatment Standards and Requirements, including BMPs. These permits are enforceable and contain the five conditions listed in 40 C.F.R. § **403.8(f)(1)(iii)(B)(1)-(6)**. Ordinance §§ 4, 5. The City's form of Wastewater Discharge Permit is attached as Exhibit C. The Environmental Compliance Manager has the authority to require permitting of any third party service provider who performs trap maintenance, but is not in the employment of a food service establishment, to obtain a Grease Trap Pumping Permit from the

Sewage Works. The requirements for such permits shall be in accordance with Ordinance No. 11-17.

**D. Require Development of Compliance Schedule (40 C.F.R. § 403.8(f)(1)(iv)(A))**

The City has the legal authority to require the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements. The schedule of compliance will contain the increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment technology. Ordinance §§ 6, 11.

**E. Require Submission of Notices and Self-Monitoring Reports (40 C.F.R. § 403.8(f)(1)(iv)(B))**

The City has the legal authority to require the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance with Categorical Pretreatment Standards and Pretreatment Standards and Requirements and BMPs, including those listed in 40 C.F.R. § 403.12. Ordinance § 6. The reporting requirements in the Ordinance impose upon the Users specified there one or more of the following duties:

- (1) duty to submit baseline monitoring reports on the form provided in Appendix E;
- (2) duty to submit compliance schedule progress reports;
- (3) duty to submit reports on compliance with deadlines for meeting Categorical Pretreatment Standards;
- (4) duty to submit periodic compliance reports, including documentation in cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention;
- (5) duty to submit reports of changed conditions;
- (6) duty to submit reports of potential problems;
- (7) duty to immediately notify of a potential slug discharge;
- (8) duty to submit appropriate reports upon request;
- (9) duty to notify of a violation; and
- (10) duty to notify of the discharge of hazardous waste into the POTW

The above reporting is to be made to the City Administrator. The City Administrator in consultation with the Environmental Compliance Manager, legal counsel and the City Board of Directors determines whether any action is needed in response to any report and, if action is

needed, proceeds in accordance with the authorities in the Ordinance and implementation guidance in the City's Enforcement Response Plan.

**F. Carry Out Inspection, Surveillance and Monitoring Procedures (40 C.F.R. § 403.8(f)(1)(v))**

The City Administrator has the legal authority to carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Categorical Pretreatment Standards and Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW are authorized to enter any premises of any Industrial User in which a discharge source or treatment system is located or in which records are required to be kept under 40 C.F.R. § 403.12(m) to assure compliance with Categorical Pretreatment Standards and Pretreatment Standards and Requirements. Ordinance § 7.

**G. Obtain Remedies for Noncompliance (40 C.F.R. § 403.8(f)(1)(vi)(A)-(B))**

The City Administrator has the legal authority to obtain both judicial and administrative remedies for noncompliance by any Industrial User with any Categorical Pretreatment Standard, Pretreatment Standard or Requirement. Ordinance §§ 11, 12.

**H. Confidentiality Procedures (40 C.F.R. § 403.8(f)(1)(vii))**

The City has the legal authority to comply with the confidentiality requirements set forth in 40 C.F.R. § 403.14. Ordinance § 8.

**VI. LOCAL DISCHARGE LIMITS**

In accordance with 40 C.F.R. § 403.8(f)(4) and 403.5(c)(1), the City has developed Technically-Based Local Limits (TBLLs) to protect against pass through and interference. Pursuant to Section 2.6 of **Ordinance 1084**, local limits are established by the City Administrator as required by the POTW NPDES permit, which the Administrator may amend or revise as it continues to develop the local limits. At the discretion of the City Administrator, mass limitations may be imposed in addition to or in place of concentration-based TBLLs. The City Administrator may also develop BMPs in individual wastewater discharge permits to implement specific pollutant limitations, which shall be considered Local Limits and Pretreatment Standards. The City Administrator will provide notice as specified in Section 2.6 of **Ordinance 1084**.

**VII. INDUSTRIAL USER SURVEY (40 C.F.R. § 403.8(f)(2)(i))**

The City maintains a Master Users List to identify Industrial Users of the POTW, the nature of discharges from the Users, and in the case of CIUs to identify the applicable Categorical Pretreatment Standards. The Master Users List is updated each year as the City prepares its annual pretreatment report. The City uses a wide variety of information and sources to identify through each year new users and changes in the status of existing uses of the POTW. Where necessary, the City uses its right of entry in Section 7 of **Ordinance 1084**. The Master Users List is attached as Exhibit G.

To identify new Users the City uses building permits information, new utilities connections information, Chamber of Commerce information, and knowledge of City leaders. When a new business is identified that is likely to have industrial wastewater discharges there is contact by the City. During this initial contact the City inquires about wastewater discharges. If necessary, the City requests that the business complete an Industrial Waste Discharge Questionnaire. The City's form of Industrial Waste Discharge Questionnaire is attached as Exhibit H. The City Administrator, Public Works Director, and Pretreatment Coordinator review the completed questionnaire and determine whether the new business is an Industrial User. If the new business is an Industrial User the City provides the business with a copy of the City's Industrial Pretreatment Program and **Ordinance 1084**. If the business is a Significant Industrial User the City provides the Industrial Pretreatment Program and informs the business of its responsibility to obtain a wastewater discharge permit.

To identify changes in operations of existing businesses the city relies upon similar sources of information, monitoring and reporting required under **Ordinance 1084** and wastewater discharge permits, and City inspections where required. If an existing business changes its wastewater discharges such that new or additional requirements apply to the discharge, the City requests a permit application, permit modification request, or other appropriate information needed to properly implement the City's Industrial Pretreatment Program.

### **VIII. CONTROL MECHANISMS**

The City has the legal authority, resources, and procedures necessary to implement control mechanisms including but not limited to:

#### **A. Identification of the Character and Volume of Pollutants (40 C.F.R. § 403.8(f)(2)(ii))**

The City uses questionnaires, Industrial Waste Discharge Questionnaires, Baseline Monitoring Reports, self-monitoring, compliance monitoring, and other available information to identify the character and volume of pollutants contributed to the City's POTW by Industrial Users. Ordinance § 4, 6, 7. **Ordinance 1084** provides legal authority for the City Administrator to require preparation and submittal of information and reports by Users, and gives the City inspection and entry authority. The Pretreatment Coordinator evaluates all information gathered and submitted in order to determine the loading contributed to the POTW. The City develops additional loading and contribution information through headworks analyses and other exercises. The development of TBLLs includes a comprehensive evaluation of Industrial User contributions.

#### **B. Notification to Industrial Users of Status and Standards (40 C.F.R. § 403.8(f)(2)(iii))**

As part of the follow up to updating the Master User List or identifying new Industrial Users the City Administrator or an authorized representative notifies new Industrial Users of their status and existing Industrial Users of any change in status. Industrial Users are given a copy of the Industrial Pretreatment Program. If the Industrial User is a Significant Industrial User, the User is informed of its duty to obtain a discharge permit.



The Environmental Compliance Manager shall give written notice to any person found to be violating the FOG Ordinance No. 11-17 and provide a reasonable time limit for the satisfactory correction thereof. The Environmental Compliance Manager may also provide oral or written notice to any person of any condition not necessarily amounting to a violation, that may represent a compromise of any requirement or prohibition in the FOG Ordinance.

**C. POTW Control Over Contributions of Pollutants From Industrial Users (40 C.F.R. § 403.8(f)(1)(ii))**

The POTW's control over contributions of pollutants from Industrial Users includes but is not limited to: general prohibitions, specific prohibitions, the right to establish more stringent standards or requirements on discharges to the POTW, prohibition of discharge dilution by Industrial Users unless expressly authorized, issuance of permits containing discharge limits as well as various operational and administrative conditions, slug control plans, protection from and notification of accidental discharge, and sanctions for violations of **Ordinance 1084** or permit requirements or conditions. The City can revoke, modify and reissue permits and can terminate discharges to the POTW. Ordinance §§ 2, 3, 4, 5.

**D. Industrial User Permits (40 C.F.R. § 403.8(f)(1)(iii)(A)-(E))**

**Ordinance 1084** prohibits a Significant Industrial User from discharging to the POTW without a wastewater discharge permit. In addition, the ordinance gives the City Administrator authority to require other Industrial Users to obtain a wastewater discharge permit if a permit is necessary to carry out the purposes of the ordinance. The permits are enforceable and must contain the five conditions listed in 40 C.F.R. § **403.8(f)(1)(iii)(B)(1)-(6)**. The City may modify, revoke and reissue permits, **Ordinance 1084** §§ 4, 5. Sampling and analysis for purposes of a violation of a wastewater permit shall occur in accordance with § § 6.8, 6.11 of **Ordinance 1084**.

The City's form of Wastewater Discharge Permit is attached as Exhibit C.

**E. Slug Discharge Control Plans (40 C.F.R. § 403.8(f)(2)(vi))**

~~At least once every two years,~~ The City will evaluate whether each Significant Industrial User needs a plan to control slug discharges. This evaluation is performed by the Pretreatment Coordinator as part of compiling all monitoring data for each Significant Industrial User. Monitoring data is compared to permit limits and local limits and the Pretreatment Coordinator identifies whether trends or episodes depicted in the monitoring data indicate a need to control slug discharges. Each year as the Pretreatment Coordinator prepares data for the City's annual pretreatment report, the need for a Significant Industrial User to develop a slug control plan ~~is~~ ~~may be~~ ascertained through that data gathering and preparation. If the City decides that a slug control plan is needed for a Significant Industrial User, the plan shall contain the following elements:

- (1) A description of discharge practices, including nonroutine batch discharges;
- (2) A description of stored chemicals;
- (3) Procedures for immediately notifying the POTW, as required in Ordinance

Section 6.6, of slug discharges, including any discharge which would violate a prohibition of 40 C.F.R. § 403.5(b); and

**Comment [RT9]:** The Streamlining Rule provides flexibility for the POTW to determine how frequently to evaluate IUs for the need to have a slug control plan.

**Comment [RT10]:** "Is" in this context requires the City to evaluate the need for a slug plan on an annual basis.

- (4) Procedures to prevent adverse impact from accidental or slug discharges.

Ordinance §§ 3.2, 6.6.

**F. Required Compliance with Pretreatment Standards and Requirements (40 C.F.R. 403.8(f)(1)(ii))**

Users must provide wastewater treatment necessary to achieve compliance with all Categorical Pretreatment Standards, Pretreatment Standards, Requirements, Local Limits, BMPs, and other requirements of the Ordinance. The Ordinance incorporates and Users are required to comply with national Categorical Pretreatment Standards and state standards where the state standards are more stringent than the national standards. Facilities must achieve compliance with all pretreatment standards and requirements. Compliance schedules and compliance schedule progress reports are required for certain users. Reports on compliance with the categorical pretreatment standard deadline are required. Administrative and judicial remedies ensure compliance. Ordinance §§ 2, 3, 6, 11, 12.

**G. Compliance Schedule for Technology Installation (40 C.F.R. § 403.8(f)(1)(iv)(A))**

The City requires Industrial Users which need additional pretreatment or operation and maintenance (O&M) to develop a compliance schedule for the installation of technology necessary to meet applicable Pretreatment Standards and Requirements. Compliance dates cannot be later than the dates set forth for the Pretreatment Standard or Requirement. Ordinance §§ 6.1, 6.2.

**H. Reports of Changed Conditions**

Each User must notify the City of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. Ordinance § 6.5, The City will evaluate notices and determine whether a wastewater discharge permit or a modification to an existing permit is required.

**I. Reports of Potential Problems**

The City requires Users to follow certain reporting procedures in the case of any discharges that may cause potential problems for the POTW. Such procedures include but are not limited to immediate telephone notification to the City 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. The City may require that the User submit a detailed written report describing the causes of the discharge and the measures to be taken by the User to prevent similar future occurrences. SIUs are required to notify the City Administrator if any changes occur that affect the potential for a slug discharge. The City may require the implementation of a slug control plan. Ordinance § 6.6

**J. Record Keeping**

The City requires Users subject to the reporting requirements of the Ordinance to maintain records for a period of three years and make those records available for inspection and copying in accordance with Ordinance § 6.13. The FOG Ordinance 11-17 also imposes reporting requirements by all persons maintaining an Interceptor or a Trap. All persons operating such shall maintain a written record of grease Trap or Interceptor maintenance for three years. All such records shall be available for inspection by the Environmental Compliance Manager at all times. § 98-212 (5), Ordinance 11-17.

**K. Additional Requirements Applicable to Users Subject to Categorical Pretreatment Standards**

Industrial Users subject to Categorical Pretreatment Standards are subject to control mechanisms in addition to those set out above. These include:

- (1) Baseline Monitoring Report (BMR). Ordinance § 6.1
- (2) Compliance Schedule Progress Reports. Ordinance § 6.2
- (3) Report on Compliance with Categorical Pretreatment Standard Deadline. Ordinance § 6.3
- (4) Periodic Reports on Continued Compliance. Ordinance § 6.4
- (5) Signatory and Certification Requirements. Ordinance § 4.6

**L. Notification of Discharge of Hazardous Waste**

Any User who commences the discharge of hazardous waste is required to notify the City Administrator as well as the EPA Regional Waste Management Director and State hazardous waste authorities in writing in accordance with Section 6.9 of the Ordinance and other applicable law and regulations.

**M. Current Regulatory Requirements**

The City Environmental Compliance Manager and legal counsel keep abreast of changes in regulatory requirements governing pretreatment program requirements and implementation. In addition, the City Administrator receives notice of many such changes from the Control Authority.

**IX. COMPLIANCE MONITORING**

The City has the legal authority, resources and procedures necessary to implement compliance monitoring mechanisms including but not limited to:

**A. Notices and Self-Monitoring Reports (40 C.F.R. § 403.8(f)(1)(iv)(B))**

The City requires Industrial Users to submit all notices and self-monitoring reports as are necessary to assess and assure compliance by Industrial Users with Categorical

Pretreatment Standards, Pretreatment Standards and Requirements, including those listed in 40 C.F.R. § 403.12. This self-monitoring includes but is not limited to permitted Industrial User analysis of wastewaters **at least four times per year**, and the submission of reports to the City indicating the results of this **each calendar quarter**. Ordinance § 6.

**Comment [RT11]:** The City may require four reports per year but the Federal/State requirement in 40 CFR 403.12(e) requires only two per year.

**B. Receipt and Analysis of Self-Monitoring Reports (40 C.F.R. § 403.8(f)(2)(iv))**

The City receives and analyzes self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in this program and in the Ordinance. Ordinance § 6. The City Pretreatment Coordinator records and maintains all monitoring data available for each Industrial User in a log that sets forth the limits as the Industrial Users' discharge so that comparison of the monitoring data to the limits can be easily made. In this fashion non-compliance can be identified and acted upon by the City and trends or changes in the discharge from each Industrial User can be identified and acted upon appropriately. In addition, the City's Enforcement Response Plan has procedures for evaluating compliance monitoring.

**C. Inspection, Surveillance and Monitoring Procedures (40 C.F.R. § 403.8(f)(1)(v))**

The City conducts inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Categorical Pretreatment Standards, Pretreatment Standards, BMPs, and Requirements by Industrial Users. The City inspects each Significant Industrial User at least once each year. A copy of the inspection guidance checklist used by the City is attached as Exhibit I. The City monitors Industrial User compliance with conditions in wastewater discharge permits, compliance schedules, and City directives and orders by tracking the compliance deadline for each requirement. Where necessary, the City prepares a schedule of deadlines which apply to an Industrial User to use in evaluating whether deadlines have been met by that User. Representatives of the POTW are authorized to enter any premises of any Industrial User in which a discharge source or treatment system is located or in which records are required to be kept under 40 C.F.R. § 403.12(m) to assure compliance with Pretreatment Standards. Ordinance § 7, Enforcement Response Plan §§ I, II.

**D. Random Sampling and Analysis**

At least once a year, the City takes from each Industrial User a random, unannounced sample. The City conducts random sampling and analysis to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with pretreatment standards. The City can take additional samples in response to public complaints, Industrial User noncompliance, POTW operating problems, or in response to trends in monitoring data. The requirements for sampling frequency and grab samples are defined in **Ordinance 1084**.

Sampling and analyses are performed according to applicable EPA guidelines and proper chain of custody procedures are followed to insure that the results of compliance sampling by the City will be admissible as evidence should court proceedings follow a

noncompliance event. The compliance monitoring samples taken by the City are analyzed in a licensed laboratory. Analyses are performed in accordance with applicable 40 C.F.R. Part 136 procedures. The analytical information is reviewed by the City on the day it is received from the laboratory. Ordinance §6, 7. Enforcement Response Plan § I, II, III.

**E. Chain of custody procedures**

The City has chain of custody procedures to insure that the results of compliance sampling by the City will be admissible as evidence should court proceedings follow a noncompliance event. Enforcement Response Plan § III. A sample chain of custody form is in Appendix B to the Enforcement Response Plan.

**F. Additional Requirements Applicable to Users Subject to Categorical Pretreatment Standards**

In addition to the compliance monitoring procedures set out above, Industrial Users subject to Categorical Pretreatment Standards are also subject to monitoring and analysis to determine continued compliance with the applicable categorical standards. Ordinance § 6.

**X. PROCEDURES AND REMEDIES FOR NONCOMPLIANCE**

Pursuant to 40 C.F.R. § 403.8(f)(5), the City has developed an Enforcement Response Plan which is attached as Exhibit D. This plan is a guidance document and describes the manner in which the City will evaluate noncompliance in the course of exercising its enforcement discretion. The Plan, however, is not intended and should not be interpreted to limit the City's discretion under the Ordinance.

The Ordinance gives the city the power and discretion to enforce the Ordinance in full satisfaction of 40 C.F.R. § 403.8(f)(2)(vi). In selecting an enforcement response action, the magnitude and duration of the violation, the effect of the violation on the receiving water, the effect of the violation on the treatment facilities, the compliance history of the user, and the good faith of the user will all be taken into account.

**Comment [RT12]:** Consider replacing this sentence with “The municipal codes (Chapter 98; Article V) gives the city the power and discretion to enforce all pretreatment standards and requirements in full satisfaction of 40 CFR §403.8(f)(2)(vi).”

**A. Investigation of Noncompliance**

Investigation procedures involve site inspections as well as sampling. Noncompliance by Industrial Users with Categorical Pretreatment Standards, Pretreatment Standards and Requirements, as indicated by the results of monitoring by Industrial Users or the City, is investigated through increased sampling and analysis by the City, as appropriate and as needed, to gather the information necessary to ascertain appropriate enforcement response. The City Administrator determines whether additional investigation for enforcement purposes is necessary for noncompliance with Categorical Pretreatment Standards, Pretreatment Standards and Requirements, compliance schedules, and/or City notices and orders. All proper chain of custody procedures are followed to assure admissibility of the sample results in enforcement proceedings. Ordinance § 7, 11. Enforcement Response Plan § HI.

**B. Notification and Follow-up Activities for Noncompliance**

The ordinance and the Enforcement Response Plan give the City, or its authorized delegee, authority to take the following actions:

- Phone Call or Visit
- Notification of Violation ("NOV")
- Show Cause Order
- Show Cause Hearing
- Administrative Fine
- Administrative Order (Compliance Order, Cease and Desist Order and Consent Order)
- Emergency Suspension
- Termination of Wastewater Treatment Service
- Revocation of Wastewater Discharge Permit
- Injunctive Relief Civil Action
- Criminal Action

### **C. Appeal of Enforcement Response Actions**

An Industrial User may appeal any Enforcement Response Action decision of the City Administrator, Environmental Compliance Manager, or other delegee of the Board of Directors by filing a Notice of Appeal with the City Board of Directors within thirty (30) days of the action. In order to appeal an administrative fine, the user must also pay the full amount of the fine within thirty days. If the user prevails in the appeal of an administrative fine, the contested payment shall be returned to the user with interest as provided in Section 11.7 of **Ordinance 1084**. The Notice of Appeal shall set forth the basis for the appeal. If an Industrial User does not file a Notice of Appeal within 30 days, any Enforcement Response Action decision shall be final and no appeal to the City shall be heard. Upon receiving a Notice of Appeal, the City shall schedule a time for the Industrial User to present its appeal unless it determines the appeal is groundless or otherwise without merit. The City shall notify the Industrial User of its decision regarding the appeal within 30 days after the Industrial User presents its appeal.

## **XI. PUBLIC PARTICIPATION**

The City, to comply with the public participation requirements of 40 C.F.R. § **403.8(f)(2)(viii)** and 40 C.F.R. part 25 in the enforcement of Categorical Pretreatment Standards will publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Industrial Users which were in significant noncompliance with applicable pretreatment standards and requirements during the previous twelve months. The term significant noncompliance is defined in Section 9 of the Ordinance.

## **XII. MULTIJURISDICTIONAL ISSUES**

Ordinance Section 5.7 sets out the procedure for regulation of waste received from other jurisdictions.

**XIII. CONFIDENTIALITY PROCEDURES**

Ordinance Section 8 sets forth the City's procedures for dealing with confidentiality requests from Industrial Users.

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