

ADEQ

ARKANSAS
Department of Environmental Quality

June 30, 2010

Tom Meyers, Pretreatment Coordinator
City of Siloam Springs
P O Box 80
Siloam Springs, AR 72761

Re: City of Siloam Springs (AFIN 04-00106 NPDES #AR0020273) Pretreatment Program
Audit/Municipal Pollution Prevention (P2) Assessment

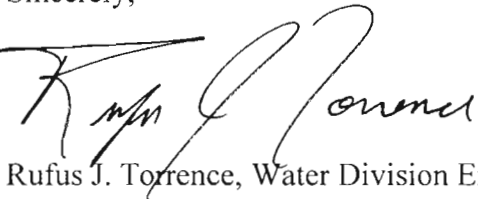
Dear Mr. Meyers:

Please find enclosed the finished report for the audit/assessment conducted June 7 through June 10, 2010. The report should be made available for review to appropriate industrial officials. The City of Siloam Springs staff should discuss and evaluate the findings in this report. Please respond to required actions and recommendations in writing within thirty (30) working days from the date on this correspondence.

The Department appreciates the staff's assistance. The staff appeared very interested in both the Pretreatment and Pollution Prevention Programs. Most of the recommendations in the attached audit/assessment are intended to aide the City of Siloam Springs pretreatment program with achieving the objectives of the Clean Water Act.

If the City has questions or concerns, please do not hesitate to contact the Department at (501) 682-0626 or torrence@adeq.state.ar.us.

Sincerely,



Rufus J. Torrence, Water Division Engineer

Encl: Audit/Assessment Checklist

Cc: Rudy Molinda / EPA 6WQ-PM (via e-mail w/o attmt)
Eric Flemings / ADEQ Technical Assistant Mgr-Field Services (w/o attmt)
Cindy Garner / ADEQ Technical Assistant Mgr-Enforcement (w/o attmt)

**PRETREATMENT PROGRAM AUDIT/
POLLUTION PREVENTION ASSESSMENT**

CITY OF SILOAM SPRINGS, ARKANSAS

NPDES PERMIT #AR0020273

June 30, 2010

Prepared by: Rufus Torrence

Water Division Engineer

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 Northshore Drive

North Little Rock, Arkansas 72118

TABLE OF CONTENTS

- A) Introduction
- B) Summary of Findings with Required Actions
- C) Recommended POTW Actions for Improved Implementation or Enforcement of the Pretreatment and Pollution Prevention Programs
- D) Required Program Modifications to the Approved Pretreatment Program Necessary to Bring the Program Into Compliance with the Letter or Intent of the Current Regulatory Requirements

LIST OF ATTACHMENTS

Pretreatment Program Audit/Assessment Checklist:

- Section I: General Information
- Section II: Program Analysis and Profile
- Section III: Industrial User File Review
- Reportable Noncompliance (RNC) Worksheet
- SIU Site Visit Summaries

- Attachment(s)
- A: Gates Application
 - B: Gates Permit
 - C: Gates Inspection
 - D: Gates Self Monitoring
 - E: "Phosphorus Information"
 - F: 40 CFR 403.5 Prohibited Discharges
 - G: POTW Maximum Allowable Headworks Loading and Supporting Data
 - H: Hazardous Waste Notification 2009 Letter
 - I: Proposed 2009 Streamlining Pretreatment Ordinance (#1084)

A) INTRODUCTION

Under ADEQ's responsibility to fulfill its obligations for the administration and enforcement of the NPDES Program, audits of Pretreatment Programs within the state will be part of its coordination and compliance monitoring strategy.

With Pollution Prevention (P2) being integrated into Pretreatment Programs assessments of cities' P2 projects and programs will be made in conjunction with the audits.

The Department performed an audit from June 7 to June 10, 2010 on the Pretreatment Program implemented by the City of Siloam Springs, Arkansas. Participants included:

Rufus Torrence ADEQ / Engineer / Auditor

Tom Meyers Superintendent-Manager / Pretreatment Coordinator

The goals of the audit/assessment were:

- * To determine the implementation and compliance status of the City of Siloam Springs' Pretreatment Program with the requirements of the General Pretreatment Regulations located in 40 Code of Federal Regulations (CFR) Part 403
- * To determine the effectiveness of the City's Pretreatment and P2 Programs in eliminating/reducing the introduction of toxic pollutants from industrial discharges
- * To provide assistance and recommendations to the City that might allow for more effective implementation of program requirements
- * To assess the level of additional Pollution Prevention activities implemented within the City's day-to-day Pretreatment procedures and make recommendations thereof

EPA originally approved Siloam Springs' Pretreatment Program on 8/22/84. The City submitted a partial program modification on 9/5/91.

The City submitted a more complete program modification in March 1995; later the City submitted a final and approvable version which included an ERP. ADEQ publicly noticed and approved the modification on 3/3/00 . The City is currently modifying the program to include recent changes to 40 CFR 403 (commonly referred to as the "Streamlining Rule Changes" promulgated on October 14, 2005); the City is also currently evaluating the need for technically based local limits. The auditor appreciates the City's efforts to inform the public on issues currently impacting the POTW (Publicly Owned Treatment Works); the city has distributed pamphlets on phosphorus (see attachment E).

The existing plant treatment consists of screening, grit removal, primary clarification, two stage

trickling filters with recirculation, intermediate clarification, activated sludge nitrifying contact stabilization, final clarification, extended aeration followed by chlorination and de-chlorination with a design flow of 4.4 MGD. The plant is currently undergoing construction to meet future phosphorus effluent limits. The proposed construction will add biological nutrient removal, activated sludge, chemical phosphorus removal and required appurtenances. The new design flow will be 5.3 MGD.

The POTW's average flow of 3.0 MGD consists approximately of 53% industrial (1.6 MGD) flow; most of the industrial flow comes from a single SIU (poultry processor). Currently the City has a total of 3 SIUs. The one categorical industrial user, Gates Rubber [40 CFR 428] has specific limits determined by EPA and based on technology treatment standards. The other two industrial users, Cobb-Vantress and Simmons Food, are subject to general pretreatment standards and local limits only.

Sludge handling facilities include gravity thickening, aerobic digestion and dewatering by belt filter press. The upgrades include a sludge thickener and new buildings. The sludge is presently disposed of in a landfill. The effluent from the POTW has shown no pattern of toxicity to its receiving stream (Sager Creek) and flows from the POTW approximately 500 yards to the Arkansas/Oklahoma border. During the past three years, the city has reported only one sub-lethal failure on DMRs from biomonitoring tests.

The audit/assessment consisted of informal discussions with the City's Pretreatment personnel, examination of their industrial user files, pretreatment records and site visits to the City's three (3) permitted industrial users. A checklist was utilized to ensure that all facets of the program were evaluated. A copy of the completed checklist is attached. Additional information obtained during the audit is included in Attachments A, B, C, D, E and F.

The report is divided into three sections. Section B provides a summary of the significant findings of the audit which will require action by the City of Siloam Springs. Section C includes recommendations to help improve the implementation and enforcement of their Pretreatment and Pollution Prevention Programs. Finally, required program modifications to the City's approved program, including its adopted legal authorities, are outlined in Section D.

B) SUMMARY OF FINDINGS WITH REQUIRED ACTIONS

This section of the report is a summary of deficiencies found in the City of Siloam Springs Pretreatment Program. The auditor has paraphrased with CFR citations the actions required by the City to comply with the current General Pretreatment Regulations (40 CFR 403) and with the approved program. A narrative explanation of the finding will follow each citation.

1) Under 40 CFR 122.44(j)(2)(ii), the City must "Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance."

Under **40 CFR 403.5(c)(1)**, the City must "*continue to develop these limits as necessary*".

In reference to the City's letter (Bowman to Drown) dated November 14, 2007, "*Construction of the improvements is expected to commence in late 2008 and be completed in 2010. At that time a Maximum Allowable Headworks Loading analysis will be conducted and information forwarded to [ADEQ]. The City of Siloam Springs will then reevaluate the TBLL and update as necessary.*"

The City should perform the MAHL (Maximum Allowable Headworks Loading) reevaluation in conjunction with the new pretreatment ordinance adoption and program narrative update. See Attachment G. All three documents may be submitted to ADEQ simultaneously. The City may submit a complete TBLL (Technically Based Local Limits) document later (within six months of the start-up date of the new plant).

C) RECOMMENDED POTW ACTIONS FOR IMPROVED IMPLEMENTATION OF THE PRETREATMENT AND POLLUTION PREVENTION PROGRAMS

I) Send a copy of the reporting requirements located in 40 CFR 403.12(p) & (j) to all hazardous waste generators shown on the ADEQ website at:

http://www.adeg.state.ar.us/hazwaste/rcra2/facil_sum.asp#Display

(Instructions: Enter "Siloam Springs" in the box next to the title "Location City" and click "Search" to see the list.)

These generators will realize that the City is knowledgeable about their status as a hazardous waste generator. If one of these generators causes a problem at the POTW, the problematic generator cannot claim ignorance of reporting requirements. The City sent a letter to these industries in January 2009. See Attachment H-1/1. The City should continue to check, update and notify these industries at least biannually. Therefore, the next notification should be in January 2011.

2) Continue to improve inspection documentation and continue to improve procedures for collecting evidence while taking samples for analysis and recording flows. The City has improved these procedures based on a review of the auditor report dated January 30, 2003.

3) Encourage Gates to abate, mitigate or at least reduce the oil loading to the skimmer. Gates should investigate the source and consider eliminating the source, segregating the streams, etc.

4) Encourage Simmons to install an equalization basin and/or third DAF (Dissolved Air Flotation). The two DAFs appear to be operating at maximum capacity presently and Simmons may be tempted to slug load the POTW if a unit unexpectedly stops operating. An equalization basin would give Simmons time to restore/repair the unit without slug loading the POTW or halting production. A third DAF would extend the repair time indefinitely.

5) Include "Fact Sheets" in permit folder and "Statement of Basis" in the permits; the City had fact sheets for the old permits but did not include fact sheets in the recently issued permits.

- 6) Continue efforts with “paperless” record keeping.
- 7) Continue to assist local industries with P2 efforts.
- 8) Use three-ring notebook for all records which remain in “paper” form.
- 9) Replace the title, “Transfer”, with the title, “Nontransferability” in all permits to avoid confusion; see Attachment A-14/18 paragraph 3.
- 10) Include language for 40 CFR 403.5 General and Specific Prohibitions in all permits. See Attachment F. Or the permit language may simple reference “40 CFR 403.5 National pretreatment standards: Prohibited discharges”.
- 11) If predicted sludge production is not available for the new plant, the City may use twice the existing sludge production as an estimate for the MAHL calculations.
- 12) Update the Inspection form to include new streamlining requirements [40 CFR 403.8(f)(2)(vii)]. In particular, change Section K title to “Accidental Spill and Slug Discharge Control”. Also revise the question in Section K to “Is there a need for an ASPP or Slug Discharge Control Plan?”.

**D) REQUIRED PROGRAM MODIFICATIONS TO THE APPROVED
 PRETREATMENT PROGRAM NECESSARY TO BRING THE PROGRAM INTO
 COMPLIANCE WITH THE LETTER OR INTENT OF THE CURRENT
 REGULATORY REQUIREMENTS**

The City must comply with the most recent changes to 40 CFR 403 (commonly referred to as the “Streamlining Rule Changes” promulgated on October 14, 2005). The City is currently updating the pretreatment ordinance to include recent streamlining updates. The Department has reviewed the final draft (Attachment I-1/55) and the City may adopt this version. After the ordinance is adopted, the City must update the program narrative in the existing approved program and make all other necessary modifications to comply with the existing pretreatment standards and requirements and streamlining updates.

* * * * *

The City should consider the required actions and recommendations contained in this audit/assessment before finalizing any pretreatment program modifications. Any intended substantial program/ordinance changes made, whether in response to the recommendations or otherwise, should be submitted to ADEQ for review and approval.

PRETREATMENT AUDIT CHECKLIST

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

| | | | |
|--------------|---------------------------------------|-------|-------|
| Section I: | General Information | Pages | 1- 4 |
| Section II: | Pretreatment Program Analysis | Pages | 5-17 |
| Section III: | Industrial User File Evaluation | Pages | 18-25 |

SECTION I: GENERAL INFORMATION

A. GENERAL INFORMATION

Control Authority Name: City of Siloam Springs NPDES #: AR0020273
 Mailing address: P. O. Box 80, Siloam Springs, 72761

Permit Signatory: Tom Meyers Title: Superintendent / Manager

Telephone: (479) 524-5136 FAX NUMBER: (479) 238-0997

Pretreatment Contact: Tom Meyers Title: Pretreatment Coordinator
 Address: _____ (same) _____

Telephone: (479) 524-5623 E-Mail address: tmyers@siloamsprings.com

Pretreatment program approval date: August 22, 1984

Dates of approval of any substantial modifications: March 3, 2000

Month Annual Pretreatment Report Due: August

Pretreatment Year Dates: July 1st to June 30th Date(s) of Audit: June 7-10, 2010

(ASSESSMENT)

Inspector(s):

| NAME | TITLE/AFFILIATION | PHONE NUMBER |
|-----------------------|--------------------------------|-----------------------|
| <u>Rufus Torrence</u> | <u>Pretreatment Eng / ADEQ</u> | <u>(501) 682-0626</u> |

Control Authority representative(s):

| NAME | TITLE | PHONE NUMBER |
|--------------------|----------------------------------|-----------------------|
| <u>*Tom Meyers</u> | <u>WW Supt/Pretreatment Coor</u> | <u>(479) 524-5623</u> |

* Program Primary Contact

Dates of Previous PCIs/Audits:

| TYPE | DATE | DEFICIENCIES NOTED |
|------------|-----------------|----------------------------------|
| <u>PCI</u> | <u>05/28/08</u> | <u>Inspections problems</u> |
| <u>PCI</u> | <u>04/23/09</u> | <u>Chain of Custody problems</u> |

YES NO

Is the Control Authority currently operating under any pretreatment related consent decree, Administrative Order, compliance or enforcement action?

If yes, describe the required corrective action:

Is the Control Authority currently in SNC or RNC?

.....

The remainder of this page has been left blank, but provides a place to enter a narrative description of any information that may not fit appropriately into the questions that are asked. Mark questions or input areas with an asterisk or footnote that tells that there is more explanatory information and where it can be found.

SECTION I: GENERAL INFORMATION

B. TREATMENT PLANT INFORMATION

1. THIS PRETREATMENT PROGRAM COVERS THE FOLLOWING NPDES PERMITS/TREATMENT PLANTS:

| NPDES Permit No. | Name of Treatment Plant | Effective Date | Expiration Date |
|------------------|-------------------------|----------------|-----------------|
| *AR0020273 | Siloam Springs | 10-01-2007 | 09-30-2012 |

* Indicates the permit number/treatment plant under which the Pretreatment Program is tracked.

2. Individual Treatment Plant Information

a. Name of Treatment Plant: Siloam Springs POTW

Location Address: PO Box 80, Sec 36/T18N/R34W, Benton Co.

Expiration Date of NPDES Permit: 09-30-2012

Treatment Plant Wastewater Flow: Design- 5.3 MGD; Actual (Average)- 3.0 MGD

Sewer System: 100 % Separate; 0 % Combined, # of CSOs N/A

Industrial Contribution to this Treatment Plant

of SIUs : 4 # of CIUs : 2
 Industrial Flow (mgd): 1.5 Industrial Flow (%) : 53 %

Level of Treatment

Type of Process(es):

Primary Circular Clarifiers
 Secondary Activated Sludge/Biological Nutrient Removal*
*BNR installed to meet 1 mg/l phosphorus limit
 Tertiary Final Clarification

Method of Disinfection: Chlorination

Dechlorination YES NO

Effluent Discharge

Receiving Stream Name: Sager Creek to Flint Creek to Illinois River

Receiving Stream Classification: Segment 3J of Arkansas River Basin

Receiving Stream Use: Fishable/swimmable; primary/secondary contact

If effluent is disposed of to any location other than the receiving stream, please note: N/A

Method of Sludge Disposal:

Quantity of Sludge:

| | |
|---|---------------------------------------|
| <input type="checkbox"/> Land Application | <input type="checkbox"/> dry tons/yr. |
| <input type="checkbox"/> Incineration | <input type="checkbox"/> dry tons/yr. |
| <input type="checkbox"/> Monofill | <input type="checkbox"/> dry tons/yr. |
| <input checked="" type="checkbox"/> Mun. Solid Waste Landfill | <u>934</u> dry tons/yr. |
| <input type="checkbox"/> Public Distribution | <input type="checkbox"/> dry tons/yr. |
| <input type="checkbox"/> Lagoon Storage | <input type="checkbox"/> dry tons/yr. |
| <input type="checkbox"/> Other (specify) | <input type="checkbox"/> dry tons/yr. |

List of toxic pollutant limits in NPDES permit: Copper

SECTION I: GENERAL INFORMATION

a.

City of Siloam Springs

YES NO Does the Control Authority hold a sludge permit or has the NPDES permit been modified to include sludge use and disposal requirements? If yes, specify the following:

Issuing Authority: ADEQ
 Issuance Date: 12-24-2007
 Expiration Date: "09-30-2012" " " "

List pollutants that are specified in current sludge permit:
Part III.3 references 40 CFR 503 requirements for Land Application

YES NO N/A
 Has the Control Authority submitted results of whole effluent biological toxicity testing.
 Has there been a pattern of toxicity demonstrated by effluent toxicity testing? If yes, explain what has been or is being done about it. (eg. Is there an ongoing TRE?)

The WET testing (based on Pass/Fail) had a number of sporadic "Sub-lethal Fails"; ADEQ Water Quality Planning Branch is not requiring a TRE at this time.

How many times were the following monitored during the past pretreatment year?

| | <u>Influent</u> | <u>Effluent</u> | <u>Sludge</u> | <u>Ambient</u> |
|---------------|-----------------|-----------------|------------------------|----------------|
| Metals * | <u>4</u> | <u>4</u> | <u>N/A¹</u> | |
| Priority ** | <u>1</u> | <u>1</u> | | |
| Biomonitoring | | <u>4</u> | | |
| TCLP | | | <u>N/A¹</u> | |
| Other: | | | | |

* As identified at 40 CFR 122, Appendix D, Table III, ** As identified at 40 CFR 122, Appendix D, Table II
¹Sludge is taken to a Cherokee Landfill in Oklahoma.

Summarize any trends over the last five years regarding pollutant (influent, effluent and sludge) loadings. Have they increased, decreased, or stayed the same. Evaluate for each parameter measured.

Stayed the Same

YES NO N/A
 Has the POTW begun tracking the trends in the above samples?
 Has the POTW violated it's NPDES Permit either for effluent limits or sludge over the last 12 months?

If yes, List the NPDES effluent and sludge limits violated and the suspected cause(s)

| <u>Parameters Violated</u> | <u>Cause(s)</u> |
|----------------------------|---|
| <u>NH3-N</u> | <u>O&M (new plant construction)</u> |
| | |
| | |

YES NO
 Has the treatment plant sludge violated the TCLP Test?

SECTION I: GENERAL INFORMATION

C. Control Authority Pretreatment Program Modification [403.18]

YES NO

Has public comment been solicited during revisions to the Sewer use ordinance and/or local limits since the last program modification? [403.5(c)(3)]

Have any substantial modifications been made or requested to any pretreatment program components since the last audit? If yes, identify below.
(see below)

1. Modifications:

| Date Approved by ADEQ | Ordinance Citation/ Nature of Modification | Date Incorporated in NPDES Permit |
|-----------------------|---|-----------------------------------|
| | | |
| | | |

2. Modifications in Progress:

| Date Requested | Nature of Modification |
|----------------|--|
| <u>Pending</u> | <u>Evaluation of Local Limits after new plant start-up</u> |
| <u>Pending</u> | <u>Required Streamlining Changes</u> |

YES NO

Have any changes been made to any pretreatment program components (excluding any listed above)? If yes:

Has the Control Authority notified the Approval Authority of all program changes? (e.g., Modified forms, procedures, legal authorities). If no, please copy and attach the modified form, etc.

D. Legal Authority [403.8(f)(1)]

Date of original Pretreatment Program approval: 08/22/1984 [WENDB-PTIM]
Date of most recent Ordinance approved by the Control authority: 04/00
Date of most recent Pretreatment Program modification approval: 03/00

Does the Control Authority's legal authority enable it to: [403.8(f)(1)(i-vii)]

YES NO

- Deny or condition pollutant discharges
- Require compliance with standards
- Control discharges through permit or similar means
- Require compliance schedules and IU reports
- Carry out inspection and monitoring activities
- Obtain remedies for noncompliance
- Comply with confidentiality requirements
- Establish Pollution Prevention
- Has the city developed and adopted a Pollution Prevention policy?

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

 Has the Control Authority experienced difficulty in implementing the sewer use ordinance? If yes, identify reason:

- No oversight authority
- No inspection authority
- No remedies for noncompliance
- No "equivalent" standard
- No clear delineation of responsibility for program implementation
- Interjurisdictional agreements not entered into
- Other, Specify: _____

 Are all industrial users located within the jurisdictional boundaries of the Control Authority? If no:

 N/A Has the Control Authority negotiated all legal agreements necessary to ensure that pretreatment standards will be enforced in contributing jurisdictions?

 N/A Have provisions been made for the incorporation of Pollution Prevention (P²) policies by contributing jurisdictions?

SECTION II: PROGRAM ANALYSIS AND PROFILE

List the name of contributing jurisdictions, if any, the number of CIUs, SIUs and type of multijurisdictional agreements in those jurisdictions:

| | Name of Jurisdiction | Number of CIUs | Number of Other SIUs | Type of Agreement |
|----|----------------------|----------------|----------------------|-------------------|
| 1. | N/A | | | |
| 2. | | | | |
| 3. | | | | |

If relying on activities of contributing jurisdictions, indicate which activities are performed by jurisdictions and describe any problems in their implementation.

Problems

| | |
|---|-----|
| Updating industrial waste survey | N/A |
| Notification of IUs | |
| Permit issuance | |
| Receipt and review of IU reports | |
| Inspection and sampling of IUs | |
| Assessment of IUs for P ² activity | |
| Analysis of samples | |
| Enforcement | |
| Other: | |

Briefly describe other problems: _____

Identify any IUs that have caused problems of interference, upset, pass through, sludge contamination, problems in the collection system, or worker health and safety in the past 12 months:

| IU Name | Problem | NPDES Permit Violation | |
|---------|---------|------------------------|----|
| | | Yes | No |
| N/A | | | |

SECTION II: PROGRAM ANALYSIS AND PROFILE

E. Industrial User Characterization [403.8(f)(2)(i)]

YES NO Has the Control Authority (CA) updated its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

 If yes, while conducting the IWS, was each potential IU evaluated by the CA for the possibility of incorporating P² activity?

 ¹ Does the Control Authority have written procedures to update its Industrial Waste Survey (IWS) to identify new Industrial Users (IUs) or changes in wastewater discharges at existing IUs? [403.8(f)(2)(i)]

¹*Siloam Springs is a small community (pop. <15,000) and CA is well informed on new and existing IUs.*
If yes, do the written procedures include provisions for the assessment of potential new IUs to incorporate P² activity and the distribution of P² reference materials to the IUs which qualify?

N/A

What methods are used to update the IWS:

- Review of newspaper/phone book
- Review of plumbing/building permits
- Review of water billing records
- Permit reapplication requirements
- Onsite inspections
- Citizen involvement
- Other (specify) _____

How often is the survey to be updated? Continuous

Are there any problems that the Control Authority has in identifying and categorizing SIUs: None

YES NO

 Have any new SIUs been identified within the last 12 months? If yes:

| Name of IU | Type of Industry | Is the IU Permitted? |
|------------|------------------|----------------------|
| <u>N/A</u> | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

How many IUs are currently identified by the Control Authority in each of the following groups:

- a. 3 SIUs (As defined by the Control Authority) [WENDB-SIUS]
- b. 1 Categorical Industrial Users (CIUs) [WENDB-CIUS]
- c. 2 Noncategorical SIUs
- d. 0 Other regulated nonsignificant IUs (Describe) _____
- 3 TOTAL of a. + d.

YES NO

 Has the POTW identified any IUs with Pollution Prevention opportunities?

 Is the Control Authority's definition of "significant industrial user" the same as EPA's? [403.3(v)(1)(i-ii)]

If not, the Control Authority has defined "significant industrial user" to mean:

SECTION II: PROGRAM ANALYSIS AND PROFILE

F. Control Mechanism Evaluation [403.8(f)(1)(iii)]

YES NO

¹ Has the Control Authority asked for Best Management Practices (BMPs) or Pollution Prevention assessments as part of the permit application?

¹ The CA will add BMP provisions with streamlining updates.

Describe the Control Authority's approved control mechanism (e.g., permit, etc.): Permit

What is the maximum term of the control mechanism? Five Years

0 How many SIUs are not covered by an existing, unexpired permit or other control mechanism? [WENDBs-NOCM] If there are any SIUs without current (unexpired) permits, please complete the information below:

| IU NAME | PERMIT EXPIRATION DATE |
|---------|------------------------------|
| | |
| | |
| | |

YES NO

- Does the Control Authority accept trucked septage wastes?
- Does the Control Authority accept other trucked wastes?
- Does the Control Authority have a control mechanism for regulating trucked wastes? If yes, answer the following:

YES NO

- Does Control Mechanism designate a discharge point? [403.5(b)(8)]
- Are all applicable categorical standards and local limits applied to trucked wastes ?

List all pollutants and applicable limits, other than local limits and categorical standards applied to waste haulers:

| Pollutant | Limit |
|-----------|-------|
| N/A | |
| | |
| | |

Describe the discharge point(s) (including security procedures):
N/A

- Does the Control Authority accept Underground Storage Tank (UST) cleanup wastes?
- Does the Control Authority have a control mechanism for regulating wastes from UST sites?

List all pollutants and applicable limits, other than local limits and categorical standards applied to UST cleanup sites:

| Pollutant | Limit |
|-----------|-------|
| | |
| | |
| | |

SECTION II: PROGRAM ANALYSIS AND PROFILE

G. Application of Pretreatment Standards and Requirements

YES NO

✓ Has the POTW notified the IUs of their potential requirement to report hazardous wastes to EPA, the State, and the POTW?

Jan 10, 2009 Date Notified Letter Method of Notification

How does the Control Authority keep abreast of current regulations to ensure proper implementation of standards?

✓ Federal Register ✓ Journals, Newsletters
✓ Meetings, Training ✓ Internet
✓ Government Agencies _____ Other _____

YES NO

✓ Is the Control Authority in the process of making any changes to its local limits or have limits changed since the last PCI, Audit, or Annual Report?

If yes, complete the information below:

| Pollutant Changed | Old Limit | New Limit | Reason for Change |
|---|-----------|-----------|-------------------|
| <u>(No existing limits but in the process of developing new limits)</u> | | | |

YES NO

✓¹ Has the Control Authority technically evaluated the need for local limits for all required pollutants listed below? [WENDB-EVLL] [403.5(c)(1); 403.8(f)(4)]

¹CA had developed local limits but they were based on Arkansas WQS; CA is developing new limits based on Oklahoma and Arkansas

| | Headworks Analysis Completed? | | Local Limits Needed? | | Local Limits Adopted? | | Numerical Limit Adopted (mg/l) |
|-------------------|-------------------------------|-----|----------------------|-----|-----------------------|-----|--------------------------------|
| | Yes | No | Yes | No | Yes | No | |
| Arsenic (As) | --- | --- | --- | --- | --- | --- | _____ |
| Cadmium (Cd) | --- | --- | --- | --- | --- | --- | _____ |
| Chromium-Total | --- | --- | --- | --- | --- | --- | _____ |
| Copper (Cu) | --- | --- | --- | --- | --- | --- | _____ |
| Cyanide (CN) | --- | --- | --- | --- | --- | --- | _____ |
| Lead (Pb) | --- | --- | --- | --- | --- | --- | _____ |
| Mercury (Hg) | --- | --- | --- | --- | --- | --- | _____ |
| Molybdenum (Mo) * | --- | --- | --- | --- | --- | --- | _____ |
| Nickel (Ni) | --- | --- | --- | --- | --- | --- | _____ |
| Selenium (Se) * | --- | --- | --- | --- | --- | --- | _____ |
| Silver (Ag) | --- | --- | --- | --- | --- | --- | _____ |
| Zinc (Zn) | --- | --- | --- | --- | --- | --- | _____ |

• - If necessary for the sludge disposal option chosen.

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

Has the Control Authority identified pollutants of concern other than the required pollutants and technically evaluated the need for local limits for these? If yes, provide the following information:

| POLLUTANT | Headworks Analysis Completed? | | Local Limits Needed? | | Local Limits Adopted? | | Numerical Limit Adopted (mg/l) |
|-----------|-------------------------------|----|----------------------|----|-----------------------|----|--------------------------------|
| | Yes | No | Yes | No | Yes | No | |
| N/A | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

YES NO

Where it has been determined that certain pollutants need to have limits, has the POTW identified the sources of the pollutants?
¹CA is considering local limits for Phosphorus and Nitrogen; certain IUs have already been identified and have volunteered to reduce the P and N loadings to the POTW.

What method of allocation was used for local limits for each pollutant that has a local limit in-place?

| | TYPE OF ALLOCATION | | |
|-----------------|-----------------------|------|--------|
| | Uniform Concentration | Mass | Hybrid |
| Arsenic (As) | | | |
| Cadmium (Cd) | | | |
| Chromium-Total | | | |
| Copper (Cu) | | | |
| Cyanide (CN) | | | |
| Lead (Pb) | | | |
| Mercury (Hg) | | | |
| Molybdenum (Mo) | | | |
| Nickel (Ni) | | | |
| Selenium (Se) | | | |
| Silver (Ag) | | | |
| Zinc (Zn) | | | |
| | | | |
| | | | |
| | | | |
| | | | |

If there is more than one treatment plant, were the local limits established specifically for each plant or were local limits applied uniformly to all plants?

SECTION II: PROGRAM ANALYSIS AND PROFILE

H. COMPLIANCE MONITORING

Compliance Monitoring and Inspection Requirements:

| Program Aspect | Approved Program | Federal Requirement | Explain Difference |
|------------------|------------------|---------------------|------------------------------|
| Inspections: | | | |
| CIUs | <u>1/yr</u> | 1/year | <u>page 49, Section IX.C</u> |
| Other SIUs | <u>1/yr</u> | 1/year | <u>page 49, Section IX.C</u> |
| Sampling: | | | |
| CIUs | <u>1/yr</u> | 1/year | <u>page 50, Section IX.D</u> |
| Other SIUs | <u>1/yr</u> | 1/year | <u>page 50, Section IX.D</u> |
| Reporting: | | | |
| CIUs | <u>2/year</u> | 2/year | <u>page 44, Section V.E</u> |
| Other SIUs | <u>2/year</u> | 2/year | <u>page 44, Section V.E</u> |
| Self-Monitoring: | | | |
| CIUs | <u>4/year</u> | 2/year | <u>page 49, Section IX.A</u> |
| Other SIUs | <u>4/year</u> | 2/year | <u>page 49, Section IX.A</u> |

| # | % | How many and what percentage of SIUs were: (refer to p.1 for Pretreatment year) |
|----------|----------|--|
| <u>0</u> | <u>0</u> | Not sampled at least once in the past reporting year? |
| <u>0</u> | <u>0</u> | Not inspected at least once in the past Pretreatment reporting year? |
| <u>0</u> | <u>0</u> | Not inspected or not sampled at least once in the past reporting year ? [WENDB-NOIN] - [403.8(f)(2)(v)] |

* NOIN- this is a count of SIUs that are either not inspected OR not sampled in the past 12 months. This is NOT a count of SIUs that were both not sampled and not inspected. Do not count repetitive SIU names more than once.

Attach the names of SIUs that were not sampled and/or not inspected within the last Pretreatment reporting year. Include an explanation next to each name as to why it was not sampled and/or not inspected.

Does the Control Authority routinely split samples with industrial personnel:

| | | |
|------------|-------------------------------------|---------------------------------------|
| YES | NO | |
| <u> </u> | <input checked="" type="checkbox"/> | If requested? |
| <u> </u> | <input checked="" type="checkbox"/> | To verify IU self-monitoring results? |

Provide the following information regarding pollutant analyses done by the POTW:

| | Analytical Method * | Name of Laboratory |
|----------|----------------------|---|
| Metals | <u>ICP-MS</u> | <u>American Interplex</u> |
| Cyanide | <u>Spectro</u> | <u> </u> |
| Organics | <u>GC/MS</u> | <u> " " & Env Testing Group</u> |
| Other | <u>Biomonitoring</u> | <u> " "</u> |

Were all wastewater samples analyzed by 40 CFR 136 methods?

* Enter the type of Analytical Method used for each group of pollutants. (eg. AA-flame, AA-furnace, GC, GC/MS, ICP, etc.)

SECTION II: PROGRAM ANALYSIS AND PROFILE

YES NO

Does the POTW use QA/QC for sampling and analysis? If yes, describe:
POTW relies on labs with ADEQ certification

How much time normally elapses between sample collection and obtaining analytical results for:

- 7-16 days Conventionals
7-10 days Metals
2 wks Organics

Is there an established protocol clearly detailing sampling location and procedures?

CA has only 3 SIUs and the inspectors are well familiar with sampling locations, etc.

Has the Control Authority had any problems performing compliance monitoring?

If yes, explain:

Does the Control Authority use the following methods for compliance monitoring?

YES NO

- Scheduled compliance monitoring
Unscheduled compliance monitoring
Demand monitoring for IU compliance
IU self-monitoring
Other:

YES NO

Has the Control Authority identified any violation of the prohibited discharge standards in the last reporting year? If yes, describe below.

I. ENFORCEMENT

YES NO

Is the Control Authority definition of SNC consistent with EPA's? [403.8(f)(2)(viii)] {Except Streamlining changes not included yet}

Does the Control Authority have a written enforcement response plan (ERP)? [403.8(f)(5)]. If yes, does the plan:

YES NO

- Describe how the Control Authority will investigate instances of noncompliance
Describe the Control Authority's types of escalating enforcement responses and the periods for each response
Identify by Title the Official(s) responsible for implementing each type of enforcement response
Reflect the Control Authority's responsibility to enforce all applicable pretreatment requirements and standards

Check those compliance/enforcement options that are available to the POTW in the event of IU noncompliance: [403.8(f)(1)(vi)]

- Notice or letter of violation
Administrative Order

SECTION II: PROGRAM ANALYSIS AND PROFILE

- Setting of compliance schedule
- Injunctive relief
- Revocation of permit
- Fines (maximum amount):
 - civil \$ 1000 /day/violation
 - criminal \$ 1000 /day/violation
 - administrative \$ 1000 /day/violation
- Imprisonment
- Termination of Service
- Other: When other circumstances warrant

Describe any problems the Control Authority has experienced in implementing or enforcing its pretreatment program: None

YES NO

- When violations occur, does the Control Authority routinely notify SIUs and escalate enforcement responses if violations continue? [403.8(f)(5)]
- Are SIUs required to notify the Control Authority within 24 hours of becoming aware of a violation and to conduct additional monitoring within 30 days after the violation is identified? [403.12(g)(2)].
 Comment: _____
- N/A If no, does the Control Authority conduct all of the monitoring?

YES NO N/A

- Does the pattern of enforcement conform to the ERP?

Complete the following table for SIUs identified as SNC.

| SIU Name | Date First Identified in SNC | Enforcement Action Type | Action Date | Return to Compliance? | |
|---------------|------------------------------|-------------------------|-------------|-----------------------|----|
| | | | | Yes (Date) | No |
| <u>(None)</u> | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

SECTION II: PROGRAM ANALYSIS AND PROFILE

Indicate the number and percent of SIUs that were identified as being in significant noncompliance during the past Pretreatment reporting period:

| # | % | |
|---|---|--|
| 0 | 0 | Pretreatment Standards [WENDB-PSNC] (Local Limits/Categorical Standards) |
| 0 | 0 | Self-monitoring requirements [WENDB-MSNC] |
| 0 | 0 | Reporting requirements [WENDB-PSNC] |
| 0 | 0 | Pretreatment compliance schedule [WENDB-SSNC] |
| 0 | 0 | How many SIUs that are currently in SNC with self-monitoring and were not inspected or sampled? [WENDB-SNIN] |

YES NO

Does the ERP provide for any Pollution Prevention activities as corrective actions? If so, give some examples. _____

Has the Control Authority experienced any of the following:

YES NO

EXPLAIN and ID Industrial User

- Interference [WENDB] _____
- Pass through [WENDB] _____
- Fire or explosions? _____
(incl. flash point viol.)
- Corrosive structural damage? _____
(incl. pH <5.0).
- Flow obstructions? _____
- Excessive flow or pollutant concentrations? _____
- Heat problems? _____
- Interference due to oil or grease? _____
- Toxic fumes? _____
- Illicit dumping of hauled wastes? _____

YES NO

- Does the Control Authority compare all monitoring data to applicable Pretreatment Standards and requirements contained in the control mechanism? [403.8(f)(2)(iv)]
- How many SIUs are currently on compliance schedules? None
- Have any CIUs been allowed more than 3 years from the effective date of a categorical standard to achieve compliance with those standards? [403.6(b)]

Indicate the number of SIUs from which penalties have been collected by the Control Authority during the past Pretreatment reporting period:

| | Number | Amount |
|----------------|--------|----------|
| Civil | 0 | \$ _____ |
| Administrative | 0 | \$ _____ |
| Total | 0 | \$ _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

[WENDB-IUPN]

J. DATA MANAGEMENT/PUBLIC PARTICIPATION

YES NO

Are inspection & sampling records well documented, organized and readily retrievable? Are files/records:

YES NO

computerized
hard copy
OTHER:

Are the following files computerized:

YES NO

Control Mechanism Issuance
Inspection and Sampling schedule
Monitoring Data
IU Compliance Status Tracking
Other:

POTW has only 3 SIUs and annual inspections & sampling are usually performed in the same week for all three.

Can IU monitoring data can be retrieved by:

Industry name
Pollutant type
Industrial category or type
SIC Code
IU discharge volume
Geographic location
Receiving treatment plant (i.e.if > one plant in the system)
Other (specify)

POTW serves a small community and has only three SIUs; hence, these attributes provide little or no help.

Does the POTW have provisions to address claims of confidentiality? [403.8(f) (1) (vii)]

Have IUs requested that data be held confidential? How is confidential information handled by the Control Authority? The Control Authority has never had a request for confidentiality and has no formal procedure.

Are there significant public or community issues impacting the POTW's pretreatment program?

If yes, please explain: The POTW's receiving stream (Sager Creek) is listed on Oklahoma's 303(d) list as impaired for Nitrates; ADEQ considered Oklahoma WQ stds when determining the NPDES limits.

Are all records maintained for at least 3 years?

SECTION III: INDUSTRIAL USER FILE REVIEW

K. RESOURCES

What is the current level of resources dedicated to the Pretreatment Program in FTEs and funding amounts? [403.8(f)(3)] * - FTE = Full Time Equivalent Employee
less than 1 FTE

YES NO

✓ Have any problems in program implementation been observed which appear to be related to inadequate funding?
 If yes, describe and show below the source(s) of funding for the program:

| | <u>Percent of Total Funding</u> |
|--------------------------------------|---------------------------------|
| <u>✓</u> POTW general operating fund | <u>>60%</u> |
| <u>✓</u> IU permit fees | <u>< 1%</u> |
| <u>✓</u> monitoring charges | <u>9%</u> |
| <u>✓</u> industry surcharges | <u>30%</u> |
| <u> </u> other (describe) _____ | |
| Total | <u>100%</u> |

✓ Is funding expected to continue near the current level? If no, will it: Increase _____ or Decrease _____
 If no, describe the nature of the changes:

Are an adequate number of personnel available for the following program areas:

| <u>YES</u> <u>NO</u> | | <u>If no, explain</u> |
|----------------------|---|-----------------------|
| <u>✓</u> <u> </u> | Legal assistance | _____ |
| <u>✓</u> <u> </u> | Permitting | _____ |
| <u>✓</u> <u> </u> | IU inspections | _____ |
| <u>✓</u> <u> </u> | Sample collection | _____ |
| <u>✓</u> <u> </u> | Sample analyses | _____ |
| <u>✓</u> <u> </u> | Data analysis, review and response | _____ |
| <u>✓</u> <u> </u> | Enforcement | _____ |
| <u>✓</u> <u> </u> | Administration (inc. record keeping /data management) | _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

Does the Control Authority have access to adequate:

| <u>YES</u> | <u>NO</u> | | <u>If yes then list and if no, explain</u> |
|-------------------------------------|--------------------------|----------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sampling equipment | <u>ISCO Automatic Sampler</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Safety equipment | <u>SCBA, Bloodborne Pathogen Program, Lockout Tags, etc.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Vehicles | <u>Pick-Up Truck</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Analytical equipment | <u>Usual Lab equipment and contractor's lab</u> |

L. POLLUTION PREVENTION

- Describe any efforts that have been taken to incorporate pollution prevention into the Pretreatment Program (e.g. waste minimization at IUs, household hazardous waste programs, etc.):
CA has household hazardous waste collection program: Twice per year
CA hosts hazardous waste collection sites and hauls waste to certified landfill in Illinois.
- Has the source of any toxic pollutants been identified?
If yes, what was found?
(none)
- Has the POTW implemented any kind of public education program? If yes, describe:
POTW is distributing Pamphlets on Phosphorus and placing ads in local newspaper.
- Does the POTW have any pollution prevention success stories for industrial users documented? Yes. If yes, please attach.
Gates will reuse noncontact cooling water to develop a wet land area.
- Are SIUs required to get a pollution prevention audit or assessment as a part of their permit application or as a requirement of their permit?
No
- Has the POTW used any of the various "Guides to Pollution Prevention" as examples to their industrial and commercial users as ways to eliminate or reduce pollutants?
If yes, which of the "Guides to Pollution Prevention" were used?
POTW is using P2 guides that are available online

SECTION III: INDUSTRIAL USER FILE REVIEW

FILE #: 1 Industry Name Franklin Electric File/ID No. 003
Industry Address 650 Highway 412 West P.O. Box 490
Industry Description Manufacturer of Submersible Electric Motors
Industrial Category Metal Finisher 40 CFR 433 SIC Code: 3621
Ave. Total Flow (gpd) N/A Ave. Process Flow (gpd) _____

Industry visited during audit: N/A

Comments: This Industry recently ceased operations in Siloam Springs and moved its operations to Mexico.

FILE #: 2 Industry Name Gates Rubber File/ID No. 005
Industry Address 1801 N. Lincoln, P.O. Box 888
Industry Description Manufacturer of Power Transmission Belts
Industrial Category Rubber Mfg Subpart G 40 CFR 428 SIC Code: 3052
Ave. Total Flow (gpd) 68,000 Ave. Process Flow (gpd) _____

Industry visited during audit: YES

Comments: _____

FILE #: 3 Industry Name Simmons Industries File/ID No. 001
Industry Address 601 N. Hico Street, P.O. Box 430
Industry Description Poultry Slaughterer/Processor & Pet Food Mfgr
Industrial Category N/A 40 CFR _____ SIC Code: 2015
Ave. Total Flow (gpd) 1,400,000 Ave. Process Flow (gpd) _____

Industry visited during audit: YES

Comments: This IU has three facilities in its complex: Kill plant; poultry processing plant and truck wash.

FILE #: 4 Industry Name Cobb-Vantress File/ID No. 007
Industry Address 4703 Hwy 412 East, P.O. Box 1030
Industry Description Poultry Research (Egg Hatchery)
Industrial Category N/A 40 CFR -- SIC Code: 2015
Ave. Total Flow (gpd) 24,000 Ave. Process Flow (gpd) _____

Industry visited during audit: YES

Comments: Controlled entry procedures include showering and changing clothes.

FILE #: 5 Industry Name _____ File/ID No. _____
Industry Address _____
Industry Description _____
Industrial Category _____ 40 CFR _____ SIC Code: _____
Ave. Total Flow (gpd) _____ Ave. Process Flow (gpd) _____

Industry visited during audit: YES NO

Comments: _____

SECTION III: INDUSTRIAL USER FILE REVIEW

A. Industrial User Characterization ✓ => Yes X => No N/A => Not Applicable

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|--|------------|----------------------------|---------------|---------------|------------|
| 1. Is the IU considered "significant" by the Control Authority? | _____ | _____✓_____ | _____✓_____ | _____✓_____ | _____ |
| 2. Is the user subject to categorical pretreatment standards? | _____ | _____✓_____ | _____X_____ | _____X_____ | _____ |
| a. New source or existing source (NS or ES)? | _____ | _____NS ¹ _____ | _____N/A_____ | _____N/A_____ | _____ |
| b. Is this IU one identified as having P ² potential? | _____ | _____X_____ | _____X_____ | _____X_____ | _____ |

B. Control Mechanism

| | | | | | |
|--|-------|---------------------------|----------------------------------|---------------------------|-------|
| 1. Does the file contain an application for a control mechanism? | _____ | _____X ² _____ | _____X ² _____ | _____X ² _____ | _____ |
| If yes, what is the application date? | _____ | _____04-21-08_____ | _____05-13-08_____ | _____04-18-08_____ | _____ |
| Does it ask for Pollution Prevention information? | _____ | _____N/A_____ | _____N/A_____ | _____N/A_____ | _____ |
| 2. Does the file contain a permit? | _____ | _____✓_____ | _____✓_____ | _____✓_____ | _____ |
| Permit Expiration Date? | _____ | _____04-30-11_____ | _____04-30-11 ³ _____ | _____05-14-11_____ | _____ |
| Is a fact sheet included? | _____ | _____X ⁴ _____ | _____X ⁴ _____ | _____X ⁴ _____ | _____ |

Comments:

1. Gates installed regulated operations in Sept 1977 after the NS date of 8-23-74.
2. The files do not contain "applications" per se as the City is relying on Industrial Waste Survey to serve this purpose. See Attachment A-1/5.
3. City intends to have all permits expire on the same date.
4. The City is to have "Fact Sheet" in each permit file and "Statement of Basis" attached to each permit.
5. The heading shows "Transfer"; it should show "Nontransferability".
6. The reference number "(1)" for the location is shown but does not refer to any footnote. The City has listed an asterisk "*" instead. See Attachment B-4/20.
7. See Attachment F-1/1.

SECTION III: INDUSTRIAL USER FILE REVIEW

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|---|------------|-------------------------|-------------------------|-------------------------|------------|
| 3. Has the SIU been issued a control mechanism containing: [403.8(f) (1) (iii) (A) - (E)] | | | | | |
| a. Legal Authority Cite? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| b. Expiration date? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| c. Statement of nontransferability? | _____ | ____X ⁵ ____ | ____X ⁵ ____ | ____X ⁵ ____ | _____ |
| d. Appropriate discharge limitations? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| e. Appropriate self-monitoring requirements? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| f. Sampling frequency? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| g. Sampling locations? | _____ | ____✓ ⁶ ____ | ____✓ ⁶ ____ | ____✓ ⁶ ____ | _____ |
| h. Requirement for flow monitoring? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| i. Types of samples (grab or composite) for self-monitoring? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| j. Applicable IU reporting requirements? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| k. Standard conditions for: | | | | | |
| Right of Entry? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| Records retention? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| Civil and Criminal | | | | | |
| Penalty provisions? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| Revocation of permit? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| l. Compliance schedules/ progress reports | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| m. General/Specific Prohibitions? | _____ | ____X ⁷ ____ | ____X ⁷ ____ | ____X ⁷ ____ | _____ |
| n. Where technologically and economically achievable, are P ² aspect included? | _____ | ____X____ | ____X____ | ____X____ | _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

C. Application of Standards

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|--|------------|----------------------|----------------------|----------------------|------------|
| 1. Has the IU been properly categorized? | _____ | <u>✓</u> | <u>✓</u> | <u>✓</u> | _____ |
| 2. Were both Categorical Standards and Local Limits properly applied? | _____ | <u>X^B</u> | <u>X^B</u> | <u>X^B</u> | _____ |
| 3. Was the IU notified of recent revisions to applicable pretreatment standards? [403.8(f)(2)(iii)] | _____ | <u>✓</u> | <u>✓</u> | <u>✓</u> | _____ |
| 4. For IUs subject to production-based standards, have the standards been properly applied? [403.8(f)(1)(iii)] | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| 5. For IUs with combined wastestreams is the Combined Wastestream Formula or the Flow Weighted Average formula correctly applied? [403.6(d) and (e)] | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| 6. For IUs receiving a "net/gross" variance, are the alternate standards properly applied? | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| 7. Is the Control Authority applying a bypass provision to this IU? | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |

Comments:

- 8. The City presently does not have local limits. The Maximum Allowable Headworks Loading has been determined; see Attachment G-1/1. After the new plant is operational, the City will determine removal efficiencies and allocate the appropriate loading to each SIU as local limits.
- 9. Referring to Attachment C-1/10, the form list "Contact Name" only instead of "Contact Name/Title".
- 10. Gates has oil skimmer only.
- 11. Simmons has to Dissolved Air Floations (DAF) units in parallel. Simmons should consider installing a third DAF and/or equalization basin to avoid halting production if a unit fails.
- 12. The City needs to include the word "Slug" in the title of Section K; refer to Attachment C-6/10.
- 13. The inspection form lists only "Facility Description" and has no actual description of the manufacturing operations.
- 14. The inspection form has no specific section for Chemical Handling and Storage procedures.

SECTION III: INDUSTRIAL USER FILE REVIEW

D. Compliance Monitoring Sampling

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|---|------------|--------------|-------------|--------------|------------|
| 1. Does the file contain Control Authority sampling results for the industry? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 2. Did the Control Authority sample as frequently as required by its approved program or permit? [403.8(c)] | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 3. Does the sampling report(s) include: [403.8(f)(2)(vii)] | | | | | |
| a. Name of sampling personnel? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| b. Sample date and time? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| c. Sample type? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| d. Wastewater flow at the time of sampling? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| e. Sample preservation procedures? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| f. Chain-of-custody records? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| g. Results for all parameters? SIUs & CIUs [403.12(g)(1) - CIUs] | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 4. Has the Control Authority appropriately implemented all applicable TTO monitoring/management requirements? | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| 5. Did the Control Authority adequately assess the need for flow-proportion vs. time-proportion vs. grab samples? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 6. Were 40 CFR 136 analytical methods used? [403.8(f)(2)(vii)] | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| <u>Inspections</u> | | | | | |
| 7. Does the IU file contain inspection reports? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 8. a. Has the Control Authority inspected the IU at least as frequently as required by the approved program or permit? [403.8(c)] | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| b. Date of last Inspection | _____ | 05-13-09 | 06-30-09 | 06-30-09 | _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|--|------------|----------------------------|-----------------------|----------------------|------------|
| 9. Does the inspection report(s) include: [403.8(f)(2)(vii)] | | | | | |
| a. Inspector Name(s) | _____ | <u>c-1/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| b. Inspection date and time? | _____ | <u>c-1/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| c. Name and title of IU official contacted? | _____ | <u>c-1/10⁹</u> | <u>✓⁹</u> | <u>✓⁹</u> | _____ |
| d. Verification of production rates? | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| e. Identification of sources, flow, and types of discharge (regulated, dilution flow, etc.)? | _____ | <u>c-2/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| f. Evaluation of pretreatment facilities? | _____ | <u>c-4/10¹⁰</u> | <u>✓¹¹</u> | <u>N/A</u> | _____ |
| g. Evaluation of self-monitoring equipment and techniques? | _____ | <u>c-3/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| h. (Re)-Evaluation of slug discharge control plan & need to develop? [403.8(f)(2)(vi)] | _____ | <u>c-6/10¹²</u> | <u>✓</u> | <u>✓</u> | _____ |
| i. Manufacturing facilities? | _____ | <u>c-1/10¹³</u> | <u>✓</u> | <u>✓</u> | _____ |
| j. Chemical handling and storage procedures? | _____ | <u>X¹⁴</u> | <u>X</u> | <u>X</u> | _____ |
| k. Chemical spill prevention areas? | _____ | <u>c-6/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| l. Hazardous waste storage areas and handling procedures? | _____ | <u>c-6/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| m. Sampling procedures? | _____ | <u>c-3/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| n. Laboratory procedures? | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| o. Monitoring records? | _____ | <u>c-4/10</u> | <u>✓</u> | <u>✓</u> | _____ |
| p. Evaluation of Pollution Prevention opportunities? | _____ | <u>X</u> | <u>X</u> | <u>X</u> | _____ |
| q. Control Authority inspector signature? | _____ | <u>c-8/10</u> | <u>✓</u> | <u>✓</u> | _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

IU Self-Monitoring and Reporting

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|--|------------|--------------|-------------|--------------|------------|
| 10. Does the file contain self-monitoring reports? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 11. Does the file include: | | | | | |
| a. BMR? | _____ | ____✓____ | ____N/A____ | ____N/A____ | _____ |
| b. 90-Day Report? | _____ | ____✓____ | ____N/A____ | ____N/A____ | _____ |
| c. All periodic reports? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| d. Compliance schedule reports? | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| 12. Did the IU report on all required parameters? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 13. Did the IU comply with the required sampling frequency(s)? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 14. Did the IU report flow? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 15. Did the IU comply with the required reporting frequency(s)? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 16. For all SIUs, are self-monitoring reports signed and certified? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 17. Did the IU report all changes in its discharge? [403.12(j)] | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| 18. Has the IU developed a Slug Control and Prevention Plan? | _____ | ____✓____ | ____✓____ | ____✓____ | _____ |
| 19. Has the industry been responsible for spills or slug loads discharged to the POTW? | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| If yes, does the file contain documentation regarding: | | | | | |
| a. Did the spill cause Pass Through or Interference? | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |
| b. Did POTW respond to the spill? | _____ | ____N/A____ | ____N/A____ | ____N/A____ | _____ |

SECTION III: INDUSTRIAL USER FILE REVIEW

E. Enforcement

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|---|------------|--------------|------------|--------------|------------|
| 1. Were all IU discharge violations identified in: [403.8(f)(2)(vii)] | | | | | |
| a. Control Authority monitoring results? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| b. IU self-monitoring results? | | <u>N/A</u> | <u>✓</u> | <u>✓</u> | |
| c. If NS CIU was it compliant within 90 days from commencement of discharge? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| 2. How many reports submitted during the past reporting year indicated discharge violations? | | <u>Zero</u> | <u>One</u> | <u>Two</u> | |
| 3. Did the IU notify the Control Authority within 24 hours of becoming aware of the violation(s)? | | <u>N/A</u> | <u>✓</u> | <u>✓</u> | |
| 4. Was additional monitoring conducted within 30 days after each discharge violation occurred? | | <u>N/A</u> | <u>✓</u> | <u>✓</u> | |
| 5. Were all nondischarge violations identified in the file? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| 6. Was the IU notified of all violations? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| 7. Was follow-up enforcement action taken by the Control Authority? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| 8. Did the Control Authority follow its approved ERP? | | <u>✓</u> | <u>✓</u> | <u>✓</u> | |
| 9. Did the Control Authority's enforcement action result in the IU achieving compliance? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |
| 10. Is there a compliance schedule? If yes: | | <u>No</u> | <u>No</u> | <u>No</u> | |
| 11. Were there any compliance schedule violations? | | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |

SECTION III: INDUSTRIAL USER FILE REVIEW

Enforcement (continued)

| | <u>N/A</u> | <u>Gates</u> | <u>Sim</u> | <u>Cobbs</u> | <u>N/A</u> |
|--|------------|-----------------------|-----------------------|-----------------------|------------|
| 12. Was SNC calculated for the violations on a quarterly basis? [403.8(f)(2)(vii)] | _____ | <u>X¹⁵</u> | <u>X¹⁵</u> | <u>X¹⁵</u> | _____ |
| During evaluation for SNC, did the CA consider each of the following criteria? | | | | | |
| a. Chronic violations | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| b. TRC | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| c. Pass through/Interference | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| d. Spill/slug loads | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| e. Reporting | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| f. Compliance schedule | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| g. others (specify) | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| 13. Was the SIU published for SNC? | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |
| Date of publication. | _____ | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | _____ |

Comments:

15. The three IUs had no late reports or continued violations; therefore, the City did not evaluate SNC.

REPORTABLE NONCOMPLIANCE (RNC) for the Pretreatment Audit Checklist

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT CHECKLIST)

Control Authority: City of Siloam Springs NPDES AR0020273

Date of Audit: June 7-10, 2010 Date entered into QNCR: 06/16/2010
(ASSESSMENT)

| | | Level |
|----|--|-------|
| NO | Failure to enforce against pass through and/or interference | I |
| NO | Failure to submit required reports within 30 days | I |
| NO | Failure to meet compliance schedule milestone date within 90 days | I |
| NO | Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months | II |
| NO | Failure to inspect or sample 80% of SIUs within the last reporting year | II |
| NO | Failure to enforce pretreatment standards and reporting requirements | II |
| NO | Other violations of concern | II |

SIGNIFICANT NONCOMPLIANCE (SNC)

- NO Is the Control Authority in SNC for violation of any Level I criterion.

- NO Is the Control Authority in SNC for violation of 2 or more Level II criterion.

Compliance Monitoring Information

Compliance Activity Type: Inspection/Evaluation
 * State: AR
 Compliance Monitoring Activity Name: City of Siloam Springs
 Compliance Monitoring Type: Audit

Linked Facility

| Program System Acronym | Identifier | Facility Site Name | Address | FRS ID |
|------------------------|--------------------|--------------------|---------|--------|
| NPDES | <u>AR 06120273</u> | | | |

Compliance Monitoring Dates

Planned Start Date: 06/07/2010
 Planned End Date: 06/10/2010
 Actual Start Date: 06/07/2010
 Actual End Date: 06/10/2010

Statutes and Sections Information

Federal Statutes: CWA - Clean Water Act
 * Programs:
 NPDES - Post Administrative Penalty Case (Settlement)
NPDES - Pretreatment
 NPDES - Sanitary Sewer Overflow (SSO)
 NPDES - Section 308 Information Requests
 NPDES - Sludge/Biosolids
 State Statute:

* Compliance Monitoring Action Reason:
Core Program
 Agency Priority
 Citizen Complaint/Tip
 For Cause
 Random Inspection

* Compliance Monitoring Agency Type:
State
 State Contractor
 State - Using Federal Credential
 Regional
 Other Federal

Compliance Monitoring Agency Name:

If State, Local or Tribal lead, did EPA Assist?: No
 Was this a State, Federal or Joint (State/Federal) Compliance Monitoring Activity? State
 If Joint, what was the purpose of the participation of the other party?
 Which party had the lead?

Government Contacts

| Affiliation Type | First Name | Last Name | Phone | Office | Organization |
|---|------------|-----------|--|--------|--------------|
| <p>SIC Codes: <u>4952 Sewerage Systems</u></p> <p>NAICS Codes:</p> | | | | | |
| <p>Codes</p> | | | <p>Priorities</p> <p>OECA National Priority: 2009 - (CA Only) - Air Toxics - Flares 2009 - (CA Only) - Air Toxics - LDAR 2009 - (CA Only) - Air Toxics - Surface Coating 2009 - (CA Only) - Financial Assurance 2009 - (CA Only) - MP - Mining</p> <p>Regional Priority: 2009 - Region 06 - Air Toxics Major Sources (O & G) 2009 - Region 06 - Brine Spills from Oil & Gas Operations 2009 - Region 06 - CD Implementation 2009 - Region 06 - Minor Wastewater Collection & Treatment System 2009 - Region 06 - Petroleum Refining</p> | | |

Media Monitored

Media Monitored:
 Multimedia Indicator:

Compliance Monitoring Information

Number of Days Physically Conducting Activity:
 Number of Hours Physically Conducting Activity:
 Compliance Monitoring Action Outcome:
 Compliance Monitoring Rating Code:

Compliance Monitoring Comments

Compliance Monitoring Comments:
003: Significant Industrial Users Site Visits Conducted

Special Programs
Pretreatment

Significant Industrial Users (SIUs)
SIUs: 3
SIUs Without Control Mechanism: 0
SIUs Not Inspected: 0
SIUs Not Sampled: 0
SIUs in SNC with Pretreatment Standards: 0
SIUs in SNC with Reporting Requirements: 0
SIUs in SNC with Pretreatment Schedule: 0
SIUs in SNC Published in Newspaper: 0
SIUs on Schedules: 0
Violation Notices Issued to SIUs: 3
Administrative Orders Issued to SIUs: 0
Civil Suits Filed Against SIUs: 0
Criminal Suits Filed Against SIUs: 0

Categorical Industrial Users (CIUs)
CIUs: 1
CIUs in SNC: 0

Penalties
Dollar Amount of Penalties Collected: \$ 0
Industrial Users (IUs) from which Penalties have been collected: 0

Other Information
SUO Reference:
SUO Date:
Annual Pretreatment Budget: \$
Pass-Through/Interference Indicator:
Violation of IU Schedule for Remedial Measures: No
Formal Response to Violation of IU Schedule for Remedial Measures:

Local Limits
Date of Most Recent Technical Evaluation for Local Limits:
Date of Most Recent Adoption of Technically Based Local Limits:
Local Limit Pollutants:

Removal Credits
Removal Credits Application Status: Not Applicable
Date of Most Recent Removal Credits Approval:
Removal Credits:

Acceptance of Waste
Acceptance of Hazardous Waste: No
Acceptance of Non-Hazardous Industrial Waste: No
Acceptance of Hauled Domestic Wastes: No

Deficiencies
Deficiencies Identified During IU File Review: No
Control Mechanism Deficiencies: No
Legal Authority Deficiencies: No
Deficiencies in Data Management and Public Participation: No
Deficiencies in Interpretation and Application of Pretreatment Standards: No
Inadequacy of Sampling and Inspections: No
Adequacy of Pretreatment Resources: Yes

Annual Frequency
Annual Frequency of Influent Toxicant Sampling:
Annual Frequency of Effluent Toxicant Sampling:
Annual Frequency of Sludge Toxicant Sampling:

<< PREVIOUS SAVE & EXIT SAVE & CONTINUE SAVE & ADD ANOTHER COPY & CREATE NEW CANCEL

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: City of Siloam Springs NPDES #: AR0020273

Name, address and phone number of industry:
Cobb-Vantress, P.O. Box 1030, 4703 U.S. Highway 412 East
(479) 549-2826

Type of industry: Egg Hatchery Date/Time of visit: 6-9-2010 @ 9:00 am

Industry contacts: Scott Hannon, Regional Safety Mgr
Chris Sherron, Sr Area Env Mgr

| | Yes | No | N/A |
|---|------------|------------|------------|
| 1. Significant industrial user? | <u>✓</u> | <u> </u> | <u> </u> |
| 2. Classified correctly? | <u>✓</u> | <u> </u> | <u> </u> |
| 3. Pretreatment equipment or procedures? | <u> </u> | <u> </u> | <u>✓</u> |
| 4. Pretreatment equipment maintained and operational? | <u> </u> | <u> </u> | <u>✓</u> |
| 5. Hazardous waste generated or stored? | <u>1</u> | <u> </u> | <u> </u> |
| 6. Proper solid waste disposal? | <u>✓</u> | <u> </u> | <u> </u> |
| 7. Solvent management/TTO control? | <u> </u> | <u> </u> | <u>✓</u> |
| 8. Suitable sampling location? | <u>✓</u> | <u> </u> | <u> </u> |
| 9. Appropriate self-monitoring procedures/equipment? | <u>✓</u> | <u> </u> | <u> </u> |
| 10. Adequate spill prevention and control? | <u>✓</u> | <u> </u> | <u> </u> |
| 11. Industrial familiar with limits and requirements? | <u>✓</u> | <u> </u> | <u> </u> |
| 12. Pollution Prevention activity | <u>✓</u> | <u> </u> | <u> </u> |

Noted comments: 1. Hazardous Waste (Formaldehyde) in two sites within facilities.

Visit conducted by: Torrence/Meyers Date: 06/09/2010

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Siloam Springs NPDES #: AR0020273

Industry name: Cobb-Vantress

Additional comments:

Eggs are delivered to the hatchery from layer farms owned primarily by Cobb (a wholly owned subsidiary of Tyson). The temperature of the incubators is controlled at 98.6 degrees Fahrenheit. The eggs stay in the incubators from 18 to 21 days before the chicks are hatched. The chicks are administered antibiotics and sexed immediately after hatching. The females are sent to farms to serve as layers; the males are sent to broiler farms to be raise for food purposes. When the females reach the end of their productive egg laying life, they are either incinerated or sold for pet food.

Only a small quantity of floor wash wastewater comes from the hatching area.

The pH of the wastewater can vary because most of Cobb's wastewater is generated at the truck wash building; trucks are washed with either hydrochloric, sulfuric or hydrofluoric acids. The trucks are rinsed with an alkaline solution and fresh city water.

Cobb personnel try to balance the amount of acid wash with alkaline rinse to hold the pH of the wastewater as close as possible to 7 before discharging the wastewater to the POTW.

Visit conducted by: Torrence/Meyers Date: 06/09/2010

(signature of auditor conducting visit)

PRETREATMENT AUDIT

(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: City of Siloam Springs NPDES #: AR0020273

Name, address and phone number of industry:
Simmons Foods 530 E. Main (479)524-8151

Type of industry: Poultry Date/Time of visit: 6/9/2010 @ 11:30 am

Industry contacts: Joe Earney, Director of Env Quality

| | Yes | No | N/A |
|---|----------|-------|----------|
| 1. Significant industrial user? | <u>✓</u> | _____ | _____ |
| 2. Classified correctly? | <u>✓</u> | _____ | _____ |
| 3. Pretreatment equipment or procedures? | <u>✓</u> | _____ | _____ |
| 4. Pretreatment equipment maintained and operational? | <u>1</u> | _____ | _____ |
| 5. Hazardous waste generated or stored? | _____ | _____ | <u>✓</u> |
| 6. Proper solid waste disposal? | <u>✓</u> | _____ | _____ |
| 7. Solvent management/TTO control? | _____ | _____ | <u>✓</u> |
| 8. Suitable sampling location? | <u>2</u> | _____ | _____ |
| 9. Appropriate self-monitoring procedures/equipment? | <u>✓</u> | _____ | _____ |
| 10. Adequate spill prevention and control? | <u>✓</u> | _____ | _____ |
| 11. Industrial familiar with limits and requirements? | <u>✓</u> | _____ | _____ |
| 12. Pollution Prevention activity | <u>✓</u> | _____ | _____ |

Noted comments:

1. Simmons has two DAF units which must run in parallel to handle the "normal" flow. The auditor emphasized the need for a third unit and/or equalization tank/basin. If one of the existing units failed, then Simmons may have to halt poultry production while the faulty unit is repaired.
2. The City is sampling at a manhole near custody transfer. Simmons is sampling at a point next to the truck wash shed. Simmons should sample at the manhole, too.

Visit conducted by: Torrence/Meyers Date: 06/09/2010

 (signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Siloam Springs NPDES #: AR0020273

Industry name: Simmons Foods

Additional comments:

The "old" facility is a kill plant where chickens are hanged on a overhead conveyor where they are literally "shocked and killed". The blood is drained; the feathers are removed and the chickens are cut into parts. Wastewater is generated by washing chicken parts, equipment and floors and flows to the pretreatment system.

The "debone" facility is "sizing" plant where the bones are removed the main breast section is cut into desired shapes for nuggets, strips and grilling patties. Wastewater is generated by washing chicken parts, equipment, floors and flows to the pretreatment system.

Both facilities share the truck maintenance and wash sheds; wastewater from the truck wash is periodically sampled, is released directly to the POTW and bypasses the pretreatment system.

Visit conducted by: Torrence/Meyers Date: 06-09-2010

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT

Control Authority: City of Siloam Springs NPDES #: AR0020273

Name, address and phone number of industry:

Gates Rubber; 1801 N. Lincoln; (479) 524-8164

Type of industry: Rubber Belts 40 CFR 428

regulatory citation if CIU)

Date/Time of visit: 6/9/2010 @ 2:30 pm

Industry contacts: Jesse Vanpool, Mgr Human Resources

Contessa Sorum, HSE Coord.

| | Yes | No | N/A |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Significant industrial user? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Classified correctly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Pretreatment equipment or procedures? | <input type="checkbox"/> 1 | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Pretreatment equipment maintained and operational? | <input type="checkbox"/> 1 | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Hazardous waste generated or stored? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Proper solid waste disposal? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Solvent management/TTO control? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Suitable sampling location? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Appropriate self-monitoring procedures/equipment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Adequate spill prevention and control? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Industrial familiar with limits and requirements? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Pollution Prevention activity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Noted comments:

1. Gates has oil skimmer only.

Visit conducted by: Torrence/Meyers Date: 06-09-10

(signature of auditor conducting visit)

PRETREATMENT AUDIT
(MUNICIPAL POLLUTION PREVENTION ASSESSMENT)

INDUSTRIAL SITE VISIT (CONTINUED)

Control Authority: City of Siloam Springs NPDES #: AR0020273

Industry name: Gates Rubber

Additional comments:

Gates makes rubber belts for automotive use. Gates purchases both natural and synthetic rubber.

The rubber is layered over a fabric mesh for strength and cut to a specified width. The only source of process wastewater is cooling water; most of the cooling water is non-contact cooling water.

Visit conducted by: Torrence/Meyers Date: 06-09-10

(signature of auditor conducting visit)

A-1/5
INDUSTRIAL WASTE DISCHARGE QUESTIONNAIRE
SILOAM SPRINGS, ARKANSAS

4-22-08

I. COMPANY INFORMATION

Company Name Gates Corporation
Mailing Address 1801 N. Lincoln, Siloam Springs, AR 72761

Street Address "

Authorized Official Mike Wilmon
Title Plant Manager
Address "

Telephone Number 479-524-1211

Contact Representative Bill Medley
Title Environmental Manager
Address "

Telephone Number 524-1236

Note to Signing Official: In accordance with Title 40 of the Code of Federal Regulations Part 403 Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

I have examined and am familiar with the information submitted in this document and attachments. To the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment.

4-21-08
Date

Mike Wilmon
Signature of Authorized Official

A-1/5

V. PRETREATMENT INFORMATION

Wastes:

Are any liquid wastes or sludges from this facility disposed of by means other than discharge to the sewer system? Yes No

If yes, these wastes may best be described as:

| | | | |
|-------------------------------------|----------------------------------|-------|---------------|
| <input type="checkbox"/> | Acids and Alkalies | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Heavy Metal Sludges | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Inks/Dyes | _____ | Gal or lbs/Yr |
| <input checked="" type="checkbox"/> | Oil and/or Grease | 6,500 | Gal or lbs/Yr |
| <input type="checkbox"/> | Organic Compounds | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Paints | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Pesticides | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Plating Wastes | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Pretreatment Sludges | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Solvents/Thinners | _____ | Gal or lbs/Yr |
| <input type="checkbox"/> | Other Hazardous Wastes (specify) | _____ | Gal or lbs/Yr |
| | _____ | _____ | Gal or lbs/Yr |
| | _____ | _____ | Gal or lbs/Yr |
| <input checked="" type="checkbox"/> | Other Wastes (specify) | _____ | Gal or lbs/Yr |
| | Water based latex lubes | 600 | Gal or lbs/Yr |
| | _____ | _____ | Gal or lbs/Yr |

For the above checked wastes, does your facility practice:

- | | |
|---|---|
| <input checked="" type="checkbox"/> On-site storage | <input type="checkbox"/> On-site disposal |
| <input type="checkbox"/> Off-site storage | <input checked="" type="checkbox"/> Off-site disposal |

Briefly describe the method(s) of storage or disposal checked above:

Materials are stored in a secured covered waste containment area. Materials are shipped off site to be recycled, fuel blended.

If any wastewater analyses have been performed on your facility's discharge, attach a copy of the most recent data to this questionnaire. Include date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken.

Water Losses:

| | | | |
|-----------------|-----------------------------|-------------------|-------------|
| <u> </u> x | (a.) Sanitary Sewer | <u>40,000</u> | Avg Gal/Day |
| <u> </u> | (b.) Storm Sewer | <u> </u> | Avg Gal/Day |
| <u> </u> | (c.) Surface Water | <u> </u> | Avg Gal/Day |
| <u> </u> | (d.) Waste Hauler | <u> </u> | Avg Gal/Day |
| <u> </u> x | (e.) Evaporation | <u>90,000</u> | Avg Gal/Day |
| <u> </u> | (f.) Other (describe) _____ | <u> </u> | Avg Gal/Day |
| | | <u> </u> | Avg Gal/Day |
| | (g.) Total | | |

Name and Address of Waste Hauler, if used:

US Filter 14950 Heathrow Forest Pky, Houston, TX 77032
Rinoco 629 Vulcan Rd Benton, AR 72015

List each source of wastewater describing the process which produces the wastewater and the general type of pollutant in the wastewater stream (i.e.: detergent, grease, wood shavings, caustic cleaning agent, food particles, etc.):

Belt curing - NON-Contact cooling
Belt building - oil & grease

Type of Discharge:

Is discharge to Sanitary Sewer? Intermittent x Steady
if intermittent, describe (holding tanks, sump pump, batch discharge, etc.):

Are any process changes or expansions planned during the next three years?

Yes No

If yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

Is an Accidental Spill Prevention Plan prepared for the facility:

Yes No

If yes, attach a copy of the Spill Prevention Plan.

How are spills (chemicals, food wastes, etc.) disposed of?

Washed into sewer

Hauled off premises

Other (describe) _____

IV. WATER CONSUMPTION AND LOSSES

Is there any wastewater generated within your facility other than normal domestic sewage? Yes No

Provide a diagram or blueprint of the facility sewer drain system showing process sources, floor drains, grease traps, settling basins, screens, other applicable treatment components, pretreatment systems, connections to the City sewer system, and access manholes.

Water Consumption:

| | | |
|-------------------------------------|---------------------------------|---------------------------|
| <input checked="" type="checkbox"/> | (a.) Sanitary | <u>15,000</u> Avg Gal/Day |
| <input checked="" type="checkbox"/> | (b.) Cooling Water, non contact | <u>60,000</u> Avg Gal/Day |
| <input checked="" type="checkbox"/> | (c.) Cooling Water, contact | <u>15,000</u> Avg Gal/Day |
| <input checked="" type="checkbox"/> | (d.) Boiler/Tower Blowdown | <u>100</u> Avg Gal/Day |
| <input checked="" type="checkbox"/> | (e.) Production Processes | <u>20,000</u> Avg Gal/Day |
| <input type="checkbox"/> | (f.) Contained in Product | _____ Avg Gal/Day |
| <input type="checkbox"/> | (g.) Other (describe) _____ | _____ Avg Gal/Day |
| | (h.) Total | <u>110,100</u> |

A-4/5

II. GENERAL INFORMATION

Type of Business Rubber - Power Transmission Belts

Production Description (attach additional sheet if necessary)
Calendar Stock, Form Stock, Cut Stock, Vulcanization, Belt Manufacturing.

III. OPERATIONAL CHARACTERISTICS

Production Shifts

Hours of Operation _____ to _____ or 24 hr Continuous

Number of shifts per day 3

Employees per shift 1st 175 2nd 300 3rd 150 Time

shift begins 1st 10:00 pm 2nd 6:00 am 3rd 2:00 pm Time shift

ends 1st 6:00 am 2nd 2:00 pm 3rd 10:00 pm Work days

1st 6:00 am / 6:00 pm 2nd 6:00 pm / 6:00 am 3rd _____

Raw materials and process additives used _____

Type of production processes:

Batch

Continuous

Both _____ % Batch

_____ % Continuous

_____ Average number of batches per day

Are there scheduled facility shutdowns? Yes No

If so, when? July 4th / Christmas

Seasonal Production:

Is production subject to seasonal variations? Yes No

If yes, briefly describe seasonal production cycle Fall slows production on some agriculture belts

A-5/5

CITY OF SILOAM SPRINGS

PO BOX 80

SILOAM SPRINGS, ARKANSAS 72761-0080

WASTEWATER DISCHARGE PERMIT

Company Name Gates Rubber Company
Division (if applicable) _____
Mailing Address P.O. Box 888
Siloam Springs, Arkansas 72761
Facility Address 1801 North Lincoln Street
Siloam Springs, Arkansas 72761
Permit Number 005

Pursuant to all terms and conditions of Ordinance No. 00-11, City of Siloam Springs, Arkansas, and subject to any applicable provision of Federal or State Law or regulation; permission is hereby granted to Gates Rubber Company, classified by SIC No. 3052 for the contribution of industrial wastewater into the City of Siloam Springs sewer lines at the plant site at 1801 North Lincoln Street.

This permit is granted in accordance with the application filed on December 16, 2005 and in conformity with all data submitted in support of the application, all of which are filed with and considered as part of this permit.

This permit is granted subject to conditions, requirements, or limitations attached hereto. Further, this permit is subject to modification, upon review, should the volume, flow, character or content of the industrial wastewater materially change.

Effective Date: May 1, 2006
Expiration Date: April 30, 2011
Name [Signature]
5/14/06

City Administrator David Cameron

B-1/20

CITY OF SILOAM SPRINGS

PO BOX 80

SILOAM SPRINGS, ARKANSAS 72761-0080

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Effective Date: May 1, 2006
Expiration Date: April 30, 2011
Name [Signature]
5/14/06

City Administrator David Cameron

B-1/20

PART I. SPECIFIC CONDITIONS

SECTION A - DISCHARGE LIMITATIONS

GATES RUBBER COMPANY:

| <u>Pollutant</u> | <u>Daily Maximum (mg/l)</u> | <u>Maximum Monthly Average (mg/l)</u> |
|------------------------|---------------------------------|---|
| Oil and Grease | 100 mg/l | 100 mg/l |
| PH | Between 6.0 - 10.0 | |
| Total Suspended Solids | 900 mg/l | 600 mg/l |
| Copper (T) | Report only mg/l | Report only mg/l |
| Cyanide (T) | Report only mg/l | Report only mg/l |
| Phosphorus (T) | Report only mg/l | Report only mg/l |
| Ammonia (NH3) | Report only mg/l | Report only mg/l |
| Nitrate (NO3) | Report only mg/l | Report only mg/l |

See next page

The discharge limits stated in this permit are the more stringent between the City Ordinance 00-11 (Section 2.4) limits and the Code of Federal Regulations (40-CFR ~~part 433-~~ ⁴²⁸ *40 CFR part 433-428* ~~433-~~ *Rubber Manufacturing Point Source* ~~433-~~ *Metal Finishing*) limits, except for the conventional pollutants (Total Suspended Solids and Oil and Grease). These limits (except TTS, O&G) are to be applied to the regulated process waste streams prior to any dilution from non-regulated or dilution waste streams. If the point at which samples are collected from this facility is subsequent to any dilution by non-regulated or dilution waste systems, then it shall be the permittee's responsibility to furnish to the City all information necessary to calculate combined waste stream limits.

B-2/20

PART I. SPECIFIC CONDITIONS

SECTION A - DISCHARGE LIMITATIONS

GATES RUBBER COMPANY:

| <u>Pollutant</u> | Daily <u>Maximum (mg/l)</u> | Maximum Monthly <u>Average (mg/l)</u> |
|------------------------|---------------------------------------|---|
| Oil and Grease | 100 mg/l | 100 mg/l |
| PH | Between 6.0 - 10.0 | |
| Total Suspended Solids | 900 mg/l | 600 mg/l |
| Copper (T) | Report only mg/l | Report only mg/l |
| Cyanide (T) | Report only mg/l | Report only mg/l |
| Phosphorus (T) | Report only mg/l | Report only mg/l |
| Ammonia (NH3) | Report only mg/l | Report only mg/l |
| Nitrate (NO3) | Report only mg/l | Report only mg/l |

The discharge limits stated in this permit are the more stringent between the City Ordinance 00-11 (Section 2.4) limits and the Code of Federal Regulations (40 CFR part 428 – Rubber Manufacturing Point Source) limits, except for the conventional pollutants (Total Suspended Solids and Oil and Grease). These limits (except TTS, O&G) are to be applied to the regulated process waste streams prior to any dilution from non-regulated or dilution waste streams. If the point at which samples are collected from this facility is subsequent to any dilution by non-regulated or dilution waste systems, then it shall be the permittee's responsibility to furnish to the City all information necessary to calculate combined waste stream limits.

B-3/20

SECTION B - SELF-MONITORING REQUIREMENTS

Sample Monitoring Requirements

| <u>Pollutant</u> | <u>Location</u> | <u>Frequency</u> | <u>Sample Type</u> |
|------------------|-----------------|------------------|--------------------------|
| Flow* | (1) | Daily | Record on Log (Daily) |
| TSS | (1) | Monthly | 24 hr. flow proportioned |
| Oil & Grease | (1) | Monthly | Preserved Grab |
| PH | (1) | Monthly | Grab |
| Total Copper | (1) | Quarterly | 24 hr flow proportioned |
| Total Cyanide | (1) | Quarterly | Grab |
| Total Phosphorus | (1) | Semi-Annual | 24 hr flow proportioned |
| Ammonia (NH3) | (1) | Semi-Annual | 24 hr flow proportioned |

*Calibration of flow monitoring equipment must be verified on a monthly basis. Documentation of this verification must be available to City representatives upon request. Any time the calibration is more than 5% off, the flow equipment must be recalibrated, and this recalibration documented.

The reporting period for this permit shall be monthly.

In addition to meeting the stated specific discharge limitations, the permittee is required to meet all the general discharge limitations as set forth in Section 2.1 of City Ordinance 00-11. City Ordinance 00-11 is attached hereto and incorporated herein by this reference for all purposes.

During the afore stated period the permittee is authorized to discharge process wastewater to the City of Siloam Springs sewer system from the Outfall listed below.

B-4/20

Description of outfall:

| Outfall | Description |
|----------------|---|
| | Effluent flume located in the manhole adjacent to the Flow Monitoring Facility which is located on the Southwest corner of Gates building inside the fenced area. |

PART II. STANDARD CONDITIONS

SECTION A - General Conditions

1. Duty to Comply

The permittee must comply with all conditions of this permit and all applicable provisions of the Federal Clean Water Act, 33 U.S.C. sections 1251 et seq., the Arkansas Water and Air Pollution Control Act, Ark. State. Ann. sections 82-1901 et seq., City Ordinance No. 1084, and all orders, rules, and regulations issued pursuant to those laws. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action, for permit termination, revocation and re-issuance, or modification, or for denial of a permit renewal application.

2. Penalties for Violation of Permit Conditions

Section 6.1 of City Ordinance No. 00-11 provides that any industrial user who violates an order of the City Board of Directors or who willfully or negligently fails to comply with any provision of City Ordinance No. 00-11 and the orders, rules, regulations, and permits issued thereunder shall be fined not less than \$100.00 nor more than \$1,000.00 per day of violation.

B-5/20

In addition, section 82-1909 of the Arkansas Water and Air Pollution Control Act provides that any person who violates any condition of a permit may be assessed a civil penalty of up to \$5000.00 per day of violation.

Further, pursuant to section 1319 (a)(3) of the Federal Clean Water Act, industrial users of publicly-owned treatment works are subject to Federal enforcement action including civil penalties of up to \$50,000.00 per day of violation and/or three years imprisonment for the first conviction.

3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- A. Violation of any terms or conditions of this permit including violation of any provision of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, City Ordinance No. 00-11, and any rules, regulations, or orders issued under those laws. This makes clear the permittee's obligation under federal, state, and local laws;
 - B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
 - C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
 - D. A change in or promulgation of national categorical pretreatment standards, state pretreatment standards, or local pretreatment standards, which are applicable to the discharge of pollutants from this facility.
- noncompliance, does not stay any permit condition.

B-6/26

4. Toxic Pollutants

Notwithstanding Part II A.3, if an effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under ADPC&E Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than the current limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified.

A compliance schedule may be appended to the reissued permit.

5. Civil and Criminal Liability

Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, City Ordinance No. 00-11, and any rules, regulations, or orders issued under those laws or from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under any other federal, state, or local law, or the common law, including private cause of action, including private causes of action.

6. Property Rights

The issuance of this permit does not convey 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.

7. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to a specific circumstance is held invalid, the application of such provisions to other circumstances, and the remainder of this permit, shall not be affected thereby.

8. Permit Fees

B - 7/20

The permittee shall comply with all applicable fee requirements for wastewater discharge permits as described in Section III of Ordinance 00-11 (Fees). Failure to promptly remit all required fees shall be grounds for the City to initiate action to terminate this permit or to take any other action authorized by City Ordinance No. 00-11.

SECTION B - OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

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 compliance with the conditions of this permit and City Ordinance No. 00-11. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures (which may be met by third party laboratories). This provision includes a requirement for the installation and the operation of backup or auxiliary facilities or similar systems when the operation of such facilities or systems is necessary to achieve compliance with the conditions of this permit.

2. Need to Halt or Reduce Not a Defense

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. 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 discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge I violation of this permit which has a reasonable likelihood of adversely affecting human health, the environment or the wastewater treatment plant. Adverse effects on the wastewater treatment plant include:

- A. Biological upset of the plant.

B-8/26

- B. Pollutant loadings to the plant causing pass through to the receiving stream.
- C. Pollutant loadings which interfere with normal sludge disposal.
- D. Any discharge which directly or indirectly causes the plant to violate its NPDES permit.

4. Bypass of Treatment Facilities

- A. Bypass not exceeding limitation. The permittee may allow any bypass to occur which does not cause effluent limitations, or other permit conditions, to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II B.4.b and 4.c
- B. Notice
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II D.6 (24 hour notice).
- C. Prohibition of bypass
 - (1) Bypass is prohibited and the City may take enforcement action against a permittee for bypass, unless:
 - (a) Pass was unavoidable to prevent loss of life, personal injury, or severe property damage (this does not include economic loss caused by delays in production);
 - (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 the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required by Part II B.4.b.

5. Notification of Slug Loading

B-9/20

In accordance with 40 CFR, Section 403.12 (f), permittee shall notify the POTW (Phone No. 524-5623) immediately of any slug loading of any pollutant, including oxygen demanding pollutants (BOD, etc.) released to the POTW system at a flow rate and/or pollutant concentration which has the potential to cause interference with the POTW.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials (or runoff from such materials) from entering the wastewater collection system or navigable waterways or their tributaries. The permittee is responsible for obtaining the appropriate state permits required for disposal of these materials. This permit shall not be construed to authorized the generation, treatment, transport, or disposal of any materials removed during pretreatment.

7. Power Failure

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure by such means as alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C - MONITORING AND RECORDS

1. Monitoring

All monitoring and the installation and maintenance of all monitoring facilities and equipment shall be at the sole expense of the permittee. Monitoring facilities and equipment shall be constructed and maintained in accordance with the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, City Ordinance No. 00-11, and any rules, orders or regulations issued thereunder.

B-10/20

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream. Monitoring points shall not be changed without notification to and the approval of the City.

3. Automatic Resampling

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

- A. Inform the City of Siloam Springs of the violation within 24 hours; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.

4. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure 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 less than +/- 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- A. "A Guide to Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10.421).
- B. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the

B-11/20

U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No.127.19/2:w29/2, Stock No. S/N 24003-0027).

- C. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273535/5ST).
- D. "NPDES Compliance Sampling Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977 140 pp. (Available from the General Services Administration (8FFS). Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225).

5. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall document both calibration and maintenance activities. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. Penalties for Tampering

City Ordinance No. 00-11, Section 6.2 authorizes a fine in the amount of \$1000.00 and/or not more than six (6) months imprisonment upon conviction for falsifying, tampering, or knowingly rendering inaccurate any required monitoring device or method.

In addition, Section 82-1909 (a) of the Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Arkansas act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment

B-12/20

for not more than one (1) year and/or a fine of not more than \$10,000.00 per day of violation.

Section 1319(c)(4) of the Federal Clean Water Act establishes first offense penalties of up to \$10,000.00 per day of violation and/or up to two (2) years imprisonment for falsifying, tampering, with, or rendering inaccurate any required monitoring device or method.

7. Reporting of Results

Monitoring results must be submitted in Self-Monitoring Compliance Report. Monitoring results obtained during the previous reporting period shall be summarized and reported no later than the 25th day of the month following the completed reporting period to begin on the effective date of the permit. Signed and certified reports as required by Part II d.11 and all other reports required by Part II D. (Reporting requirements), shall be submitted to the City at the following address:

City Administrator
PO Box 80
Siloam Springs, AR 72761-0080

See PART I - SPECIFIC CONDITIONS for the frequency of the reporting period for this permit.

8. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the

Compliance Report. Such increased frequency shall also be indicated in the Compliance Report.

9. Special Monitoring Requirements

B-13/20

The control authority reserves the right to require the permittee to conduct additional monitoring for the following reasons:

- A. One time monitoring for specific pollutants to verify their presence.
- B. Acute or chronic biomonitoring to determine the toxicity of the industrial users discharge.
- C. Development of sludge disposal plans, slug loading control plans, or other industrial user management plans that might be required by the control authority.
- D. In response to noncompliance, additional monitoring of regulated and nonregulated pollutants may be necessary.

10. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip charts, recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the City at any time.

11. Record Contents

Records and monitoring information shall include, as a minimum, a signature and certification sheet (see Section D, Subpart 11c), a laboratory summary sheet, and a chain of custody sheet. These documents shall contain, as a minimum, the following information:

- A. The date, exact place, time and methods of sampling or measurements;
- B. The individual(s) who performed the sampling or measurements;
- C. The date(s) analyses were performed;
- D. The individual(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The measurements and results of such analyses;
- G. Any additional information the City deems necessary.

12. Inspection and Entry

B-14/20

The permittee shall allow an authorized representative of the City, upon the presentation of credentials and other documents as may be required by law, to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D - REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice and provide plans and specifications to the City for review and approval prior to any planned physical alterations or additions to the permitted facility meeting the following criteria:

Any change in the facility discharge (including the introduction of any new source of discharge or changes in the quantity or quality of discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes permitted that will cause violation of the discharge limitations specified herein.

B - 15/26

2. Anticipated Noncompliance

The permittee shall give advance notice to the City of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute any defense in any enforcement action.

3. Transfers

The permit is nontransferable to any person except after notice to the City. The City may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and City Ordinance No. 1084.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified as Part II.C.7 (Reporting of Results).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. Twenty-four Hour Reporting

The permittee shall report any noncompliance which may endanger health or adversely affect the wastewater treatment facility. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected

B-16/20

to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

- A. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- B. Any upset which exceeds any effluent limitation in the permit; and
- C. Violation of a maximum daily discharge limitation for any of the pollutants listed by the City in Part I of the permit.
- D. Any act or event which may endanger public health or adversely affect the wastewater treatment facility.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part II D.4, 5 and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part II D.6.

8. Changes in Discharge of Toxic Substances

The permittee shall notify the City as soon as he/she knows or has reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a) (1) (48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a) (2) (48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984).

9. Duty to Provide Information

B-17/20

The permittee shall furnish to the City, within a reasonable time, any information which the City may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the City, upon request, copies of records required to be kept by this permit.

10. 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 should be submitted at least 180 days before the expiration date of this permit. The City may grant permission to submit an application less than 180 days in advance but no later than 30 days prior to the permit expiration date.

11. Satisfactory Requirements

All applications, reports or information submitted to the City shall be signed and certified.

A. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) 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
 - (b) The manager of one or more manufacturing, production, or operating facilities employing more than 50 persons or having gross annual sales or expenditures exceeding \$5 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively.

B-18/20

- B. All reports required by the permit and other information requested by the City shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
 - (2) 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. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The written authorization is submitted to the City.
- C. Certification. 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 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."

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the City Administration offices. The name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

B-19/20

City Ordinance No. 00-11 Section 6.2 provides that any person who knowingly makes any false statements, representations, or certifications on any document filed or required under the ordinance shall, upon conviction, be punished by a fine of not more than \$1,000.00 and/or imprisonment of not more than six (6) months.

In addition, Section 32-1909(a) of the Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Arkansas law shall be subject to civil and/or criminal penalties specified in Part II, Section A.2 of this permit.

Section 1319(c)(4) of the Federal Clean Water Act provides that any person who knowingly makes any false material statement, representations, or certification in any required report or document can be subject for a first offense to up to two (2) years imprisonment and/or a fine of up to \$10,000 per day of violation.

PART III. INDUSTRIAL COMPLIANCE PLAN

NOT USED

B-20/20

City of Siloam Springs
Industrial Pretreatment Program Inspection Report

Date: 5/13/09

Reported By: Tom Myers

A. Facility Description

Name Gates Rubber Contact Name Jesse Van Poole/Justin Wilson

Location Address 1801 N. Lincoln, Siloam Springs

Mailing Address Arkansas 72761

Principal Product/Service Vulcanizing - Belt Manufacturing

Permit _____ SIC Code(s) _____

Categorical _____ Significant Noncategorical _____ Undetermined _____

Operation Schedule: Hours/Day 24 Days/Week 5 Weeks/Year 49

Scheduled Plant Shutdown Periods 1-5 July Christmas (Dec 24 - Jan 1)

Plant Activities During Shutdowns Maintenance

Employees Per Shift: 1st 150 2nd 150 3rd 150

B. Inspection Description

Entry Time 2:00 p.m. Exit Time 3:45

Inspection Type (Check all that apply):

Scheduled _____ Partial _____ Unscheduled (2 hrs notice or less)

User Classification _____ Demand (no notice) _____ Pre-Permit _____

Initial _____ Compliance Follow-Up _____ Comprehensive _____

Other _____

Attendance:

Name/Title

Jesse Van Poole

Justin Wilson

Jack

Facility/Agency

Gates

Gates

City

Telephone Number

Q-1/10

C. Waste Stream Description (All Facilities)

Reviewed Plant Schematic(s)? Yes No

Schematic(s) on file with Control Authority? Yes No

If not on file, contacted? Yes No

| | Schematic Includes | | Reviewed Actual Site | | Condition (Good, bad, poor) |
|------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|
| | yes | no | yes | no | |
| Location(s) incoming water | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>6</u> |
| Regulated Waste stream(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>6</u> |
| Unregulated Waste stream(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>6</u> |
| Dilutional Waste stream(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>6</u> |
| All floor drains/trenches | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>6</u> |
| Locations of: | | | | | |
| Chemical storage area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Raw material storage area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Acid use area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Caustic use area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Other area(s) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Specially handled materials | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Explain Other: | _____ | | | | |

Layout of:

Major plant feature(s)

Pretreatment facility(ies)

Location of drainage from:

Boiler(s)

Cooling system(s)

Dehumidifier(s)

Air pollution control equip

Sanitary sewer connection(s)

Storm sewer connection(s)

Oil Separator

D. Describe Process Streams

Factory Ring Cure

New steam line - ~~replacement~~

C-2/16

E. Sample Location(s) Each

Sample Location No. 1 Verified During Inspection? Yes No
Sample Location Description Sample Castle S.E. corner Facility

Estimated Volume/Description of:

Regulated Flow Yes

Unregulated Flow _____

Dilutional Flow _____

Self Monitoring Methods:

Flow Measurement Approved? Yes No

Verified During Inspection? Yes No

Flow Meter Calibrated? Yes No

Reviewed Records? Yes No

Collection Methods Approved? Yes No

Verified During Inspection? Yes No

Comments:

F. Industry Self-Monitoring Program

Has the approved self-monitoring program been implemented? Yes No
(If not, check _____ and go to the next page.)

All regulated waste streams sampled? Yes No

Verified? Yes No

Sampling performed by: Industry _____ Contract Lab ESC

Analysis performed by: Industry _____ Contract Lab ESC

Industry personnel responsible for sampling and/or analysis trained to do so?

Yes No

By whom? _____

Name/Address of contract lab(s) ESC Springdale

Records kept of dates, times, locations, methods and names of persons taking samples
 Yes No Verified during Inspection? Yes No

Records kept of regulated production, continuous and batch discharge schedules, observations, etc. on sampling days?
 Yes No Verified during Inspection? Yes No

Records kept of time and method of sample preservation?
 Yes No Verified during Inspection? Yes No

Are refrigerated autosamplers and refrigerators used for sample storage at a temperature of 4° C or below, but not freezing?

Yes No Verified during Inspection? Yes No

C-3/106

H. Residuals Management

Describe volume produced, handling, storage, and disposal of residuals generated by pretreatment system, including names of haulers and disposal sites.

Oil separator oil is hauled off

Are residuals classified as hazardous wastes? _____ Yes No

Are records kept? Yes _____ No

Reviewed during inspection? Yes _____ No

Should handling, storage and/or disposal of wastes be discussed further with solid/hazardous waste specialist? _____ Yes No

If yes, indicate what additional steps, if any, are required. _____

I. Waste Oil Management

Describe handling, storage and disposal of waste oils, including volume generated per year, frequency of disposal, and names of haulers and disposal sites.

Are waste oils petroleum-based? Yes _____ No

Records kept? Yes _____ No

Reviewed during inspection? Yes _____ No

Should handling, storage and/or disposal of wastes be discussed further with oil/hazardous waste specialist? ~~Yes~~ No

If yes, indicate what additional steps, if any, are required. Manage

J. Solvent/Toxic Organic Management (STO)

Is there an approved STO plan? Yes No
 Reviewed prior to inspection? Yes No
 If yes, is this plan being implemented? Yes No
 Verified during inspection? Yes No
 Is there any evidence of discharge of solvents or defined toxic organics to sanitary sewer?
 Yes No
 Is there potential for discharge of solvents or defined toxic organics to sanitary sewer?
 Yes No

Comments:

K. Accidental Spill and Discharge Control

Are floor drains/manholes in proximity to: (if yes, where discharge to)

| | YES | NO | DISCHARGE | VERIFIED |
|-------------------------------|-------------------------------------|--------------------------|-----------|-------------------------------------|
| Chemical storage area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input checked="" type="checkbox"/> |
| Acid use area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input checked="" type="checkbox"/> |
| Caustic use area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> |
| Raw materials storage area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input checked="" type="checkbox"/> |
| Maintenance shop area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input checked="" type="checkbox"/> |
| Paint application area(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> |

Are there spill facilities? Yes No

Where discharged to? Containment

Does User have an approved ASPP? Yes No

Reviewed prior to inspection? Yes No

Is there a need for an ASPP? Yes No

If no, explain why.

Comments:

C-6/16

L. Defined Pollutants

List pollutants coming into direct contact with waste stream that discharges into POTW.

None

List pollutants that have the potential to access the POTW collection system by spill, accidental discharge, machinery malfunction, etc.

None

M. Close Out Interview

Attending: Jesse Van Poole, Justin Wilson, Jack Harrison and Tom Myers

| Findings: | OK | NOT OK | COMMENTS |
|------------------------------|-------------------------------------|--------------------------|----------|
| Waste stream schematic(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Regulated process(es) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Sample location(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Self-monitoring program | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Compliance schedule | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Pretreatment system | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Residuals management program | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Waste oil management program | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| STO management program | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| ASPP procedures and postings | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Reporting | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Certification | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Notification | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

Other: No problems well run

C-7/10

N. Follow-Up

Date of next inspection June 2010

Other notes or comments on inspection:

Justin Wilson is new and doing a
good job.

Corrective action to be taken:

None

Inspector



C-8/18



June 22, 2009

Mr. Justin Wilson
HSE Specialist
Gates Corporation
1801 N. Lincoln
Siloam Springs, AR 72761

RE: Report of Annual Industrial Pretreatment Site Inspection

Dear Mr. Wilson;

On Wednesday May 13, 2009 the City of Siloam Springs through its Pretreatment Coordinator conducted the Gates Rubber industrial pretreatment inspection with Jesse Van Pool and Justin Wilson. This inspection noted the following observations:

1. Inspection of your Gates Rubber belt processing to be running well and in good operation. The oil separator control system and maintenance of removing waste oil is working well.
2. Samples collected by Environmental Services Company (ESC), Inc. of Springdale, AR were adequate for monitoring and controlling temperature of your samples. Portable samplers are used for collection, with ice being used for sample preservation. Sample lines need to be cleaned or replaced once material starts accumulating in lines. This should be a maintenance-cleaning program to ensure accurate and realistic values.
3. Floor drains are a major concern in any industrial facility. The City notes the efforts taken to prevent contaminants from entering the floor drains. As in the past all drains must be plugged in storage areas. Thank you for your recent documents concerning floor drains for the City's file.
4. Storm drains are being maintained and discharged to the correct storm sewer system.

Page 2.

Inspection

5. Installed new belt line with no changes to the discharge regulated by the City of Siloam Springs.

Conclusion

Gates Rubber Company has done an excellent job of contacting the City of Siloam Springs regarding problems and has their Emergency response information posted in several areas in the facility. The City also recognizes that Gates Rubber Company has maintained its pretreatment facility with No violations since last inspection. The City appreciates the steps that you and your staff have taken to maintain compliance with your discharge permit.

If you have any questions regarding the inspection, please do not hesitate to contact me. I may be reached at 524-5623.

Cordially,

Original Signed By
Thomas A. Myers

Thomas A. Myers
Wastewater Plant Superintendent/Pretreatment Coordinator
tmyers@siloamsprings.com
Ph :(479) 524-5623 Fax :(479)-524-4653

Cc: Peggy Woody, City Clerk

C-10/10



Analytical Report

1702 East Central Avenue
Bentonville, AR 72712
479-271-7996 phone
479-271-8394 fax

05/24/10 14:42

Client: Gates Rubber
1801 N Lincoln
Siloam Springs AR, 72761
Attn: Bill Medley

Work Order: BE00233
Project Name: Effluent
Project Number: [none]
Date Received: 05/12/10

| Sample ID | Laboratory ID | Date and Time Sampled | Sampled By | Sample Type |
|---------------|---------------|---------------------------------|-----------------|-------------|
| Effluent | BE00233-01 | 05/11/10 10:15 - 05/12/10 10:15 | Joshua Marshall | Composite |
| Effluent Grab | BE00233-02 | 05/12/10 10:42 | Joshua Marshall | Grab |

Samples were received into laboratory at a temperature of 5.00 °C

Comments:

An executed copy of the chain of custody, the project quality control data, and the sample receipt form are also included as an addendum to this report. If you have any questions relating to this analytical report, please contact your Laboratory Project Manager. Any opinions, if expressed, are outside the scope of the laboratory's accreditation.

This report and any attachment(s) contains information from Environmental Testing Group, Inc ("ETG"), and is confidential and privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, be aware that any review, disclosure, printing, copying, distribution, retransmission, dissemination or other use of the information and/or contents of this message is prohibited. If you receive this message in error, please contact the sender immediately and delete any and all copies of this message from your computer(s).

Results are reported on a wet weight basis unless otherwise noted.

The reported results were obtained in compliance with 2003 NELAC standards unless otherwise noted.

These results relate only to the items tested.

Estimated uncertainty is available upon request.

This report has been electronically signed.

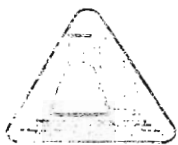
David D'Amico
Laboratory Director

ADEQ 04-0574/07-087-0

NELAP/FL DOH E871035



D-1/A



Analytical Report

1702 East Central Avenue
Bentonville, AR 72712
479-271-7996 phone
479-271-8394 fax

05/24/10 14:42

Client: Gates Rubber
1801 N Lincoln
Siloam Springs AR, 72761

Work Order: BE00233
Project Name: Effluent
Project Number: [none]

Attn: Bill Medley

Date Received: 05/12/10

Effluent

BE00233-01 (Water) Sampled: 05/12/10 10:15

| CAS # | Analyte | Result | Q | Units | MDL | PQL | Dil Factor | Analyzed Date/Time | By | Method | Batch |
|-------|---------|--------|---|-------|-----|-----|------------|--------------------|----|--------|-------|
|-------|---------|--------|---|-------|-----|-----|------------|--------------------|----|--------|-------|

Environmental Testing Group

Metals by EPA 200.8, Rev.5.4 ICP/MS

| | | | | | | | | | | | |
|-----------|--------|-----|--|------|-------|------|----|----------------|-----|-----------|---------|
| 7440-50-8 | Copper | 130 | | ug/L | 0.300 | 1.00 | 10 | 05/21/10 14:06 | RMP | EPA 200.8 | B0E2008 |
|-----------|--------|-----|--|------|-------|------|----|----------------|-----|-----------|---------|

Chemistry Parameters by APHA/EPA Methods

| | | | | | | | | | | | |
|----|------------------------|-------|--|------|--------|--------|----|----------------|-----|----------------|---------|
| NA | Ammonia as N | 4.98 | | mg/L | 0.300 | 1.00 | 10 | 05/17/10 15:56 | JHM | EPA 350.1 | B0E1701 |
| | Nitrate Nitrogen | 2.48 | | " | 0.0600 | 0.110 | 1 | 05/17/10 09:02 | JHM | [CALC] | [CALC] |
| NA | Nitrate/Nitrite as N | 2.84 | | " | 0.0500 | 0.100 | " | " | DAD | EPA 353.2 | B0E1404 |
| NA | Nitrite as N | 0.364 | | " | 0.0100 | 0.0100 | " | 05/13/10 08:15 | JHM | " | B0E1303 |
| NA | Phosphorus, Total as P | 1.20 | | " | 0.0500 | 0.250 | 5 | 05/20/10 19:42 | JHM | EPA 365.1 | B0E2005 |
| NA | Total Suspended Solids | 50.0 | | " | 1.00 | 1.00 | 1 | 05/13/10 07:33 | MBM | USGS I-3765-85 | B0E1301 |

Effluent Grab

BE00233-02 (Water) Sampled: 05/12/10 10:42

| CAS # | Analyte | Result | Q | Units | MDL | PQL | Dil Factor | Analyzed Date/Time | By | Method | Batch |
|-------|---------|--------|---|-------|-----|-----|------------|--------------------|----|--------|-------|
|-------|---------|--------|---|-------|-----|-----|------------|--------------------|----|--------|-------|

Environmental Testing Group

Chemistry Parameters by APHA/EPA Methods

| | | | | | | | | | | | |
|-------|--------------|------|--|----------|------|------|---|----------------|-----|-------------|---------|
| C-007 | Oil & Grease | 8.63 | | mg/L | 1.00 | 4.00 | 1 | 05/19/10 08:49 | JHM | EPA 1664A | B0E1804 |
| C-006 | pH | 8.67 | | pH Units | | | " | 05/12/10 10:42 | JHM | SM 4500-H B | B0E1312 |

Arkansas Analytical, Inc.

Wet Chemistry

| | | | | | | | | | | | |
|----|-----------------|----|--|------|--|-------|---|----------------|----|----------------|---------|
| NA | Cyanide (total) | ND | | mg/L | | 0.010 | 1 | 05/17/10 15:40 | SB | 4500-CN E/9014 | A005181 |
|----|-----------------|----|--|------|--|-------|---|----------------|----|----------------|---------|

Environmental Testing Group

David D'Amico
Laboratory Director

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

D-21/2



Analytical Report

1702 East Central Avenue
Bentonville, AR 72712
479-271-7996 phone
479-271-8394 fax

05/24/10 14:42

Client: Gates Rubber
1801 N Lincoln
Siloam Springs AR, 72761

Work Order: BE00233
Project Name: Effluent
Project Number: [none]

Attn: Bill Medley

Date Received: 05/12/10

Notes and Definitions

| | | | |
|-------|------------------------------|-------|---|
| ND | Analyte NOT DETECTED at MDL | MDL | Method Detection Limit |
| PQL | Practical Quantitation Limit | ug/L | Micrograms/Liter (PPB) |
| mg/L | Milligrams/Liter (PPM) | ug/Kg | Micrograms/Kilogram (PPB) |
| mg/Kg | Milligrams/Kilogram (PPM) | dry | Sample results reported on a dry weight basis |

Environmental Testing Group

David D'Amico
Laboratory Director

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

D-3/A

1702 East Central Avenue
 Bentonville, AR 72712
 Ph: (479) 271-7996
 FX: (479) 271-8394

CHAIN OF CUSTODY RECORD

ncIAP

Project Name

Reporting Information

Preservation Codes:

TEST PARAMETERS

Remarks / Comments

CLIENT INFORMATION
 Gates Rubber
 1801 N. Lincoln
 Siloam Springs, AR 72761

Reporting Information
 Project Name
 E-Mail
 Telephone: (479) 524-1236
 Fax
 Bill to/ P.O.#

Project Manager: Bill Medley

Customer Number: 1870

Sampler(s) Printed: John H. Musker II

Sampler(s) Signature: [Signature]

Sampler(s) Name: [Signature]

Project Name:

Reporting Information:

Preservation Codes:
 1. Cool, 4 Degrees Centigrade
 2. Non-preserved
 3. Sulfuric Acid (H₂SO₄), pH < 2
 4. Nitric Acid (HNO₃), pH < 2
 5. Thiosulfate for Dechlorination
 6. Hydrochloric Acid (HCl)
 7. Sodium Hydroxide (NaOH), pH > 12
 8. H₃PO₄, Phosphoric Acid

TEST PARAMETERS:
 2.1
 3.1
 4.1
 3.1
 7.1
 A
 C
 C
 D
 A
 N/A

Remarks / Comments:
 PH-8.67e 1042
 Dup-8.65
 taken 1042

| LAB ID # | SAMPLE COLLECTION Date/Time | Grb Sample | Number of Bottles | Sample Matrix S-Solid W-Water | SAMPLE IDENTIFICATION, DESCRIPTION | TSS, NO2 | Total P, NH3-N, NO2+ NO3 | Cu | O & G | Cyanide | pH- Field |
|------------|-----------------------------|------------|-------------------|-------------------------------|------------------------------------|----------|--------------------------|----|-------|---------|-----------|
| 5/11-12/10 | 1045-1045 | X | 1 | W | Effluent | X | | | | | |
| 5/11-12/10 | 1042 | X | 1 | W | Effluent | | | | X | | |
| 5/11-12/10 | 1042 | X | 1 | W | Effluent | | | | | X | |
| 5/11-12/10 | 1042 | X | 1 | W | Effluent | | | | | | X |

PREPARED BY: [Signature]
 SAMPLED: 05/12/10 10:15
 Watch- Work Order Label
 Gates Rubber

1. Relinquished by: (Signature) [Signature] **Date/Time** 5/12/10

2. Received by: (Signature) [Signature]

3. Relinquished by: (Signature) [Signature] **Date/Time** 5/12/10

4. Received by lab: (Signature) [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 (ON FIELD) | Yes/No |
| 5. RECEIVED ON ICE | Yes/No |
| 6. TEMPERATURE UPON RECEIPT | Yes/No |

FOR COMPLETION BY LAB ONLY

Receipt of samples by Environmental Testing Group, Inc. acknowledges acceptance of Standard Terms and Conditions (available upon request).

D-414

Phosphorus content in detergents

| | |
|-----------------------------|------|
| Palmolive Tablets | 8.7% |
| Electra-Sol Tablets | 8.7% |
| Sunlight Tablets | 8.7% |
| Cascade Complete Tablets | 8.7% |
| Cascade Complete Powder | 7.7% |
| Spot-Free (Wal-Mart) Powder | 7.0% |
| Cascade Complete Gel | 6.5% |
| Electra-Sol Powder | 6.1% |
| All | 5.1% |
| Electra-Sol Gel | 4.9% |
| Sunlight Powder | 4.5% |
| Cascade PureRinse | 4.4% |
| Sunlight Gel | 4.3% |
| Cascade Complete (Liquid) | 4.0% |
| Palmolive Gel | 1.6% |

Phosphorus Free Detergents

| | |
|---|----|
| Basic D Dishwashing Concentrate (Shaklee) | 0% |
| Bi-O-Kleen | 0% |
| Earth Friendly Wave | 0% |
| Ecover | 0% |
| Enviro-Links | 0% |
| Life Tree | 0% |
| President's Choice | 0% |
| Seventh Generation | 0% |
| Ultra Citra-Dish | 0% |

All information listed above can be found at:

[Http://www.assabriver.org/nutrient/detergents.html](http://www.assabriver.org/nutrient/detergents.html)

[Http://www.kokogm.com/Green_Market/AutoDishwasher.html](http://www.kokogm.com/Green_Market/AutoDishwasher.html)

[Http://www.mepartnership.org/protectourwater/how_getinvolved.asp?inv_id=12](http://www.mepartnership.org/protectourwater/how_getinvolved.asp?inv_id=12)

What can I do to help reduce phosphorus?

Best Management practice (BMP) is the key concept when working toward eliminating excessive phosphorus.

AT HOME:

- * Minimize the use of cleaning products that contain phosphorus.
- * Keep grass clippings on your lawn and away from your street. Clippings are an ideal food source for your lawn.
- * Compost green waste and use as fertilizer.
- * Use a low phosphorus fertilizer (indicated by middle number of the three number series on the bag: ex. 12-6-12 would mean 6% phosphorus content.) Fertilize properly and only in appropriate areas.
- * Have your soil tested to prevent fertilizer overuse.
- * Keep soils covered with vegetation.
- * Keep fertilizer out of storm drains and ditches.
- * Mow high. Try to keep your grass around 3 inches.
- * Water sparingly. This helps control phosphorus and keeps your bills down.
- * Landscape: Use trees, shrubs and flowers to landscape.
- * Use native and adapted plants that have lower fertilizer needs.
- * Avoid fertilizer use before a heavy rain.
- * Have your septic system pumped regularly. 1-3 years is ideal or whenever it exceeds 1/3 of the tank capacity.
- * Wash cars on the lawn and not on street.
- * Read labels on the back of detergents and use detergents with the lowest levels of phosphorus or preferably phosphate free.
- * In automatic dishwashers, use only the amount of detergent called for.
- * Only run the dishwasher when you have a full load.
- * Only run the washing machine when you have a full load.
- * Educate yourself and your children about the importance of clean waters.

AT THE LAKE:

- * Don't bathe, shampoo, or wash the boat with phosphorus containing detergents.
- * Don't burn brush or leaves near the lake shore because rainfall could wash them into the lake.
- * Keep animals and manure away from lake.
- * Don't feed ducks or other aquatic organism's because the nutrients in the feed will be added back to the lake in the organism's feces.

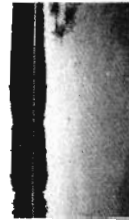


- * Don't use powerful outboard motors in shallow areas.

Phosphorus Information



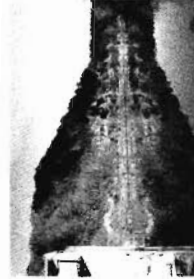
Protecting Arkansas



lakes, rivers and



streams.



City of Siloam Springs
400 N. Broadway
P.O. Box 80
Siloam Springs, AR 72761
Phone: (479)524-5136
Fax: (479)238-0997
Website: www.siloamsprings.com

What is all this talk about phosphorus

Dear Resident:

For several years, you have probably noticed in the paper, watched on the six o'clock news, or overheard conversations at the coffee shop; discussions regarding phosphorus levels in the Illinois River.

Research has determined that levels of Phosphorus entering the Illinois River through various water bodies, including Sager Creek have levels of nutrients, which promote the growth of algae.

Phosphorus is a natural and necessary element. It is found in soil, rocks, and our bodies. It is also found in many of the foods we eat such as dairy products, meat, poultry and fish. It's a common ingredient in fertilizers because it is an essential nutrient for animals and plants.

Although phosphorus is essential to plant life, it turns lakes and streams green by promoting overgrowth in algae and weeds. When algae and weeds die, they fall down to the bottom of lakes and streams and then decay. This decay leads to deprivation of oxygen in water causing fish and other aquatic life to die. This makes the water taste unpleasant and smell bad. Even small amounts of increased phosphorus decreases water quality.

The City of Siloam Springs is asking for your assistance by taking the time to read this brochure, and look for ways around your household to reduce the amounts of products that contain phosphorus, and/or utilize products that contain lower concentrations of Phosphorus.

If you have questions, or would like additional information and suggestions for reducing the levels of Phosphorus, please feel free to contact me at 524-5136, ext 328.

Sincerely,

David Cameron

Director of Water and Wastewater Utilities

Where is phosphorus found?

- * Soil
- * Lawn fertilizers
- * Paint and paint thinner
- * Leaves and grass clippings
- * Garbage
- * Household chemicals
- * Animal wastes
- * Improperly maintained septic systems
- * Pesticides
- * Road dust
- * Soaps and detergents
- * Motor oil
- * Gasoline
- * Wastewater discharges

Facts About Phosphorus

Just 1 pound of phosphorus can stimulate the growth of 500 pounds of algae.

In automatic dish detergents, phosphorus content can range from 0% to 8.7%, (the highest amount available by law)...

Cascade contains over 8% phosphorus, while palmolive gel contains only 1.6%.

Of all elements, phosphorus is the key to managing lakes as "clean" or "green".

Street gutters that are kept free of plant residues have 30 to 40 percent lower phosphate levels in their surface runoff.

Too much green in your lakes leads to more annoyances from mosquitoes creating bigger concerns such as the West Nile Virus.

Most hand dishwashing detergents contain little or no phosphorus.

Improving water quality in a lake impaired by excessive phosphorus takes a lot of time and is very difficult.

What you do in your home and in your backyard makes a difference in the battle against phosphorus.

How does phosphorus get into our streams?

Phosphorus is carried from forests and fields into lakes and streams by water from rain and snow melt. Paved roads also help water from storms move quickly and wash into streams and leaks carrying pollutants such as motor oils and fuels. Wastewater dischargers also add phosphorus to lakes and streams.

Frequently Asked Questions

Q: What is a soil test?

A: A soil test is a process by which elements (phosphorus, potassium, calcium, magnesium, sodium, sulfur, manganese, copper and zinc) are chemically removed from the soil and measured for their "plant available" content within the sample. The quantity of available nutrients in the sample determines the amount of fertilizer that is recommended.

Q: What are the signs of eutrophication of a lake?

A: Algal blooms and massive amounts of weedy aquatic plants are some signs to look for.

Q: What are point sources of phosphorus?

A: Municipal waste treatment plants, industrial operations, and large, confined livestock operations.

Q: What are nonpoint sources of phosphorus?

A: Soil erosion, water runoff from cropland, lawns and gardens, private waste treatment systems and small livestock confinement operations.

Q: How does too much phosphorus affect fish?

A: It deprives fish of oxygen and causes them to die.

Q: What are some simple things I could do in my home that would help?

A: Easy steps such as running the dishwasher and washing machine only when you have a full load and avoiding overuse of detergent greatly helps.

Also using liquid detergents help because they contain less phosphate.

Q: Who uses the highest phosphate containing detergents?

A: Car washes use soap with high levels of phosphate.

Q: What should I look for while searching for a detergent?

A: Check the label for phosphorus content. Beware of those detergents that don't list their content.

40 CFR PART 403 - GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Excerpts from §403.5 National pretreatment standards: Prohibited discharges

(a)(1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause

Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b)

of this section apply to each User introducing pollutants into a POTW whether or not the User is

subject to other National Pretreatment Standards or any national, State, or local Pretreatment

Requirements.

(b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to,

wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees

Centigrade using the test methods specified in 40 CFR 261.21.

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges

with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW

resulting in Interference;

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow

rate and/or pollutant concentration which will cause Interference with the POTW.

(5) 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 40oC (104oF)

unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will

cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a

quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

F-1/1

Siloam Springs Maximum Allowable Headworks Loading

| Pollutant | % Rem*** | Oklahoma | | Arkansas | | Water Quality* lbs/day | Sludge mg/kg | Sludge+ lbs/day | Inhibition** mg/l | Inhibition++ lbs/day | MAHL lbs/day | MAHC mg/l | Domestic Allocation for %SF lbs/day | MAIL lbs/day | Max Int Exceeder MAHC | Max Effluent vs WQS(mg/l) |
|----------------|----------|-----------------------|-----------------------|-----------------------|-----------------------|---------------------------|-----------------|--------------------|----------------------|-------------------------|-----------------|--------------|--|-----------------|--------------------------|------------------------------|
| | | Water Quality mg/l | Water Quality mg/l | Water Quality mg/l | Water Quality mg/l | | | | | | | | | | | |
| Cadmium Total | 66.4 | 0.001708 | 0.0070 | 0.0843 | 85 | 0.0843 | 0.00342 | 0.03 | 1.00 | 24.67 | 0.0843 | 0.10649 | 0.08 | 0.041 | 0.5950 | 0.2300 |
| Copper Total | 87.82 | 0.012497 | 0.0411 | 2.6270 | 4300 | 2.6270 | 0.10649 | 0.70 | 1.00 | 24.67 | 2.6270 | 0.10649 | 2.36 | 1.660 | 110.0000 | 9.3000 |
| Lead Total | 61.0 | 0.00270 | 0.0167 | 0.1708 | 840 | 0.1708 | 0.00692 | 0.57 | 1.00 | 24.67 | 0.1708 | 0.00692 | 0.15 | 0.000 | 32.0000 | 3.3000 |
| Mercury Total | 60.0 | 0.001302 | 0.00091299 | 0.0008 | 57 | 0.0008 | 0.00003 | 0.0035 | 0.10 | 2.47 | 0.0008 | 0.00003 | 0.0007 | 0.000 | 0.0170 | 0.0026 |
| Nickel Total | 44.34 | 0.016566 | 0.04210 | 7.3513 | 420 | 9.695 | 0.29799 | 0.24 | 1.00 | 24.67 | 7.3513 | 0.29799 | 6.62 | 6.373 | 7.8000 | 5.0000 |
| Selenium Total | 50 | 0.005006 | 0.0056 | 0.2467 | 100 | 2.047 | 0.01000 | 0.03 | 0.20 | 4.93 | 0.247 | 0.01000 | 0.22 | 0.191 | No | No |
| Silver Total | 75 | 0.000993 | 0.0200 | 0.3799 | 0 | 0.000 | 0.01540 | 0.06 | 0.25 | 6.167 | 0.3799 | 0.01540 | 0.34 | 0.284 | No | No |
| Zinc Total | 66.67 | 0.14028 | 0.3229 | 8.1625 | 7500 | 115.145 | 0.33087 | 2.03 | 0.800 | 19.74 | 8.1625 | 0.33087 | 7.35 | 5.317 | 238.0000 | 79.0000 |
| Chromium Total | 84.11 | 0.05060 | 1.2550 | 7.7627 | 3000 | 36.508 | 0.31466 | 0.01 | 1.00 | 24.67 | 7.7627 | 0.31466 | 6.99 | 6.978 | 3.0800 | No |
| Cyanide Total | 69 | 0.01072 | 0.0058 | 0.4618 | 0 | 0.000 | 0.01872 | 0.48 | 0.10 | 2.467 | 0.4618 | 0.01872 | 0.42 | 0.000 | No | No |
| Arsenic | 45 | 0.19000 | 0.3244 | 8.5223 | 75 | 1.706 | 0.06915 | 0.03 | 0.10 | 2.47 | 1.7059 | 0.06915 | 1.54 | 1.501 | No | No |
| Molybdenum | 50 | 0.00000 | 0.0000 | 0.0000 | 75 | 1.535 | 0.06224 | 0.02 | 0.20 | 4.93 | 1.5353 | 0.06224 | 1.38 | 1.357 | No | No |
| Beryllium | 50 | 0.00000 | 0.005915 | 0.2918 | 0 | 0.000 | 0.01183 | 0.00 | 0.10 | 2.4670 | 0.2918 | 0.01183 | 0.26 | 0.262 | No | No |

Dry tons/day of sludge*** Safety Factor

* lbs/day = mg/l * 8.34 * average flow / (1-%Rem) based on the more stringent of Arkansas vs Oklahoma Water Quality (see "Oklahoma Water Quality Criteria" workbook).
 ** Page 3-44 of EPA 833B87202 Be est @ 0.10 mg/l and Zinc Level from 04-19-2005 Inf analysis
 + lbs/day = (dry tons/day * 0.002 * critria(mg/kg)) / % Rem, Dry Tons/Day taken from Audit report dated 12-16-03, page 3
 ++ lbs/day = mg/l * Flow * 8.34
 ^ lbs/day = (1 - SF) * MAHL
 MAIL = Maximum allowable industrial loading = Allocation for % SF - Domestic
 *** Page 3-56 EPA 833B87202, Be & Mo est @ 50
 **** Dry tons/day of sludge from 2009 Sludge data equal 934 dry/tons per year with new plant estimated at twice this sludge rate (2 X 934/365 = 5.12 dt/day)

G-1/1



Date

Address of individual:

[Dentists, Drs, Nursing Homes, Hospitals, Chiropractors, Veterinarians, Pharmacies, X-ray clinics, Ambulatory health care services, Photo processors...who else?]

Re: Hazardous Waste Notification Requirement under the National Pretreatment Program

Dear [specific owner or proprietor of business]:

Your business has been identified as one that potentially generates Hazardous Waste as defined under the Federal Regulations at **40 CFR 261**.

Under the specific pretreatment requirement in **40 CFR 403.12(p)(1)**, "The Industrial User [non-domestic user] shall notify the POTW [appropriate City wastewater official], the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW [City sewage system] of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261."

Under **40 CFR 403.12(p)(4)**, "In the case of any notification made under paragraph (p) of this section, the Industrial 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." The full requirement with exemptions can be found at the following website address:

http://edocket.access.gpo.gov/cfr_2003/julqtr/40cfr403.12.htm .

Many of you may be unaware of this notification requirement, but it has recently come to our attention through numerous national studies and reports that Hazardous Waste may be generated and disposed of from your business sector into the City's sewage collection system.

At this time, the City is specifically targeting mercury from amalgam, silver from spent film processing wastes and hazardous waste pharmaceuticals.

If your facility does not have an amalgam separator, silver recovery unit or a system of properly disposing of Hazardous Waste Pharmaceuticals, you may be discharging Hazardous Waste into the City's sewage collection system and must follow the above cited Pretreatment Requirement.

Please make this notification within thirty (30) days of the date on this correspondence in writing to [appropriate City official], EPA and ADEQ's Hazardous Waste Division.

If no response is received within the thirty (30) day period, your facility may be subject to a site specific inspection.

Respectfully,

Thomas A. Myers
Pollution Control Superintendent/Pretreatment Coordinator

cc: Trevor Bowman, P.E. Water/Wastewater Director
Peggy Woody City Clerk

ORDINANCE NO. 1084
City of Siloam Springs, Arkansas

Revised _____, ~~1998~~2009

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| SECTION 1 - GENERAL PROVISIONS | <u>51</u> |
| 1.1 Purpose and Policy | <u>51</u> |
| 1.2 Administration | <u>62</u> |
| 1.3 Abbreviations | <u>62</u> |
| 1.4 Definitions | <u>73</u> |
| SECTION 2 - GENERAL SEWER USE REQUIREMENTS | <u>139</u> |
| 2.1 Identification of Industrial Users | <u>139</u> |
| 2.2 Denial of Contributions or Conditions on Contributions | <u>139</u> |
| 2.3 Prohibited Discharge Standards | <u>139</u> |
| 2.4 National Categorical Pretreatment Standards | <u>1511</u> |
| 2.5 State Pretreatment Standards | <u>1612</u> |
| 2.6 Local Limits | <u>1612</u> |
| 2.7 Monitoring Facilities | <u>1613</u> |
| 2.8 The City's Right of Revision | <u>1814</u> |
| 2.9 Dilution | <u>1814</u> |
| SECTION 3 - PRETREATMENT OF WASTEWATER | <u>1814</u> |
| 3.1 Pretreatment Facilities | <u>1814</u> |
| 3.2 Accidental Discharge/Slug Control Plans | <u>1915</u> |
| SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION | <u>2116</u> |
| 4.1 Wastewater Analysis | <u>2116</u> |
| 4.2 Wastewater Discharge Permit Requirement | <u>2116</u> |
| 4.3 Wastewater Discharge Permitting: Existing Connections | <u>2117</u> |
| 4.4 Wastewater Discharge Permitting: New Connections | <u>2117</u> |
| 4.5 Wastewater Discharge Permit Application Contents | <u>2217</u> |
| 4.6 Application Signatories and Certification | <u>2318</u> |
| 4.7 Wastewater Discharge Permit Decisions | <u>2319</u> |
| SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS | <u>2419</u> |
| 5.1 Wastewater Discharge Permit Duration | <u>2419</u> |
| 5.2 Wastewater Discharge Permit Contents | <u>2419</u> |
| 5.3 Wastewater Discharge Permit Modification | <u>2521</u> |
| 5.4 Wastewater Discharge Permit Transfer | <u>2722</u> |
| 5.5 Wastewater Discharge Permit Revocation | <u>2722</u> |
| 5.6 Wastewater Discharge Permit Reissuance | <u>2823</u> |
| 5.7 Regulation of Waste Received From Outside the City Limits and From Other Jurisdictions | <u>2823</u> |
| SECTION 6 - REPORTING REQUIREMENTS | <u>3025</u> |
| 6.1 Baseline Monitoring Reports | <u>3025</u> |
| 6.2 Compliance Schedule Progress Reports | <u>3126</u> |
| 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline | <u>3227</u> |
| 6.4 Periodic Compliance Reports | <u>3227</u> |

| | |
|---|-------------|
| 6.5 Reports of Changed Conditions | <u>3328</u> |
| 6.6 Reports of Potential Problems | <u>3328</u> |
| 6.7 Reports from Unpermitted Users | <u>3429</u> |
| 6.8 Notice of Violation/Repeat Sampling and Reporting | <u>3429</u> |
| 6.9 Notification of the Discharge of Hazardous Waste | <u>3430</u> |
| 6.10 Analytical Requirements | <u>3531</u> |
| 6.11 Sample Collection | <u>3631</u> |
| 6.12 Timing | <u>3632</u> |
| 6.13 Record Keeping | <u>3632</u> |
| SECTION 7 - COMPLIANCE MONITORING | <u>3632</u> |
| 7.1 Right of Entry: Inspection and Sampling | <u>3632</u> |
| 7.2 Search Warrants | <u>3833</u> |
| SECTION 8 - CONFIDENTIAL INFORMATION | <u>3833</u> |
| SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE | <u>3834</u> |
| SECTION 10 - DISCHARGE OF HAULED WASTEWATER | <u>3935</u> |
| 10.1 Septic Tank Wastewater | <u>3935</u> |
| 10.2 Industrial Wastewater | <u>4035</u> |
| SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES | <u>4036</u> |
| 11.1 Notification of Violation | <u>4036</u> |
| 11.2 Show Cause Order and Hearing | <u>4136</u> |
| 11.3 Administrative Fines | <u>4137</u> |
| 11.4 Administrative Orders (Compliance Order, Cease and Desist Order, and Consent Order) | <u>4237</u> |
| 11.5 Emergency Suspensions | <u>4338</u> |
| 11.6 Termination of Discharge | <u>4339</u> |
| 11.7 Appeal to Board of Directors | <u>4440</u> |
| SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES | <u>4440</u> |
| 12.1 Injunctive Relief | <u>4540</u> |
| 12.2 Civil Penalties | <u>4541</u> |
| 12.3 Criminal Prosecution | <u>4541</u> |
| 12.4 Remedies Nonexclusive | <u>4642</u> |
| SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS | <u>4642</u> |
| 13.1 Upset | <u>4642</u> |
| 13.2 Prohibited Discharge Standards | <u>4743</u> |
| 13.3 Bypass | <u>4844</u> |
| SECTION 14 - WASTEWATER TREATMENT RATES | <u>4944</u> |
| 14.1 Pretreatment Charges and Fees | <u>4944</u> |
| 14.2 Severability | <u>5044</u> |
| SECTION 15 - EMERGENCY DECLARATION | <u>5046</u> |
| SECTION 16 - EFFECTIVE DATE | <u>5046</u> |

ORDINANCE NO. 1084. AN ORDINANCE TO REGULATE DISCHARGES INTO THE SILOAM SPRINGS SEWER SYSTEM, ESTABLISH A PERMIT SYSTEM, AND ESTABLISH AUTHORITY AND PROCEDURES FOR ENFORCEMENT OF THE SAME, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Board of Directors of the City of Siloam Springs, Benton County, Arkansas, that:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Siloam Springs and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City 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 Publicly Owned Treatment Works. This ordinance authorizes the City to operate an Industrial Pretreatment Program, to issue wastewater discharge permits and to issue hauled wastewater discharge authorizations; provides for monitoring, compliance, and enforcement activities; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

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

1.3 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
- 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

1.4 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. ~~The State of Arkansas,~~ Department of ~~Pollution Control and Ecology~~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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty five (25) million dollars (in second quarter 1980 dollars), if~~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~~, subsections (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 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. BMP's 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.
- EG. 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.
- FH. City. The City of Siloam Springs or the Board of Directors for the City of Siloam Springs or its authorized representatives.
- GI. 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.
- HJ. Composite Sample. A sample which is taken proportional to flow in accordance with procedures set forth at 40 CFR part 403, Appendix E, and by the City.
- K. Control Authority. The City.

- HL. 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.
- JM. Existing Source. Any source of discharge, ~~the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act~~ that is not a new source.
- KN. 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.
- LO. 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.
- MP. Hauled Wastewater Discharge Authorization. A written authorization that the City may issue to authorize a person to discharge Hauled Wastewater. Such authorization shall not alleviate the obligation to meet all applicable federal, state and local standards.
- NQ. 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.
- OR. 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 composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- PS. 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.
- T. 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).

QU. 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.

RV. 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.

SW. 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.

FX. Pass Through. A discharge which exits the POTW into waters of the United States 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.

UY. 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.

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

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

XBB. 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.

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

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

AAEE. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2-398-503 of this ordinance.

BBFF. 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.

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

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

EEII. 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.

- FFJJ.** 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 this ordinance.
- GGKK.** Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- HHLL.** Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- HMM.** 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.
- JJNN.** User or Industrial User. A source of indirect discharge.
- KKOO.** 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.
- LLPP.** Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- QQ.** 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.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Identification of Industrial Users

The City may use appropriate mechanisms and procedures to identify and locate all Industrial Users that may be subject to the requirements of this ordinance, and to maintain an accurate inventory of Significant Industrial Users, and to notify Significant Industrial Users of their status as such and notify users subject to this ordinance of Categorical Pretreatment Standards, Pretreatment Standards, and Pretreatment Requirements.

2.2 Denial of Contributions or Conditions on Contributions

The City may deny or condition all contributions of pollutants to the POTW in order that all contributions meet applicable Categorical Pretreatment Standards, Pretreatment Standards, Pretreatment Requirements, local limits, and prohibitions in this ordinance.

2.3 Prohibited Discharge Standards

- A. General Prohibitions. No 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 Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Pretreatment Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment except that the City may authorize the discharge of wastewater having a pH that is greater than 10 but lower than 12.5 if such discharge will not damage the POTW or equipment and will not cause pass through or interference;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2");
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled wastewater, except as authorized pursuant to Section 10 of this ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Sludges, screenings, or other residues from the pretreatment of wastewater;
- (13) Medical wastes, except as specifically authorized by the City in a wastewater discharge permit;
- (14) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a toxicity test;
- (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; or
- (17) Any pollutant which may cause the POTW to be in noncompliance with any sludge use or disposal criteria or standards.

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.

2.4 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference into this ordinance as if written word for word herein.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. 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 using the combined wastestream formula in 40 CFR 403.6(e).
- C. A User may obtain a variance from a Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- D. A User may obtain a net ~~gross~~ adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

2.5 State Pretreatment Standards

~~Pretreatment standards promulgated by the State of Arkansas Department of Pollution Control and Ecology are hereby incorporated by reference into this ordinance as if written word for word herein.~~

[Reserved]

2.6 Local Limits

~~In order to~~To protect against ~~Pass Through and to protect against Interference, no pass~~through and interference, no Industrial User may discharge or cause to be discharged into the

~~POTW any wastewater having pollutant concentrations exceeding local limits, which shall be adopted and amended by separate City ordinance whenever it reasonably appears that such wastewater could cause or contribute to Pass Through or Interference, cause or contribute to a violation of any requirement of the City's NPDES permit, harm or have an adverse affect on the sewers, any wastewater treatment process or equipment, or the receiving stream or that such wastewater could endanger life, limb, or property or constitute a nuisance. In evaluating the need for and in developing local limits, the City will consider the quantities and sources of wastewater discharged to the City sewer collection system and POTW, the flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment processes, the treatment capacity of the POTW, the requirements of federal, state and local authorities, and any other pertinent factors, in the City's discretion. Local limits shall be applied at the monitoring facilities required by Section 2.7 of this ordinance unless otherwise provided.~~

Local pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the City Administrator as required by the POTW NPDES permit, as authorized by 40 CFR 403.5(c), and approved by the Approval Authority. Technically Based Local Limits (TBLLs) based on calculated Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Section VI, Attachment F. At the discretion of the City Administrator, TBLLs may be imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals will~~shall~~be expressed as in terms of "total" metals" unless otherwise indicated. At the discretion of the~~Water/Wastewater Director, mass-based local limits~~Administrator, mass limitations may be imposed ~~in lieu of or~~ in addition to ~~any concentration-based local limits~~or in place of

I-17/55

concentration based TBLs. The City Administrator 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 Administrator 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.

2.7 Monitoring Facilities

The City shall require to be provided and operated at a Significant Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Significant Industrial User's premises, but the City may, when such a location would be impractical or cause undue hardship on the Significant Industrial User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

The monitoring facility shall be a separate, secured, building built for this purpose. It shall house the required equipment, and be properly powered, ventilated and heated to prevent freezing of samples during cold weather conditions. The facility shall be located such that City representatives will have free access at any time without notifying the industry. In addition to a secured locking device, the door shall be equipped with a hasp to allow placement of a City seal to verify that no entry has occurred during the sampling period.

There shall be ample room in or near such facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. The flow measuring device shall be capable of pacing a 24 hour flow proportioned composite sampler of the type used by the sampling personnel.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

2.8 The City's Right of Revision

~~The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW for good cause, including, but not limited to, the reasons listed in Section 5.3 of this ordinance.~~

[Reserved]

2.9 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on Users who are using dilution to meet

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the City Administrator, a User must submit information on the nature and characteristics of its wastewater within the number of days specified in the request. The City Administrator is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The City may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. 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 sanctions set out in Sections 11 and 12 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.

4.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the City.

4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit must submit a permit application together with an application specified in the Schedule of Fees authorized by Section 14.1 of this ordinance. The City Administrator may require all Users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including 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. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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;
- G. All plans and operating procedures required by Section 2.7 of this ordinance;

- H. Time and duration of discharges;
- I. The facility's SIC code or codes; and
- J. A statement by the permit applicant that it will allow the City timely access to its facility to enforce the provisions of this ordinance.
- K. A statement that the applicant will reimburse the City for all costs incurred by the City in enforcing the provisions of this ordinance against such applicant.
- L. Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application Signatories and Certification

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

4.7 Wastewater Discharge Permit Decisions

The City will evaluate the data furnished by the User and may require additional information to determine whether the proposed User will comply with this ordinance. Within

ninety (90) days of receipt of a complete wastewater discharge permit application, the City Administrator will determine whether or not to issue a wastewater discharge permit. The City Administrator may deny any application for a wastewater discharge permit if he or she deems that the proposed User has not demonstrated adequate proof that it can comply with this ordinance. Such decision to deny an application for a wastewater discharge permit shall be appealable through the procedures provided in Section 11.7 of this ordinance.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

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

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City Administrator 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.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to

be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

- (5) 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.

(6) Requirement to control Slug Discharge, if determined by the City Administrator to be necessary.

B. 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 nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the 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 wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the City Administrator to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Modification

The City Administrator may modify a 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 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 POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To reflect changes in the City's form of wastewater discharge permit or to correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.4 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City Administrator and the City Administrator approves the wastewater discharge permit transfer. The notice to the City Administrator must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

5.5 Wastewater Discharge Permit Revocation

The City Administrator may propose revocation of a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the City Administrator of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the City Administrator of changed conditions pursuant to Section 6.5 of this ordinance;
- 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 City 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 business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

The procedures for termination of discharge, as provided in Section 11.6 of this ordinance, shall be followed in revocation of a permit.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

5.6 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

5.7 Regulation of Waste Received From Outside the City Limits and From Other Jurisdictions

A. Regulation of Individual Users Outside City Limits

If a person outside the City limits wishes to contribute wastewater to the City's POTW such person may submit a request to the City Administrator for a determination of availability of wastewater treatment service. The City in its sole discretion may offer wastewater treatment service to such person provided that such person agree by signature of the authorized representative of the User (1) to be bound by all provisions of this ordinance and all documents and provisions constituting part

- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the City Administrator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- (8) A provision specifying remedies available for breach of the terms of the ~~intermunicipal~~inter-municipal agreement.

SECTION 6 - REPORTING REQUIREMENTS

The City is authorized to receive and analyze all reports and other notices submitted by Users under this ordinance.

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing ~~categorical users~~Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the City Administrator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become ~~categorical~~Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the City Administrator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average 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.

- (4) 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 wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
 - (a) The Categorical Pretreatment Standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (6) Certification. A statement, reviewed by the 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.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the 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 6.2 of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule 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, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report, signed and certified in accordance with Section 4.6, to the City Administrator no later than fourteen (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 User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the City Administrator.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (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 User subject to such Pretreatment Standards and Requirements shall submit to the City Administrator a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other 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 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All permitted Industrial Users shall, at a frequency determined by the City, but in no case less than once each calendar quarter, analyze their discharge to the POTW and submit a report to the City Administrator indicating the nature and concentration of pollutants in the discharge which are limited by any 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 or pollution prevention alternative, the User shall submit documentation as required by the City Administrator or the applicable Pretreatment Standard to determine compliance with the Pretreatment Standard. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. 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.
- C. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the City Administrator 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 sixty (60) days before the change.

- A. The City Administrator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The City Administrator may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.3 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty-five (25%) or greater, increases in the mass or concentration of any pollutant, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the City Administrator 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.
- B. The City may require that the User submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. SIUs are required to notify the City Administrator immediately of any changes at its facility affecting potential for a slug discharge. If the City Administrator decides that a slug control plan is needed, the plan shall contain the elements in section 3.2.

6.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Administrator may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the City Administrator within twenty-four (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 City within thirty (30) days after becoming aware of the violation. Where the City has performed the sampling and analysis in lieu of the Industrial User, the City must perform the repeat sampling

and analysis unless the City notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

- i. The City performs sampling at the Industrial User at a frequency of at least once per month; or
- ii. The City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the City Administrator, 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 Section 6.5 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 Sections 6.1, 6.3, and 6.4 of this ordinance.
- B. Users are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

- C. 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 City Administrator, 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.
- D. In the case of any notification made under this section, an authorized representative of 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.
- E. 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.

6.10 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, 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, sampling and analyses must be performed in accordance with procedures approved by [EPA/ADEQ](#).

6.11 Sample Collection

~~A. Except as indicated in Section B, below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or 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.~~

A. For reports required pursuant to sections 6.3 and 6.4 the City shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained

through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the City Administrator, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 410 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City Administrator, as appropriate.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For reports required pursuant to sections 6.1 and 6.3 a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and degrease, 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.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping

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 and 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 section 2.6. 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 City.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The City Administrator or its authorized representative 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 wastewater discharge permit or order issued hereunder. Users shall allow the City Administrator 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 City Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The City Administrator 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 City Administrator 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. All devices used to measure wastewater flow and quality shall be calibrated at manufacturer's recommended frequency to ensure their accuracy.
- 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 City Administrator and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the City Administrator access to the User's premises shall be a violation of this ordinance.

F. — The City shall inspect all permitted industrial Users and sample the effluent from the User at a minimum frequency of once every 12 months.

I-40/55

7.2 Search Warrants

If the City Administrator has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City 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 the City Administrator may seek issuance of a search warrant from a court of competent jurisdiction.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in 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.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve

(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~~all the measurements taken for the same pollutant parameter during a six (6) month period exceed ~~the daily maximum limit or average limit for the same pollutant parameter by any amount~~(by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2 of this ordinance;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the ~~daily maximum limit or the average limit~~numeric Pretreatment Standard or Requirement including instantaneous Limits, as defined by Section 2 of this ordinance 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 ~~discharge violation that the City believes~~ violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City Administrator 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 has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within ~~thirty~~forty-five (3045) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program, including a violation of Best Management Practices.

SECTION 10 - DISCHARGE OF HAULED WASTEWATER

10.1 Septic Tank Wastewater

- A. Septic tank wastewater may be introduced into the POTW only at locations designated by the City Administrator, and at such times as are established by the City Administrator. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City and must meet all applicable federal, state and local standards. Haulers of septic tank waste must obtain a written authorization from the City Administrator prior to introducing waste to the POTW. The City Administrator may require that the applicant for an authorization provide all information reasonably necessary as determined by the City Administrator.

10.2 Industrial Wastewater

- A. The City Administrator shall require haulers of industrial wastewater to obtain a written authorization from the City Administrator prior to introducing waste to the POTW. The discharge of hauled industrial wastewater is subject to all requirements of this ordinance and must meet all applicable federal, state and local standards, including, but not limited to, categorical pretreatment standards and technically-based local limits.
- B. Industrial wastewater haulers may discharge loads only at locations designated by the City Administrator, and at such times as are established by the City Administrator. The City Administrator may collect samples of each hauled load to ensure compliance with all applicable federal, state and local standards, including, but not limited to, categorical pretreatment standards and technically-based local limits. The City Administrator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- C. Industrial wastewater haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, authorization number, truck identification, names and addresses of sources of wastewater, and volume and characteristics of wastewater. The waste-tracking form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1 Notification of Violation

When the City [Administrator](#) or [itsan](#) authorized representative finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit

or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may serve upon that User a written Notice of Violation. Within thirty (30) days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the City Administrator. 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. Nothing in this section shall limit the authority of the City Administrator or ~~its~~ authorized representative to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Show Cause Order and Hearing

The City ~~or its authorized representative~~ Administrator may order a User that has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Administrator or other representative of the City and show cause why the 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 the 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 ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Neither a show cause order nor a show cause hearing shall be a bar against, or prerequisite for, taking any other action against the User. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded by a licensed certified court reporter. A hearing transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

11.3 Administrative Fines

- A. When the City ~~or its authorized representative~~ Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or

Requirement, the City ~~or its authorized representative~~ Administrator may fine such User in an amount not to exceed \$1,000 per violation per day. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Such fines may be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation. Such fines may be issued prior to or subsequent to a hearing.

- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of three percent (3%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- C. Users may appeal administrative fines as provided in Section 11.7 of this ordinance.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.4 Administrative Orders (Compliance Order, Cease and Desist Order, and Consent Order)

When the City ~~or its authorized representative~~ Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Administrator may issue an administrative order ~~as follows:~~

- A. A compliance order may be issued to direct the User to come into compliance within a specified time. Such order may establish compliance schedules setting forth increments of progress in the form of dates for activities necessary to achieve and maintain compliance. 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.
- B. A cease and desist order may be issued to require the User to cease and desist all violations immediately. A cease and desist order may also direct the user to immediately comply with all requirements and take such appropriate remedial or

preventive action as may be needed to properly address a continued or threatened violation, including halting operations and/or terminating the discharge of wastewater.

- C. A consent order may also be entered by the City after a User has agreed to a compliance schedule and any stipulated fines imposed by the City. A consent order will include specific action to be taken by the user to remedy the noncompliance within the time specified. Such consent order shall not be effective unless and until signed by the Mayor.

Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.5 Emergency Suspensions

The City ~~or its authorized representative~~ Administrator may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City ~~or its authorized representative~~ Administrator may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Section 11.6 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under Sections 11.2 or 11.6 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

11.6 Termination of Discharge

In addition to the provisions in Section 5.5 of this ordinance for wastewater discharge permit revocation, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User shall be notified of the proposed termination of its discharge and be offered an opportunity to appear before the Board of Directors to show cause under Section 11.2 of this ordinance why the proposed action should not be taken. Exercise of this option by the City [Administrator](#) shall not be a bar to, or a prerequisite for, taking any other action against the User.

11.7 Appeal to Board of Directors

Any Enforcement Action taken by the City [or its authorized representative](#), but not having been decided upon by the Board of Directors, or any decision by the City Administrator to deny permit issuance, shall be appealable to the Board of Directors by filing a written Notice of Appeal stating the basis for the appeal within thirty (30) days of being notified of the Enforcement Action or decision to deny permit issuance. The Board of Directors may dismiss groundless or frivolous appeals summarily. The Board of Directors may convene a hearing on the appeal. At any hearing held pursuant to this Section, testimony taken must be under oath and

recorded by a licensed certified court reporter. A hearing transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. The Board of Directors may stay implementation of an Enforcement Action pending the appeal. Users desiring to appeal administrative fines must also make full payment of the fine amount within thirty (30) days of being notified of the fine. In the event the User's appeal of a fine is successful, the amount paid, together with any interest accruing thereto, shall be returned to the User.

SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES

12.1 Injunctive Relief

When the City Administrator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Administrator may petition a court of competent jurisdiction 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 wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The City 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.

12.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' 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.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

12.3 Criminal Prosecution

- A. A User who negligently violates any provision of this ordinance, a 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, or imprisonment for not more than three (3) months, or both.
- B. A User who 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 not more than \$1,000 per violation, per day, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A User who intentionally and 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, 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, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one year, or both.

12.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However,

the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. 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 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the City Administrator within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- F. Users shall control production of 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.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.3(A) of this ordinance or the specific prohibitions in Sections 2.3(B)(3) through (7) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means 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.

- B. A 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. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the City Administrator, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the City Administrator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The 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 City Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the City may take an enforcement action against a 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 User submitted notices as required under paragraph (C) of this section.
- (2) The City Administrator may approve an anticipated bypass, after considering its adverse effects, if the City Administrator determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 - WASTEWATER TREATMENT RATES

14.1 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City .

14.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 15 - EMERGENCY DECLARATION

EMERGENCY CLAUSE: To delay implementing this ordinance would be an undue hardship and would be adverse to the best interest of the Citizens of the City of Siloam Springs. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon passage and adoption.

SECTION 16 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

PASSED AND APPROVED by the Board of Directors of the City of Siloam Springs, Benton County, Arkansas this ___ day of _____, 1995.

APPROVED:

_____ Mayor

ATTEST

(Seal)

_____ City Clerk



Document comparison by Workshare Professional on Wednesday, November 18, 2009
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