

ORDINANCE NO. 93-1-1

AN ORDINANCE TO REPEAL ORDINANCE NO. 997 AND ESTABLISH PRETREATMENT REQUIREMENTS AND LOCAL LIMITS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE BATESVILLE PUBLICLY OWNED TREATMENT WORKS, AND ENABLING THE CITY TO COMPLY WITH APPLICABLE FEDERAL AND STATE LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977, THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403) AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT (ACT 472 OF 1949).

SECTION 1 - GENERAL PROVISIONS

1.0 Short Title: This Ordinance shall also be known as the "Pretreatment Ordinance".

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the City of Batesville, Arkansas, and enables Batesville, Arkansas to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The purposes of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- D. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- F. To enable Batesville, Arkansas to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all industrial users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial 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 Manager of the Batesville Utilities Commission shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other Utility personnel.

## 1.3 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. Currently the Arkansas Department of Pollution Control and Ecology, (ADPC&E).
- C. Authorized Representative of the Industrial User.
  - (1) If the industrial user is a corporation, authorized representative shall mean:
    - (a) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
    - (b) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 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) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
  - (3) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee;

- (4) The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Batesville Utilities Commission.
- D. Batesville Utilities Commission (BUC). The Batesville Utilities Commission, which may act through the Manager, his deputy, agent, or representatives possessing evidence of authority to so act.
- E. Biochemical Oxygen Demand (BOD<sub>5</sub>). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as set forth in 40 CFR 136, five (5) days at 20<sup>o</sup> centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)].
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. City. The City of Batesville or the City Council of Batesville, Arkansas.
- H. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- I. Control Authority. Under the provisions of 40 CFR 403.12 (a) the term "Control Authority" shall refer to the Manager of the Batesville Water Utilities.
- J. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- K. Environmental Protection Agency or (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- L. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication 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.

- M. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- N. Indirect Discharge or Discharge. The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act.
- O. Industrial User or User. A source of indirect discharge.
- P. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration (or loading) 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.
- Q. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
  - (2) Therefore is a cause of a violation of Batesville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions as amended:  
  
Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act or permits issued under such provisions.
- R. Manager. The person designated by the Batesville Utilities Commission to manage and supervise the Water and Sewer department for the City of Batesville, Arkansas, and who is charged with certain duties and responsibilities by this ordinance, or the duly appointed or authorized representative of such person.
- S. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**T. New Source.**

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which building, structure, facility or installation commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which pretreatment standards will be applicable to such source if such standards are 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.
- U. 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.
- V. Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Batesville's NPDES permit (including an increase in the magnitude or duration of a violation).
- W. 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 or local governmental entities.
- X. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- Y. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, Chemical Oxygen Demand (COD), toxicity, odor].
- Z. 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.
- AA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
- BB. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

- CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
- DD. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- EE. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- FF. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)
- GG. Significant Industrial User.
- (a) industrial users subject to categorical pretreatment standards; and
  - (b) any other industrial user that;
    - (i) discharges an average of 25,000 gpd or more of process wastewater,
    - (ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or,
    - (iii) is designated as significant by the Batesville Utilities Commission on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- HH. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.
- II. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- JJ. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

- KK. Superintendent. The person designated by the Batesville Utilities Commission to supervise the operation of the POTW, or their duly authorized representative who is charged with certain duties and responsibilities by this ordinance.
- LL. 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.
- MM. Toxic Pollutant. One of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of 40 CFR Part 122, Appendix D, Table II and III.
- NN. Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the State.
- OO. 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.
- PP. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

#### 1.4 Abbreviations

The following abbreviations shall have the designated meanings:

- . BOD<sub>5</sub> - Biochemical Oxygen Demand
- . CFR - Code of Federal Regulations
- . COD - Chemical Oxygen Demand
- . EPA - U.S. Environmental Protection Agency
- . gpd - Gallons Per Day
- . l - Liter
- . mg - Milligrams
- . mg/l - Milligrams per liter
- . NPDES - National Pollutant Discharge Elimination System
- . OSHA - Occupational Safety and Health Administration  
(title 29, chapter XVII CFR)
- . O&M - Operation and Maintenance
- . POTW - Publicly Owned Treatment Works
- . RCRA - Resource Conservation and Recovery Act
- . SIC - Standard Industrial Classifications
- . SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
- . TSS - Total Suspended Solids
- . USC - United States Code



## SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. No industrial user shall contribute the following substances to the POTW:

- A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and 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.
- B. Any wastewater having a pH less than 5 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.
- C. 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 inches (1/2) or one point two seven centimeter(s) 1.27 cm in any dimension.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD<sub>5</sub>, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- E. Any wastewater having a temperature greater than 150°F (65°C), or 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).
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Any 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.
- H. Any trucked or hauled pollutants, except at discharge points designated by the Batesville Utilities Commission in accordance with Section 3.5.
- I. Any 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, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

- J. Any 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 treatment plant's effluent thereby violating Batesville's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- K. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Batesville Utilities Commission in compliance with applicable State or Federal regulations.
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by Batesville Utilities Commission.
- M. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- N. Any medical wastes, except as specifically authorized by Batesville Utilities Commission in a wastewater discharge permit.
- O. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- P. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

## 2.2 Federal Categorical Pretreatment Standards

- A. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial Category, or upon amending a Federal Categorical Pretreatment Standard, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. However, if the Federal Categorical Pretreatment Standard is less stringent than the limitations of this Ordinance, this Ordinance shall entail.

- B. It shall be the responsibility of each User to be knowledgeable of all regulations applicable to the User. The **Control Authority** shall make all reasonable efforts to notify all affected Users of applicable Standards and reporting requirements under 40 CFR 403.12. Failure of the **Control Authority** to notify an affected User, however, does not relieve the User of complying with the appropriate Federal Categorical Pretreatment Standards or applicable reporting requirements.

2.3 State Requirements

- A. The Arkansas Department of Pollution Control and Ecology may from time to time promulgate new requirements for the NPDES program, and in the event that a particular requirement may be more stringent than that imposed by Federal Law, or by this Ordinance, such State requirement shall immediately supersede the limitations imposed under this Ordinance and shall then constitute the applicable requirement for the NPDES program then in effect.
- B. It shall be the responsibility of each User to be knowledgeable of all new State requirements applicable to the User. The **Control Authority** shall make all reasonable efforts to notify the affected Users of any change in State requirements for the NPDES program, however, failure of the **Control Authority** to notify an affected User does not relieve the User of the duty to comply with the appropriate State NPDES program requirement.

2.4 Specific Pollutant Limitations

This Section reserved for use for Technically Based Local Limits if needed.

## 2.5 City's Right of Revision

Batesville, Arkansas reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of this ordinance or the general and specific prohibitions in Section 2.1 of this ordinance.

## 2.6 Special Agreement

Batesville Utilities Commission reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

## 2.7 Dilution

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

# SECTION 3 - PRETREATMENT OF WASTEWATER

## 3.1 Pretreatment Facilities

Industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 2 above within the time limitations specified by the EPA, the State, or the Batesville Utilities Commission, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Batesville Utilities Commission shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Batesville Utilities Commission for review, and shall be acceptable to the Batesville Utilities Commission before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the Batesville Utilities Commission under the provisions of this ordinance.

### 3.2 Additional Pretreatment Measures

- A. The Batesville Utilities Commission when it deems it to be reasonably necessary to the efficient operation of the POTW, may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this ordinance.
- B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Batesville Utilities Commission, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Batesville Utilities Commission and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their expense.
- C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### 3.3 Accidental Discharge-Slug Control Plans

The Batesville Utilities Commission may require any industrial user to develop and implement an accidental discharge-slug control plan. At least once every two years the Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge-control slug plan shall submit a plan which addresses, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2.1 of this ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or measures and equipment for emergency response.

### 3.4 Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

### 3.5 Hauled Wastewater

- A. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Manager, provided such wastes do not violate Section 2 of this ordinance or any other requirements established or adopted by the Batesville Utilities Commission. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Manager.
- B. The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the Batesville Utilities Commission. The Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this ordinance.
- C. Fees for dumping septage will be established as part of the industrial user fee system as authorized in Section 15.

### 3.6 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10-12, below.

## SECTION 4 - WASTEWATER DISCHARGE PERMIT ELIGIBILITY

### 4.1 Wastewater Survey

When requested by the Manager all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Manager is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

#### 4.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the Batesville POTW without first obtaining a wastewater discharge permit from the Manager. 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 10-12. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.
- B. The Batesville Utilities Commission may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

#### 4.3 Wastewater Discharge Permitting Existing Connections

Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Batesville Utilities Commission for a wastewater discharge permit in accordance with Section 4.6 below, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Batesville Utilities Commission.

#### 4.4 Wastewater Discharge Permitting New Connections

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

#### 4.5 Wastewater Discharge Permitting of Industrial Users Outside Municipal Boundaries

- A. Any existing significant industrial user located beyond the Batesville city limits shall submit a wastewater discharge permit application, in accordance with Section 4.6 below, within ninety (90) days of the effective date of this ordinance. New significant industrial users located beyond the Batesville city limits shall submit such applications to the Manager Ninety (90) days prior to any proposed discharge into the POTW.
- B. Alternately, the Batesville Utilities Commission may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

- C. Nothing in the forgoing sections, or in any provisions of this ordinance shall, be construed as requiring the City of Batesville, Arkansas to accept discharge into the POTW of any waste of any SIU located outside the city limits.

#### 4.6 Wastewater Discharge Permit Application Contents

In order to be considered for a wastewater discharge permit, all applicants must submit the information required by Section 6.1 (B) of this ordinance, on a form to be provided by the Batesville Utilities Commission. The following information may be requested:

- A. 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.
- B. Number and type of employees, hours of operation, and proposed or actual hours of operation.
- C. Each product produced by type, amount, process or processes, and rate of production.
- D. Type and amount of raw materials processed (average and maximum per day).
- E. The 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 to the POTW.
- F. Time and duration of the discharge.
- G. Any other information as may be deemed necessary by the Manager to evaluate the wastewater discharge permit application.

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

#### 4.7 Application Signatories and Certification

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

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



#### 4.8 Wastewater Discharge Permit Decisions

The Manager will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of receipt of all requested information and a completed wastewater discharge permit application, the Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within ninety (90) days, the application will be deemed denied. The Manager may deny any application for a wastewater discharge permit where the applicants requested discharge would violate any provision of this ordinance, or where, in the judgement of the Manager the discharge would adversely effect the operation of the POTW or cause the POTW to violate it's NPDES permit.

### SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

#### 5.1 Wastewater Discharge Permit Duration

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

#### 5.2 Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonable deemed necessary by the Manager to prevent a violation of the city's NPDES permit and 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, protect ambient air quality, and protect against damage to the POTW.

A. Wastewater discharge permits must contain the following conditions:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.
- (2) That the wastewater discharge permit is nontransferable without prior notification to [and approval from the Batesville Utilities Commission], and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
- (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.

- (5) Statement of applicability of civil, criminal, and administrative 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.

B. Wastewater discharge permits may contain, but need not be limited to, the following:

- (1) Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization.
- (2) Limits on the instantaneous, daily and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (3) 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.
- (4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (8) 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.
- (9) Other conditions as deemed appropriate by the Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 5.3 Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the Batesville Utilities Commission to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall result in the permit becoming a final administrative action for purposes of judicial review.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The enforcement of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Batesville Utilities Commission fails to act within forty five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint within a court of competent jurisdiction.

### 5.4 Wastewater Discharge Permit Modification

The Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- B. To address significant alterations or additions to the industrial 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, it's 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 correct typographical or other errors in the wastewater discharge permit
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not suspend the enforcement of any existing wastewater discharge permit condition.

#### 5.5 Wastewater Discharge Permit Transfer

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

- A. States that the new owner and 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.
- 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 voidable on the date of facility transfer.

#### 5.6 Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the Batesville Utilities Commission of significant changes to the users effluent wastewater prior to discharge.
- B. Failure to provide prior notification to the Batesville Utilities Commission of changed condition pursuant to Section 6.5.
- 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 Batesville Utilities Commission timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of a permitted facility.
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

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

#### 5.7 Wastewater Discharge Permit Reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4.6 a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

#### 5.8 Municipal Wastewater Discharge Permits

In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

- A. A municipal wastewater discharge permit application shall include:
  - (1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW.
  - (2) An inventory of all industrial users discharging to the municipality.
  - (3) Such other information as may be required by the Manager.

- B. A municipal wastewater discharge permit shall contain the following conditions:
- (1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4.
  - (2) A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis.
  - (3) A requirement for the municipal user to:
    - (a) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or
    - (b) authorize the POTW to take or conduct such activities on its behalf.
  - (4) A requirement for the municipal user to provide the Batesville Utilities Commission with access to all information that the municipal user obtains as part of its pretreatment activities.
  - (5) Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it discharges to the POTW.
  - (6) Requirements for monitoring the municipal user's discharge.
- C. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Sections 10 through 12.

## SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

A. (1) Within either 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 significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Manager 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 industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Manager a report which contains the information listed in paragraph B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Within 180 days after the adoption of any change in a pretreatment standard other than a categorical pretreatment standard as defined in 6.1 A.1 above, which adoption may be by Federal Regulation, the State Statute, or by Batesville Ordinance, existing significant industrial users subject to such pretreatment standard, and currently discharging to, or scheduled to discharge to the POTW, shall be required to submit to the Manager a report which contains the information listed in Subsection 6.1 B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable pretreatment standard, shall be required to submit to the Manager a report which contains the information listed in Subsection 6.1 B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

B. The industrial user shall submit the information required by this section including:

- (1) Identifying Information. The name and address of the facility including the name of the operator and owners.
- (2) Wastewater Discharge Permits. A list of any environmental control wastewater discharge 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 industrial user. This description should include a schematic process diagram which indicates point 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) Identify the categorical pretreatment standards applicable to each regulated process.
  - (b) Submit the results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or by the Batesville Utilities Commission, 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.
  - (c) Sampling must be performed in accordance with procedures set out in Section 6.11.
- (6) **Certification.** A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) **Compliance Schedule.** If additional pretreatment or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O&M 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 4.6(N) of this ordinance.
- (8) All baseline monitoring reports must be signed and certified in accordance with Section 4.7.



## 6.2 Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by 6.1(B)(7). 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: hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Manager.

## 6.3 Report 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 industrial user subject to such pretreatment standards and requirements shall submit to the Batesville Utilities Commission a report containing the information described in Section 6.1(B)(4-6). For industrial 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 industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7.

## 6.4 Periodic Compliance Reports

- A. Any significant industrial user subject to any pretreatment standard shall, at a frequency determined by the Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.7. However, where the POTW itself collects all the information required for the report, the Noncategorical Significant Industrial User will not be required to submit the report.

- B. All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 6.11 of this ordinance the results of this monitoring shall be included in the report.

#### 6.5 Report of Changed Conditions

Each industrial user is required to notify the Manager of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- A. The Manager may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.6.
- B. The Manager may issue a wastewater discharge permit under section 4.8 or modify an existing wastewater discharge permit under Section 5.4.
- C. No industrial user shall implement the planned changed conditions until and unless the Manager has responded to the industrial user's notice.
- D. For purposes of this requirement, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutants, shall be deemed significant.

#### 6.6 Reports of Potential Problems

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 2.1 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify Batesville Utilities Commission of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

- B. Within five (5) days following such discharge, the industrial user shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial 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 industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.
- C. Failure to notify Batesville Utilities Commission of potential problem discharges shall be deemed a separate violation of this ordinance.
- D. A notice shall be permanently posted on the industrial 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 or suffer to cause such a discharge to occur, are advised of the emergency notification procedure.

#### 6.7 Reports from Nonsignificant Industrial Users

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide reports to Batesville Utilities Commission in the time and manner the Manager or his designee requests.

#### 6.8 Notice of Violation-Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Manager within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Manager within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

## 6.9 Notification of the Discharge of Hazardous Waste

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of any 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 industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial 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 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 discharges must be submitted under Section 6.5, above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4, above.

B. Dischargers are exempt from the requirements of paragraph A of this section 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 non-acute 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 industrial 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 industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulation.

- D. In the case of any notification made under 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.

#### 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 the EPA.

#### 6.11 Sample Collection

- A. Except as indicated in Section B, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Manager may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

#### 6.12 Determination of Noncompliance

The Manager may use a grab sample(s) to determine noncompliance with pretreatment standards.

#### 6.13 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 U.S. Postal Service, the date of receipt of the report shall govern.

#### 6.14 Record Keeping

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. 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 compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Manager.

## SECTION 7 - COMPLIANCE MONITORING

7.1 Inspection and Sampling

Batesville Utilities Commission shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Manager or his representatives 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 an industrial user has security measures in force which required proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from Batesville Utilities Commission, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. Batesville Utilities Commission, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling or metering of the user's operations.
- C. Batesville Utilities Commission may require the industrial 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 industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [periodically] to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected or sampled shall be promptly removed by the industrial user at the written or verbal request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
- E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this ordinance.

## 7.2 Search Warrants

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

## SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Batesville Utilities Commission inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law. When requested and demonstrated by the industrial 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 INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria 1.4 for BOD<sub>5</sub>, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- C. Any other discharge violation that Batesville Utilities Commission believes has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of City 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 Batesville Utilities Commission exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within (30) days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation(s) which Batesville Utilities Commission determines will adversely affect the operation or implementation of the local pretreatment program.



## SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notification of Violation

Whenever the Manager finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Manager or his agent may serve upon said user a written Notice of Violation. Within twenty (20) calendar days of the written receipt of this notice, a written 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 Manager. 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 Batesville Utilities Commission to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

When the twenty (20) day period, referred to above, falls on a weekend or National Holiday, then the written response shall be due upon the next following business day.

### 10.2 Consent Orders

The Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user who is or has been in noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period to be specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.3 and 10.4 below and shall be judicially enforceable.

### 10.3 Compliance Orders

After the expiration of the time for submission by the user to the Manager of a written explanation of the violation and the written plan for the satisfactory correction and prevention thereof, if the Manager then finds that the user continues to violate this ordinance, a wastewater discharge permit, or order issued thereunder, or any pretreatment requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance. If the user does not come into compliance within the time specified in the Managers compliance order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also 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 Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

#### 10.4 Cease and Desist Orders

When the Manager finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements.
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

#### 10.5 Show Cause Hearings on Proposed Administrative Action

- A. The Manager may order any user which violates this ordinance, any wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement; causes or contributes to a violation of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Batesville Utilities Commission to show cause why a proposed administrative enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the show cause hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) working days prior to the hearing. Such notice may be served in any method or manner permitted under Arkansas Law, or Arkansas Rules of Civil Procedure. Service of notice shall be sufficient when served by certified mail, return receipt requested, and delivered to the addressee only, at the address of the user shown on any wastewater discharge permit issued it by the Batesville Utilities Commission. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.
- B. Any user who objects to any proposed administrative enforcement action may request a hearing to show cause to the Batesville Utility Commission why such enforcement action should not be taken.

## 10.6 Emergency Suspensions

The Batesville Utilities Commission may immediately suspend a user's discharge (after verbal notice to the user) whenever such suspension is necessary in order 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 Batesville Utilities Commission may also immediately suspend a user's discharge after verbal notice 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 Batesville Utilities Commission shall 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 Batesville Utilities Commission shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Batesville Utilities Commission that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.8 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 Batesville Utilities Commission, prior to the date of any show cause or termination hearing under Sections 10.5 and 10.8.

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

## 10.7 Termination of Discharge

In addition to those provisions in Section 5.6 of this ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, 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.
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10. of this ordinance why the proposed action should not be taken.

## SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

### 11.1 Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Batesville Utilities Commission may petition a Court of competent jurisdiction 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. Such other action as appropriate for legal or equitable relief may also be sought by Batesville Utilities Commission. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

### 11.2 Civil Penalties

- A. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Batesville Utilities Commission for a maximum civil penalty of One Thousand Dollars (\$1000.00) per violation per day.
- B. Such civil penalties shall be recoverable in a court of competent jurisdiction, but such civil proceeding may be initiated only after a majority vote of the Batesville City Council resolving to pursue the civil penalty.
- C. The Batesville Utilities Commission may recover reasonable attorney's fees, court cost, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Batesville Utilities Commission.
- D. 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, 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.
- E. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

### 11.3 Criminal Prosecution

- A. Any user who violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement, shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1000.00) per violation per day.
- B. No criminal prosecution shall be initiated except upon a vote of a majority of the City Council of Batesville, Arkansas resolving to pursue such criminal action.
- C. The penalties stated above shall be in addition to any other cause of action for personal injury or property damage available under state law, and shall be in addition to civil penalties which may be assessed under Section 11.2 above.
- D. Any user knowingly making any false statement, representation, or certification in any application, record, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, any Wastewater Discharge Permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor, and may be punished by a fine of not more than One Thousand Dollars (\$1000.00) per violation per day.
- E. No criminal prosecution under the foregoing subparagraph may be initiated except upon a majority vote of the Batesville City Council resolving to pursue such criminal prosecution.

### 11.4 Remedies Nonexclusive

The provisions in Sections 9-12 are not exclusive remedies. Batesville Utilities Commission reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with The Batesville Utilities Commission enforcement response plan. However, Batesville Utilities Commission reserves the right to take other action against any user when the circumstances warrant. Furthermore, the Batesville Utilities Commission is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

## SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

### 12.1 Performance Bonds

The Batesville Utilities Commission may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a bond, payable to Batesville Utilities Commission, in a sum not to exceed a value determined by the Batesville Utilities Commission to be necessary to achieve consistent compliance.

## 12.2 Liability Insurance

The Batesville Utilities Commission may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first provides financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

## 12.3 Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

## 12.4 Public Nuisances

Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Batesville Utilities Commission. Any person(s) creating a public nuisance shall be required to reimburse Batesville Utilities Commission for any costs incurred in removing, abating or remedying said nuisance.

## SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATION

### 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 industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the industrial user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

- (3) The industrial user has submitted the following information to the POTW and treatment plant operator 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]:
- (i) A description of the indirect discharge and cause of noncompliance.
  - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
  - (iii) Steps being taken and planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### 13.2 General And Specific Prohibitions

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 2.1 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along 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 industrial 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 Batesville Utilities Commission 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. (1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial 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. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance or to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this section.
- C. (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible.
- (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW 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 industrial 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 POTW 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 POTW may take enforcement action against an industrial user for a bypass, unless;
- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;



- (ii) 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
  - (iii) The industrial user submitted notices as required under paragraph C of this section.
- (2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph D (1) of this section.

## SECTION 14 - SURCHARGE COSTS

### 14.1 Qualifications

The Batesville Utilities Commission shall charge Industrial Users a surcharge in addition to the normal metered charge for sewer service who discharge wastewater to the Batesville POTW containing:

- (1) Unusual BOD<sub>5</sub> (five-day biochemical oxygen demand in excess of 270 mg/l); or
- (2) Unusual Suspended Solids (total suspended solids in excess of 270 mg/l).

Sewer surcharges shall be based on the following formula:

$$S = V_{WW} \times 8.34 [C_{BOD} (BOD_5 - 270)] + [C_{SS} (TSS - 270)]$$

**Where:**

S = Surcharge in dollars for the month

V<sub>WW</sub> = Volume of wastewater discharged during the month, in millions of gallons

8.34 = Pounds per gallon of water

C<sub>BOD</sub> = Unit charge for unusual BOD<sub>5</sub> in dollars per pound

BOD = Monthly average five-day BOD<sub>5</sub> of IU's wastewater, in mg/l

270 = Concentrations in mg/l above which both BOD<sub>5</sub> and TSS are considered unusual

C<sub>SS</sub> = Unit charge for unusual suspended solids, in dollars per pound

TSS = Monthly average total suspended solids of IU's wastewater, in mg/l

## 14.2 Formula

That from the date of passage of this ordinance to December 31, 1992, the average cost per pound for treatment of suspended solids ("TSS") shall be \$0.0237 per pound; and the average cost per pound for treatment of concentrations having biochemical oxygen demand ("BOD") shall be \$0.1061 per pound. On and after December 31, 1992, and annually thereafter, the values for factors C<sub>SS</sub> and C<sub>BOD</sub> shall be determined as follows:

$$C_{SS} = \frac{\text{Suspended Solids Cost Per Pound}}{\text{Cost Per Pound}} = \frac{10\% \text{ (total O \& M costs)}}{\text{total pounds of S.S. treated in preceding FY}}$$

$$C_{BOD} = \frac{\text{BOD}_5 \text{ Cost Per Pound}}{\text{Per Pound}} = \frac{60\% \text{ (total O \& M costs)}}{\text{total pounds of BOD}_5 \text{ treated in preceding FY}}$$

## SECTION 15 - MISCELLANEOUS PROVISIONS

### 15.1 Charges and Fees

Batesville Utilities Commission may adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the Batesville Utilities Commission 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 an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Batesville Utilities Commission 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 Batesville Utilities Commission.

### 15.2 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.

### 15.3 Conflicts

Ordinance No. 997, and all other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 16 - EFFECTIVE DATE

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

INTRODUCED the 12th day of January, 1993.

FIRST READING: 12th day of January, 1993.

SECOND READING: 12th day of January, 1993.

PASSED this 12th day of January, 1993.

AYES: 8

NAYS: 0

ABSENT: 0

NOT VOTING: 0

APPROVED by me this 12th day of January, 1993.

*James S. Bennett*  
Mayor

ATTEST: *Debra M. Johnson*  
City Clerk

PUBLISHED: Batesville Guard  
Publication

1-12-93  
Date