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July 13, 2010

Mr. Mo Shafii
Assistant Air/Water Division Manager
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

RE: Nashville Pretreatment Program and Ordinance

Dear Mr. Shafii,

On behalf of the City of Nashville, we are please to submit their Industrial Pretreatment Program and Industrial Pretreatment Ordinance. Please review the enclosed information and advise me of any additional information that you might need.

If you should have any questions or comments, please do not hesitate to call me at (870) 972-5316. Please send any written correspondence concerning this project to our office in Jonesboro at the above-listed address.

Very truly yours

Jason MacDonald P.E.
Project Engineer

enclosures

Cc:Larry Dunaway, Director of Public Works, City of Nashville

**INDUSTRIAL PRETREATMENT PROGRAM
NASHVILLE, ARKANSAS**

NPDES Permit No. AR0021776

Administered by
City of Nashville

July 2010

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1	Introduction	1
2	Nashville Waste Water Treatment Plant	2
3	Industrial User Surveys	5
3.1	Sources	5
3.2	Updated Survey	5
3.3	Non-Residential, Non-Significant Users	6
3.4	Significant Industrial Users	8
3.5	Maintenance of Inventory of Non-Residential Users	9
4	Program Procedures	10
4.1	Maintenance of Industrial Survey and Permitting Process	10
4.2	Notification of Requirements to Industrial Users	12
4.3	Industry Self-Monitoring and Other Reports	14
4.4	Monitoring and Inspection Activities	16
5	Enforcement Response Plan	18
5.1	Investigation of Violations	19
5.2	Enforcement Response Guide	24
6	Public Participation	25
6.1	Local Publication	25
6.2	Annual POTW Reports	25
7	Organization and Funding	27
7.1	Personnel	27
7.2	Equipment	30
7.3	Program Costs and Funding Sources	30

SECTION 1

INTRODUCTION

This document summarizes the activities which have brought the development of the Nashville Industrial Pretreatment Program to its present state.

The Nashville Industrial Pretreatment Program was originally adopted by the City of Nashville in October, 1990. The City of Nashville has administered the program, by Permit Control Mechanism, since its adoption.

The purposes of the Nashville Industrial Pretreatment Program and of this modification are to continue to:

- A. provide a mechanism for preventing the introduction of pollutants into the POTW which would interfere with the operation of the POTW;
- B. prevent the introduction of pollutants into the POTW which might pass through the POTW inadequately treated, into the receiving waters or otherwise be incompatible with the POTW;
- C. ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. improve the opportunity to recycle and reclaim wastewater or sludge from the POTW;
- F. provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;

- G. enable the City of Nashville 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;
- H. incorporate into the program revisions to the General Pretreatment Regulations for Existing and New Sources of Pollution—40 CFR 403—through July 24, 1990. A copy of a compilation of 40 CFR 403 including these revisions is included in Appendix A; and
- I. assess the need for and develop Technically Based Local Limits. The required assessment and development of needed Technically Based Local Limits is included in Appendix K.

Industrial Users which discharge wastewater into the Nashville POTW may be required to obtain Industrial Wastewater Discharge Permits. The discharge of certain pollutants into the Nashville POTW by such Industrial Users may either be prohibited or regulated (limited) in accord with limits or prohibitions established by the City of Nashville, by Nashville City Ordinances, Arkansas state laws or regulations, or National Pretreatment Regulations or National Categorical Standards in order to continue to discharge wastewaters to the Nashville POTW.

The Nashville Industrial Pretreatment Program must be responsive to changes in wastewater treatment plant influent quality which could interfere with the treatment system, and be sufficiently flexible to accommodate the addition of Industrial Users to the Nashville POTW.

SECTION 2

NASHVILLE WASTEWATER TREATMENT PLANT

The City of Nashville discharges effluent from its wastewater treatment plant to Mine Creek, thence to Millwood Lake, thence to the Red River in segment 1C of the Red River Basin under authority of NPDES Permit No. AR0021776. A copy of the current permit is included in Appendix B.

The City of Nashville wastewater treatment plant, in its present configuration, utilizes primary treatment in the form of two aerated lagoons, secondary treatment in the form of a single stabilization basin and a DAF unit and post treatment in the form of chlorination/dechlorination basin. The sludge in the aerated lagoons is checked for depth and a land application permit applied for once removal is necessary. The stabilization lagoon sludge has not been removed from the lagoon.

A schematic of the City of Nashville wastewater treatment plant is included in Appendix C.

The 30-day average discharge limits for the Nashville Wastewater Treatment Plant set forth in the current NPDES permit are 10 mg/l for BOD₅, 15 mg/l for TSS, and 2 mg/l for NH₃-N (May – October), and 10 mg/l for NH₃-N (November - March), and 10 mg/l for NH₃-N (April).

The design daily average flow is 2.3 MGD. The plant is designed to accommodate the following daily organic pollutant loading:

	Concentration mg/l	Mass Loading Lbs.
BOD ₅	300	5,754
TSS	300	5,754
NH ₃ -N	25	480

The 30-day average influent loading of the treatment plant for the one-year period from January 2008, through December, 2008, has been as follows:

Month	Avg. Flow MGD	Avg. BOD ₅ Lb/Day	Avg. TSS Lb/Day	Avg. NH ₃ -N Lb/Day
Jan, 2008	1.83	4579	4579	382
Feb,	1.84	4604	4604	384
Mar	1.91	4778	4778	398
Apr	2.02	5054	5054	421
May	1.83	4578	4578	381
Jun	1.07	2677	2677	223
Jul	1.45	3627	3627	302
Aug	1.15	2877	2877	240
Sep	1.88	4703	4703	392
Oct	1.84	4603	4603	383
Nov	1.72	4303	4303	358
Dec	1.61	4028	4028	336
Average	1.68	4204	4204	351

The influent data of the past year indicate an organic pollutant loading of approximately 73% percent of the design capacity of 5754 lbs per day of BOD₅. The design average daily flow of 2.3 MGD has not been exceeded in the months of January, 2008, through December, 2008.

SECTION 3

INDUSTRIAL USER SURVEYS

3.1 SOURCES

The City of Nashville uses the following listed sources for identifying non-residential users of the Nashville POTW who may require regulation under the authority of the Nashville Industrial Pretreatment Program:

- A. Nashville water customer listing, particularly new service accounts.
- B. Nashville telephone directory.

3.2 UPDATED SURVEY

The City of Nashville has begun a survey of approximately 10 selected non-residential water customers to determine if there are additional Industrial Users discharging wastewater to the Nashville POTW who may require regulation under authority of the Nashville Industrial Pretreatment Program either as Categorical Industries, or as Significant Industrial Users as defined in Section 10.12.03 (49) of the "Draft" Nashville Municipal Code. The current non-residential survey will also serve to identify those sewer users who operate, or should operate, grease interceptors.

The procedure for the current survey was initiated by the Pretreatment Coordinator first mailing the survey form (which is included in Appendix F) to the selected non-residential water customer with a letter requesting the recipient's response. The City of Nashville Industrial Pretreatment Coordinator will follow up with telephone contact with those recipients who failed to respond within thirty (30) days to assure that the recipient has received the survey form and remains cooperative with apparent intent

to complete and return it per the City of Nashville request. The City of Nashville Industrial Pretreatment Coordinator follow with additional mailings to those recipients who failed to respond. Those non-residential wastewater system users who continue to be nonresponsive to industrial survey requests may then be served a Notification of Violation of the Nashville Municipal Code, followed by appropriate progressive enforcement remedies as provided for in Sections 10.12.14, 10.12.15, and 10.12.16 of the Nashville Municipal Code.

3.3 NON-RESIDENTIAL, NON-SIGNIFICANT USERS

Table 3.3 on the following pages is a listing of non-residential POTW users which have been identified by the past surveys, although not identified as Significant Industrial Users. Surveillance of these users may be continued to identify changes in processes or wastewater characteristics which might cause them to be considered SIU's and to assure their compliance with requirements of Chapter 10.12 of the Nashville Municipal Code.

TABLE 3.3

NON-RESIDENTIAL, NON-SIGNIFICANT
NASHVILLE WASTEWATER SYSTEM USERS
July 2010

<u>INDUSTRY</u>	<u>PRINCIPAL ACTIVITY</u>
1. 10 Minute Lube	Automotive
2. Animal Control	Animal Control
3. B&Z Manufacturing	Manufacturing
4. Car Wash	Automotive
5. Central Machine Shop	Manufacture
6. Coca Cola Plant	Liquids
7. Husqvarna	Manufacturing
8. International Paper	Manufacturing
9. L&W Laundry	Washing
10. NU Way Cleaners	Washing
11. Barnes Paper Company	Manufacturing

3.4 SIGNIFICANT INDUSTRIAL USERS

The following are two (2) non-residential dischargers to the POTW which currently are identified as Significant Industrial Users as defined by Section 10.12.03 (49) of the Nashville Municipal Code and which have been issued permits and are regulated by the Nashville Industrial Pretreatment Program:

Aero-Incorporated

Aero-Incorporated is located at 600 South Mill Street in Nashville, Arkansas.

Aero-Incorporated is subject to National Categorical Pretreatment Standards established under 40 CFR 403.5. The applicable National Categorical Standard is 40 CFR Part 433.15.

Aero-Incorporated uses strip of carbon steel to mechanically shear and forge scissors. The scissors are finished with either a bright or dull nickel plating. The only wastewater being discharged to the City is from the washing of the knifed edges after they have been sheared. This waste steam does not fall under the Categorical Standards. Currently all waste from the Nickel plating is being temporally stored on sight and being hauled off.

Jan-Eze (SIC# 3471)

Jan-Eze is located at 100 Mission Drive, in Nashville, Arkansas

Jan-Eze is subject to National Categorical Pretreatment Standard established under 40 CFR 403.5. The applicable National Categorical Standard is 433.17.

Jan-Eze process involves Hard Chromium and Electrolytic Nickel plating to small engine cylinders and several varieties of steel parts. The regulated process usually generates 28,080 gallons per day water being discharged to the POTW. Also, the process produces 15,602 lbs per month of waste.

The pretreatment process at Jan-Eze involves chemical precipitation, filtration, oil and grease separation, pH correction, and spill protection. Jan-Eze has had no permit violations since 2006.

3.5 MAINTENANCE OF INVENTORY OF NON-RESIDENTIAL USERS

Significant Industrial Users subsequently discovered by the City of Nashville will be appropriately regulated.

The City of Nashville will update its Industrial User Survey on an ongoing basis to identify and characterized new on-residential users and to document changes in processes and characteristics of wastewaters discharged by existing non-residential users of POTW. Prior to initiation of sewer service for new non-residential customers, the Director of Public Works will appropriately request such a potential customer to complete an Industrial User Survey. If the potential customer will be a Significant Industrial User, the potential customer shall complete an application for an Industrial Wastewater Discharge Permit.

A comprehensive Industrial User Survey, such as the one recently concluded by the City of Nashville to include those non-residential users not being monitored by industrial inspection, should be performed at least every five (5) years.

SECTION 4

PROGRAM PROCEDURES

The City of Nashville has developed the following program element procedures assist implementation of the Nashville Industrial Pretreatment Program:

- A. Maintenance of industrial survey and permitting process.
- B. Notification of requirements to Industrial Users.
- C. Industry self-monitoring and other reports.
- D. Monitoring and inspection activities.
- E. Investigation of noncompliance and enforcement response plan.
- F. Public participation.

4.1 MAINTENANCE OF INDUSTRIAL SURVEY AND PERMITTING PROCESS

The City of Nashville Pretreatment Coordinator (PC) will maintain a current inventory of non-residential POTW users who potentially may, by changes in the characteristics, quantities or sources (from an activity which makes the industry a categorical industry) of their wastewater stream, be classified as a Significant Industrial User (SIU) as defined by Section 10.12.03 of the Nashville Municipal Code.

The Nashville IU inventory shall be updated continuously to assist in identifying any IU that may meet criteria for re-classification as an SIU. In addition to computerized tracking, hard copy files of responses to Industrial Surveys should be maintained along with all available information pertinent to industrial users, such as periodic inspection reports by PC, water usage records, newspaper articles or other.

All SIU's are required to obtain an industrial wastewater discharge permit. The City of Nashville should, within 30 days of determining that an Industrial User (IU) is a

SIU, notify the SIU of its status and of the requirement to obtain a permit and furnish the SIU the appropriate permit package. The permit package will include a letter of notification, permit application form, a copy of chapter 10.12 of the City of Nashville Municipal Code and any National Categorical Standards which may apply to the SIU's wastewater discharge. Examples of instruments utilized in the permit process are included in Appendix H.

The City of Nashville will evaluate the data furnished by the IU and may require additional information. Within ninety (90) days of receipt of all requested information to complete the Industrial Wastewater Discharge Permit application, the Director of Public Works will determine whether or not to issue a permit. The City of Nashville will, based on the IU's wastewater discharge characteristics and the most stringent applicable limitations posed by general pretreatment standards, categorical pretreatment standards, local limits, and State and local law, determine appropriate:

- 1) specific permit effluent limitations;
- 2) monitoring requirements;
- 3) reporting requirements; and
- 4) special conditions.

Provided that the City of Nashville can determine that the contribution of permitted pollutants will not cause the POTW to violate its NPDES permit, the City of Nashville will then issue the SIU an Industrial Wastewater Discharge Permit. If no determination is made within ninety (90) days, the application will be deemed denied. Such permit or "Control Mechanism" shall contain, at a minimum and in compliance with 40 CFR 403.8 (f) (1) (iii), the following conditions:

- 1) Statement of duration (in no case more than five (5) years);
- 2) Statement of non-transferability;
- 3) Effluent limits based on applicable general pretreatment standards in Part 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
- 4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, sample type, based on the applicable general pretreatment standards in Part 40 CFR 403, categorical pretreatment standards, local limits and State and local law;
- 5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend compliance date beyond applicable federal guidelines. [Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103 (g) et seq. provides for maximum Civil or Criminal penalties of one thousand dollars (\$1,000) for each violation by industrial users of pretreatment standards or requirements. Each day of a continuing violation may be deemed a separate violation.]; and
- 6) Appropriate BMP.

An example of the Industrial Wastewater Discharge Permit form is included in Appendix H.

The costs incident to the evaluation and issuance of an industrial wastewater discharge permit shall be borne by the permitted SIU as provided for by Section 10.12.09 of the Nashville Municipal Code.

Any person, including the permitted Industrial User, may, as provided for by Section 10.12.09 (3) of the Nashville Municipal Code, petition the City of Nashville to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days.

4.2 NOTIFICATION OF REQUIREMENTS TO INDUSTRIAL USERS

The City of Nashville Director of Public Works will notify all IU's subject to the requirements of the Nashville Industrial Pretreatment Program of any applicable Pretreatment Standards or applicable requirements under Sections 204 (b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act. The City of Nashville will rely on information provided by contract consulting engineer and that provided at regularly schedule Region VI EPA and Arkansas Department of Environmental Quality seminars for the promulgation of new regulations affecting the administration of their approved Industrial Pretreatment Program.

The City of Nashville may, in compliance with 40 CFR 403.8 (f) (2) (v), require SIU's (permitted IU's) to develop and continue implementation of an approved slug (spill) control plan. The City of Nashville Director of Public Works should evaluate, at least every two (2) years, whether each permitted SIU needs a plan to control slugs (spills). If such control plan is required, it shall contain, at a minimum, the following elements:

- A. Description of discharged practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of slug (spill) discharges, including any discharge that would violate a specific prohibition listed under 40 CFR 403.5 (b), with procedures for follow-up written notification within five (5) days.
- D. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and worker training, building and containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment necessary for emergency response.

4.3 INDUSTRY SELF-MONITORING AND OTHER REPORTS

The City of Nashville may require self-monitoring and other reports from IU's as required by 40 CFR 403.8 (f) (2) (iv) and 403.12. As required, IU's will submit reports directly to the POTW. All sampling and analyses necessary for meeting reporting requirements shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Test methods used shall be that which will meet the Minimum Quantification Level required for Priority Pollutant Scan Information published by the Arkansas Department of Environmental Quality.

Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, composite samples must be obtained. All analyses shall be performed by a laboratory acceptable by the POTW.

Significant Industrial Users, including SIU's, not subject to categorical pretreatment standards, who are required to provide self-monitoring may be required to provide the following reports for which detailed requirements are set forth in 40 CFR 403.12:

- A. Baseline Report. This report is required to be submitted by SIU's within 180 days after POTW finding that the SIU is subject to a Categorical Pretreatment Standard. An application for Industrial Wastewater Discharge Permit (permit) containing required information, properly completed and certified, will meet the requirement of 40 CFR 403.12 (b) (1)-(7) for baseline report.
- B. Progress Reports for Meeting Milestones Necessary for Compliance. This report is only required if necessary for the SIU to provide additional technology (pretreatment facilities) in order to meet requirements of pretreatment standards (limitations) set forth in an Industrial Wastewater Discharge Permit. If required, this report shall be submitted within fourteen (14) days following scheduled milestone events and final date of compliance.

- C. Report of Compliance with Categorical Pretreatment Standard. If compliance monitoring is performed by the POTW and no self-monitoring is required by the Industrial Wastewater Discharge Permit, permitted SIU's are not required to submit this report.
- D. Periodic Reports on Continued Compliance. This report, if self-monitoring is required by the permit, shall be submitted by the permitted SIU at the frequency set forth in the permit. If compliance monitoring is performed by the POTW, and no self-monitoring is required by the permit, SIU's are not required to submit this report.
- E. Notice of Potential Problems, including Slug Loading. All IU's are required to notify the POTW immediately of all discharges that could cause problems to the POTW, including slug loadings, as define by Section xx.xx.03 (50) of the Nashville Municipal Code.
- F. Notification of Changed Discharge. All IU's shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification required by 40 CR 403.12 (p).

All IU reports and notifications shall contain the certification statement set forth in Section 10.12.08 (7) of the Nashville Municipal Code and be properly signed by an authorized representative of the IU, as defined in Section 10.12.03 (4) of the Nashville Municipal Code.

Industrial Users subject to the above reporting requirements shall maintain records of all information resulting from any monitoring activity, whether or not required by the POTW, the State, or by the U.S. Environmental Protection Agency for a minimum of three (3) years and shall make such records available for inspection and copying by the POTW. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or when requested by the POTW.

At the request of an IU, information submitted for evaluation of application for an Industrial Wastewater Discharge Permit or information contained in monitoring reports

which would divulge methods or processes entitled to protection as trade secrets will, as provided for in Section 10.12.12 of the Nashville Municipal Code and insofar as possible under the provisions of 40 CFR Part 2, be held confidential by the City of Nashville. In order for submittals to be considered for confidentiality, the submitter must assert their claim at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. 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.

4.4 MONITORING AND INSPECTION ACTIVITIES

The City of Nashville shall endeavor to locate and identify all Industrial Users (IU's) which might meet the criteria for classification as Significant Industrial Users (SIU's) as defined by Section 10.12.03 (49) of the Nashville Municipal Code and therefore be subject to regulation by Industrial Wastewater Discharge Permit. An ongoing random monitoring program of existing non-residential users discharging other than normal domestic wastes to the POTW will be continued by the City of Nashville to ascertain the quality of wastewaters discharged by non-permitted users.

Significant Industrial Users which are permitted under the provisions of this program shall be required to self-monitor their discharge of wastewater into the Nashville POTW to determine compliance with the SIU's wastewater discharge permit and to establish surcharges for SIU's discharging unusual BOD₅ (above 300 mg/l) and unusual TSS (above 300 mg/l). The frequency of monitoring and reporting shall be specified in the SIU's permit. However, the frequency of self-monitoring and reporting shall be no

less than twice per year. If the SIU's Industrial Wastewater Discharge Permit requires self-monitoring, the City of Nashville shall perform compliance monitoring (sampling and analyses) of the SIU's effluent at least once a year. The City of Nashville compliance monitoring activities shall document all data required by 40 CFR 403.12 of industries who are required to perform self-monitoring, thereby eliminating the requirement for SIU's to submit semi-annual reports of continued compliance.

In addition to compliance monitoring, the City of Nashville will inspect each SIU at least once a year. The City of Nashville will document the results of industrial inspections by completing industrial Inspection Report, a copy of which is included in Appendix I.

All sampling and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, composite samples must be obtained, EXCEPT that the City of Nashville may, in accord with Section 10.12.10 (12) of the Nashville Municipal Code, use grab sample(s) suggest noncompliance, the Director of Public Works and/or the Industrial User should re-sample the user's effluent using composite techniques until consistent compliance is demonstrated.

All analyses shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. A Chain of Custody document, a copy of which is included in Appendix J, should be utilized to document the validity of results of compliance monitoring.

SECTION 5

ENFORCEMENT RESPONSE PLAN

All violations of the City of Nashville's Industrial Pretreatment Program should be met with an enforcement response. The purpose of this flexible plan is to provide guidance with the persons responsible for the administration and enforcement of this program can determine appropriate investigative and enforcement responses to remediate violations of elements of the Program. The City of Nashville has developed this response plan to assist the responsible individuals and entities—Pretreatment Coordinator (PC), Manager of POTW (M), Director of Public Works (DPW), City Council, City Attorney, and the City of Nashville Prosecuting Attorney—in selecting appropriate enforcement to meet the following range of violations:

- A. Administrative violations, unauthorized discharge (not permit or discharge limit violations) such as a non-permitted discharge for which the Industrial User (IU) was unaware of requirement or has failed to apply for an Industrial Wastewater Discharge Permit (Permit) when informed of the requirement to do so or failure to apply for a renewal of an existing permit.
- B. Discharge limit violation (exceedance of a pretreatment standard) from isolated to recurring.
- C. Reporting violations, from omitting proper signatory or certification, to late submittals, the total failure to submit required reports, to falsification of reports.
- D. Monitoring violations, from failure to monitor in accord with 40 CFR 136, to recurring failure to monitor correctly, to failure to install monitoring equipment required by the City of Nashville, to tampering with monitoring equipment or falsifying monitoring information.
- E. Violation of compliance schedules, from failure to meet a compliance milestone or late report for good cause, to failure to meet a compliance milestone which will affect final compliance date, to failure to report to refusal to comply or reporting false information.

- F. Other permit violations, or violations discovered during inspections and/or investigations, from dilution of wastestream, to failure to mitigate a noncompliance or observe a suspension, to denial of entry, to inadequate record keeping or failure to report additional monitoring.

5.1 INVESTIGATION OF VIOLATIONS

All elements responses, actions and reporting requirements of the Nashville Industrial Pretreatment Program (Program) shall be performed within a prescribed period of time. Therefore, all notifications of requirements for or requests for responses, actions or reports, in order to be complete and enforceable, must clearly indicate an acceptable period for receipt of response. In addition, all notifications for requirements for or requests for responses, actions or reports shall be delivered by a conveyance which will result in documentation of "Proof of Delivery," Certified U.S. Mail, or other conveyance which will furnish hard copy "Proof of Deliver." All findings of investigations of indicated or alleged violations, performed primarily by the PC, shall be sufficiently documented so that it would meet the test for "Admissible Evidence" in a court of competent jurisdiction.

Investigations by PC should be completed and appropriate enforcement response should be initiated within the period of time listed for various violations listed below.

The PC should keep the Manager and the Director of Public works informed of chronically-recurring violations and recommend appropriate enforcement from those responses listed in the Enforcement Response Guide which are commensurate with damages which may or may not have been caused to the POTW or the environment by any type of the following listed violations:

- A. Administrative Violations. Investigation of "administrative violations" (not Permit or discharge limit violations), should first ascertain that the IU was properly notified of the program requirement that they appear to be

violating. Such requirement could be from failure by an IU to respond to a request for response to an industrial survey, to a prohibited discharge, as identified by Section xx.xx.06 (1) of the Nashville Municipal Code by a non-permitted IU who may or may not be aware of the prohibition, to failure to apply for a Permit or a Permit renewal or other.

The PC should conclude investigation of apparent Administrative Violation and initiate appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should log notifications of program requirements and track responses utilizing software package referenced in Section 5.1 of this Industrial Pretreatment Program document. In addition to computerized tracking, hard copy files of responses and "Proof of Deliveries" should also be maintained.

The PC should also maintain documentation of follow-up phone or in-person contacts with IU's which have been notified of particular program requirements which they are required to meet.

- B. Discharge Limit Violations. Reports of compliance self-monitoring submitted by SIU's in compliance with requirements of their Industrial Wastewater Discharge Permits shall be analyzed, with appropriate enforcement response initiated by the PC for those found to be in non-compliance, within ten (10) days of receipt of the compliance report.

Computerized tracking of IU's compliance should be utilized by the PC to document whether the indicated violation is chronically recurring or an isolated event.

The PC's investigation should document any damage to the POTW or environment which may likely have been the result of the violation.

The indicated violation should be tracked until receipt of the results of repeat sampling and analyses.

If the investigation of discharge limit violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment, the investigation should then, through the Director of Public Works and City Council, be referred to the City Attorney for Civil action to recover damages under the provisions of Arkansas Code of 1987 Annotated, including 1995 Supplement Volume 6A, 8-4-103 (g) et. seq.

- C. Reporting Violations. The PC should log due dates and required content of all IU reports and tack responses utilizing software package referenced in

Section 4.1 of this document. In addition, to computerized tracking, hard copy files of responses and "Proof of Deliveries" of all notification should also be maintained.

The PC should conclude investigation of apparent Reporting Violations and initiate appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should also maintain documentation of follow-up phone or in-person contacts with IU's which have been notified of particular reporting requirements which they are required to comply with.

Investigation by the PC of reporting violations should document any recurrence and chronic disregard for punctuality in submitting required reports or total disregard of requirement for submittal of reports.

In addition, investigation by the PC of reporting violations should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of a reporting violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent," the investigation should then, through the Director of Public Works and City Council, be referred to the City Attorney and/or City of Nashville Prosecutor for either civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103 (g) et seq.

- D. Monitoring Violations. The PC should, utilizing software package reference in Section 4.1 of this document, log and track compliance monitoring of all SIU Permit monitoring requirements and parameters and the required sampling and analyses methods prescribed by 40 CFR 136. In addition to computerized tracking, hard copy files of all compliance monitoring reports should be maintained.

Part II—Monitoring Requirements of SIU's Permit requires, where the IU is providing compliance self-monitoring, that the IU notify the PW within 24 hours of becoming aware of a permit violation. The IU shall also repeat the sampling and analyses and submit the results of the repeat analyses to the DPW within thirty (30) days after becoming aware of the violation. Therefore, if analyses indicate a violation, the SIU should have already notified the Director of Public Works of such indication of violation and should have initiated repeat sampling and analyses in compliance with Monitoring Requirements of their Permit. The PC shall document

confirmation whether or not the SIU has notified the Director of Public Works of the indication of violation and has initiated repeat sampling and analyses in compliance with the requirements of their Permit.

The PC should document failures of SIU's to provide notification of indicated violations and repeat sampling and analyses by issuing a written Notice of Violation to the SIU citing them for Permit Violation, specifically that of not providing the notification or repeat sampling and analyses required by Part II—Monitoring Requirement, in compliance with 40 CFR 403.12 (g) (2). The written Notice of Violation should be issued no more than ten (10) days after the PC is aware of the indicated violation.

Investigation by the PC of improper monitoring or analyses by SIU's should document any recurrence or chronic disregard for proper sampling and analyses methods.

In addition, investigation by the PC of reporting violation should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of a monitoring violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent" the investigation should then through the Director of Public Works and City Council, be referred to the City Attorney and/or City of Nashville Prosecutor for either Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103 (g) et seq.

- E. Compliance Schedules Violations. The PC should log due dates and required content of all scheduled milestone compliance reports and final compliance and track responses utilizing software package referenced in Section 5.1 of this document. In addition to computerized tracking, hard copy files of responses and "Proof of Deliveries" of all notifications should also be maintained.

The PC should conclude investigation of apparent Compliance Schedules Violations and initiate or recommend to the Director of Public Works appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC should also maintain documentation of follow-up phone or in-person contacts with IU's regarding scheduled milestone and final compliance performance and reporting requirements.

Investigation by the PC of milestone and final compliance performance and reporting violations should document any recurrence and chronic disregard for punctuality in complying with schedule milestone and final compliance.

In addition, investigation by the PC of reporting violations should document any damage to the POTW or environment which may have been the result of such violation.

If investigation of a compliance schedule violation should provide documentation of reasonable proof that the violation caused damage to the POTW or the environment or reasonable proof of "falsification" or "intent" the investigation should then, through the Director of Public Works and City Council, be referred to the City Attorney and/or City of Nashville Prosecutor for civil action to recover damages or for criminal investigation and prosecution under the provision of Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-14-103 (g) et seq.

- F. Other Permit Violations including Violations Discovered During Inspections and/or Investigations. Investigations of Other Permit Violations, including violations discovered during inspections and/or investigations should first ascertain if the IU has been notified of the requirement, or if there is reasonable proof whether or not the IU had or should have had knowledge of the requirement(s).

Computerized tracking of the IU's previous violations should be utilized by the PC to document whether or not the violation is chronically recurring or is an isolated event.

The PC should conclude investigation of such apparent violations and initiate or recommend to the Director of Public Works appropriate enforcement response within thirty (30) days of discovery of the violation.

The PC's investigation should document any damage to the POTW or environment which may likely have been the result of the violation.

If investigation of violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent" the investigation should then, through the Director of Public Work and City Council, be referred to the City Attorney and/or City of Nashville Prosecutor for either Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103 (g) et seq.

5.2 ENFORCEMENT RESPONSE GUIDE

All Industrial User noncompliance will be met with some response by the City of Nashville. However, the type and severity of the selected final response remains to be determined, on a case-by-case basis, by the City of Nashville. All formal responses to noncompliance (administrative orders, civil actions, or criminal prosecution) must be expressly authorized by State or local law. Monetary punitive penalties sought from an Industrial User by the City of Nashville for noncompliance either by civil action or criminal prosecution should be determined by the current pretreatment ordinance.

Pages 31 through 40 set forth the current City of Nashville Industrial Pretreatment Enforcement Response Guide.

SECTION 6

PUBLIC PARTICIPATION

The public participation activities of the City of Nashville in the administration of its Industrial Pretreatment Program shall conform with the requirements of 40 CFR 403.

In addition to solicitation of public comment regarding legislation effecting Industrial Pretreatment and Industrial Pretreatment Program modifications, the City of Nashville shall provide the following reports as public information:

6.1 LOCAL PUBLICATION

The City of Nashville will determine incidences of significant noncompliance, as defined by Section 10.12.13 of the Nashville Municipal Code. In compliance with the public participation requirements of 40 CFR 403.8 (f) (2) (vii), IU's in significant noncompliance will, at least annually, be reported to the Arkansas Department of Environmental Quality and published in the Nashville News, or the largest daily newspaper published in the City of Nashville.

6.2 ANNUAL POTW REPORTS

In compliance with 40 CFR 403.12 (i), the City of Nashville shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted no later than May of each year and shall include, at a minimum, the following:

(1) An updated list of the POTW's Industrial Users, including their name and addresses and a list of any deletions. The list shall identify which Industrial Users are subject to categorical pretreatment standards and specify which standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local

standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local requirements.

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

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

(4) Any other relevant information requested by the Approval Authority.

SECTION 7

ORGANIZATION AND FUNDING

7.1 PERSONNEL

The City of Nashville operates under the Mayor/City Council form of government. The City of Nashville is responsible for all activities including or affecting the City's POTW. Therefore, the City of Nashville is responsible for implementation of the Nashville Industrial Pretreatment Program, as shown by Figure 7.1, on the following page—Nashville Pretreatment Organization Chart. The Director of Public Works, representing the City of Nashville, manages and administers the program and provides policy for direction of and cooperation between the City of Nashville and the Industrial Users. The implementation of the Nashville Pretreatment Program is under the principal supervision of the Public Works Director. The Public Works Director assesses staffing, equipment and budgetary needs of the program and provides direction to the Pretreatment Coordinator, POTW laboratory technicians and contract laboratories as required by the program.

The POTW laboratory is equipped to perform required analyses except for those which are best determined by use of an atomic absorption spectrophotometer or a gas chromatograph—generally metals and organics. The services of contract laboratories are used for these analyses requiring specialized equipment. The costs of contract laboratory services for compliance monitoring of SIU's may be billed to the permitted SIU.

A. Director of Public Works. The Director of Public Works has final responsibility for the operation of the Nashville Industrial Pretreatment Program. The Director of Public Works will therefore be the signatory authority for all reports and notices required for administration of the program.

B. Public Works Director. Under the direction of the Director of Public Works is responsible for the following activities:

- 1) Direction of the pretreatment program.
- 2) Issuance of industrial wastewater discharge permits.
- 3) Initiation of enforcement actions, except for informal letters.
- 4) Compilation and billing of surcharges for unusual (>300 mg/l) BOD₅ and TSS to IU's.
- 5) Compilation and billing of costs of contract laboratory services for compliance monitoring to IU's.

C. Pretreatment Coordinator. Under the direction of the Director of Public Works, the Pretreatment Coordinator is responsible for the following activities:

- 1) Maintain industrial pretreatment program files.
- 2) Identification of IU's by industrial surveys and industrial inspections and notification of IU's of pretreatment standards and requirements.
- 3) Review industrial wastewater discharge permit applications, recommend permit limits and conditions to the Public Works Director, and monitoring of compliance schedules.
- 4) Inspection of SIU's production areas, monitoring, and pretreatment facilities at least annually (no responsibility shall be assumed for the O & M of the SIU's pretreatment facilities).
- 5) Establish and administer compliance self-monitoring schedules for permitted SIU's.
- 6) Random monitoring of non-significant non-residential POTW users who are found by industrial inspection to have changed

operations or wastewater characteristics to likely result in their being SIU's.

- 7) Once per year compliance monitoring of all permitted SIU's.
- 8) Review analyses of compliance self-monitoring for documentation and reporting of instances of noncompliance to the Public Works Director and the Director of Public Works.
- 9) Preparation of samples for transport to contract laboratory to obtain required analyses which are beyond the capabilities of the POTW laboratory equipment.
- 10) Splitting of samples with industries, if requested by the industry.
- 11) Initiate the informal enforcement action of phone calls and/or informal letters to notify IU's of non-significant noncompliances.
- 12) Operation and maintenance of wastewater sampling equipment.

D. Laboratory Staff. Under the supervision of the Public Works Director, the POTW laboratory staff (technician) is responsible for the following Industrial Pretreatment Program activities:

- 1) Required analyses within the capabilities of the POTW laboratory equipment.
- 2) Reporting of analyses results to the Pretreatment Coordinator and to the Public Works Director.

For random and other special monitoring activities, a wastewater treatment plant operator is always available to assist the Pretreatment Coordinator with placing and retrieving portable samplers.

The Nashville City Attorney provides legal counsel to assist the Director of Public Works and Public Works Director with administration and enforcement of the Nashville Industrial Pretreatment Program.

The consulting engineer for the City of Nashville assists either the Nashville City Attorney, the Public Works Director, or the Pretreatment Coordinator by providing technical consultation, as needed, for the administration of the pretreatment program.

7.2 EQUIPMENT

The City of Nashville has sufficient equipment to operate the pretreatment program. The Pretreatment Coordinator has a motor vehicle, automatic samplers, flow meters, PC computer hardware, word processing and records-keeping software, telephone, and an office available for his/her use.

Additional equipment found to be required for proper operation of the pretreatment program can be funded from the appropriate budgeted operating expenses fund.

7.3 PROGRAM COSTS AND FUNDING SOURCES

The estimated annual operating costs of the Nashville Pretreatment Program is as shown in Table 8.3, on the following pages

TABLE 7.3

ANNUAL OPERATING COST FOR
INDUSTRIAL PRETREATMENT PROGRAM

Salaries & Benefits

Administration

Director of Public Works
Clerical

Subtotal Administration \$10,000

Operations

Pretreatment Coordinator
Plant Operator(s)
Laboratory Technician(s)

Subtotal Operations \$30908.80 \$40,908.80

Contract Laboratory \$6,815.72

Legal Counsel \$890.00

Consulting Engineer \$10,895.00

Operating Costs

Vehicle \$1,900 \$1,900

Total Annual Costs \$61,409.52

The \$61,409.52 annual operating cost of the pretreatment program is recovered in revenues generated by general sewer service user fees and from surcharge to SIU's who discharge unusual (>300 mg/l) of BOD₅ and TSS. The present sewer service fee for usages of 2000 gallons per month is \$6.27 and \$1.71 per 1,000 gallons .

The 2009 City of Nashville Statement of Operations projects total annual revenues generated by sewer service user fees of \$393,187.50. Approximately 6 percent, or \$23408.42,000, of sewer service revenue will be from SIU's whose Industrial Wastewater Discharge Permits are administered by the pretreatment program.

Section 10.12.19 (1) of the Nashville Municipal Code provides that City of Nashville may adopt IU charges and fees for reimbursement of costs for evaluation of applications for and issuance of Industrial Wastewater Discharge Permits and for monitoring of IU's wastewater discharge. Therefore, the costs of permitting and monitoring IU's, particularly costs of services of consulting engineer for evaluating permit applications and for contract laboratories for analyses, should be at no net cost to the City of Nashville.

Budgeted line items expenses, adequately funded by general sewer service fees and by surcharges, provide for adequate funding of the Nashville Industrial Pretreatment Program.

City of Nashville
INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE¹

Abbreviations and Acronyms Used in Enforcement Response Guide

AO	Administrative Order
Civil Action	Civil Litigation seeking equitable relief, monetary penalties or monetary damages through a court of law.
HMC	Nashville Municipal Code
Compliance Meeting	Informal meeting with IU to discuss resolution of recurring noncompliance.
Consent Order	An administrative order which constitutes a negotiated two-party agreement which may include compliance schedules, stipulated fines or remedial actions.
Criminal Prosecution	Prosecution of a criminal charge through a court of law.
IU	Industrial User
DPW	Director of Public Works
NOV	Notice of Violation, written
PC	Pretreatment Coordinator
M	Wastewater System Manager
SNC	Significant Noncompliance
SV	Significant Violation

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Show Cause

Formal meeting requiring the IU to appear and demonstrate why the Control Authority (City of Nashville) should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

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The Following are Legal Authorities for
Responses Shown by the Enforcement Response Guide

<u>Enforcement Response</u>	<u>Legal Authority</u>
Notice of Violation	Section xx.xx.14 (1) of Nashville Pretreatment Ordinance (HMC)
Consent Orders	Section xx.xx.14 (2) of HMC
Compliance Orders	Section xx.xx.14 (4) of HMC
Cease and Desist Order	Section xx.xx.14 (5) of HMC
Show Cause	Section xx.xx.14 (3) of HMC
Emergency Suspension	Section xx.xx.14 (6) of HMC
Termination of Discharge	Section xx.xx.14 (7) of HMC
Injunctive Relief	Section xx.xx.1 (1) of HMC
Civil Action	Section xx.xx.15 (2) of HMC & Acts of Arkansas No. 884 of 1991 Legislature
Criminal Prosecution	Section xx.xx.15 (3) of HMC & Acts of Arkansas No. 884 of 1991 Legislature
Water Supply Severance	Section xx.xx.16 (3) of HMC

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<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>RANGE OF ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
UNAUTHORIZED DISCHARGES (Not a Permit Violation)			
1. Unpermitted Discharge	IU unaware of requirement; no known harm to POTW or environment	Phone call; Informal letter NOV; AO requiring permit application and wastewater analyses	PC, M, DPW
	Results in damage to the POTW or significant environmental effect	NOV; AO requiring permit application and wastewater analyses; show cause; civil action to recover monetary loss; order to suspend source; termination of service	PC, M, DPW, City Council
2. Non-Permitted Discharge (failure to apply for renewal)	Failure to apply for permit or renewal; no known harm to POTW or environment	Phone call; Informal letter NOV; AO requiring permit application	PC, M, DPW
DISCHARGE LIMIT VIOLATION			
1. Exceedance of Pretreatment Standard (discharge limits)	Isolated, not significant	Phone call; Informal letter NOV (isolated and 2nd offense)	PC, M, DPW
	Isolated, significant with no known damage resulting	NOV; Compliance meeting; AO to develop spill prevention plan	PC, M, DPW
	Isolated, resulting in damage to POTW or environment	Show cause, civil action to recover monetary loss	PC, M, DPW, City Council
	Recurring, with no known damage	NOV; Compliance meeting; AO to develop	PC, M, DPW,

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resulting	compliance plan; consent order with penalties	City Council
Recurring; resulting in damage to POTW or environment	Order to suspend discharge; AO to show cause; civil action to recover monetary loss; consent order; termination of service	PC, M, DPW, City Council

MONITORING AND REPORTING VIOLATIONS

1. Reporting Violations	Report is improperly signed or certified	Phone call; Informal letter NOV	PC, M, DPW
	Report is improperly signed or certified after notice	AO requiring proper signature or certification within 20 days	PC, M, DPW
	Late, 5-10 days; isolated	Phone call; Informal letter NOV	PC, M, DPW
	Late, 10-30 days	Phone call; Informal letter NOV	PC, M, DPW
	Late, 30 days or more	AO requiring to submit; compliance meeting	PC, M, DPW
	Frequent, repeatedly or continuously late reports (No required reports ever submitted)	Show cause; civil action or criminal prosecution seeking penalties	PC, M, DPW, City Council
	Failure to report isolated slug (spill) or changed discharge (permit violation) with no known damage	Phone call; Informal letter NOV	PC, M, DPW

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	Failure to report isolated, frequent or continued slug (spill) or changed discharge which results in damage to POTW or environment	Show cause; consent order with penalties: civil action to recover losses or criminal prosecution seeking penalties; terminate service	PC, M, DPW, City Council
	Falsification	Criminal investigation; show cause; criminal prosecution; terminate service	PC, M, DPW, City Council
2. Failure to monitor correctly	Failure to monitor all permit parameters, or monitoring not in accord with 40 CFR 136	Phone call; NOV	PC, M, DPW,
	Recurring failure to monitor correctly	Compliance meeting; show cause; consent order with penalties; civil action seeking penalties	PC, M, DPW, City Council
3. Criminal Acts	Improper monitoring or tampering with monitoring equipment to render monitoring results inaccurate or falsify monitoring information	Criminal investigation; show cause; criminal prosecution; terminate service	PC, M, DPW, City Council
4. Failure to install monitoring equipment required by City of Nashville	5-10 days late	Phone call; NOV	PC, M, DPW
	30 days late, without documentation of good cause acceptable to City of Nashville	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties; termination of service	PC, M, DPW, City Council

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COMPLIANCE SCHEDULES

1. Missed Milestone	Missed milestone for good cause acceptable to City of Nashville which will not affect subsequent milestone dates or final compliance date	Phone call; Informal letter NOV	PC, M
	Missed milestone for no good cause acceptable to City of Nashville which will affect subsequent milestone dates or final compliance date	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties	PC, M, DPW, City Council
	Missed final compliance date for good cause acceptable to City of Nashville	Phone call; Informal letter NOV	PC, M, DPW
	Missed final compliance date or refusal to comply for no good cause acceptable to City of Nashville	Show cause; civil action or criminal prosecution seeking penalties; termination of service	PC, M, DPW, City Council
2. Failure to meet reporting requirements	Completed milestone on schedule but failed to report in accord with compliance schedule	Phone call; Informal letter NOV	PC, M, DPW
	Reporting false information	Criminal investigation; show cause; criminal prosecution; terminate service	PC, M, DPW, City Council

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OTHER PERMIT VIOLATIONS

1. Wastestreams are diluted in lieu of pretreatment	Initial or isolated violation	NOV; compliance meeting; consent order with penalties	PC, M, DPW, City Council
	Repeated or chronic violation continuing in disregard of enforcement for initial or isolated violation	Show cause; consent order with penalties; terminate service	PC, M, DPW, City Council
2. Failure to mitigate noncompliance or observe suspension	No known harm to POTW or environment	NOV; compliance meeting; show cause; consent order with penalties	PC, M, DPW, City Council
	Isolated or recurring resulting in damage to POTW or environment	Show cause; consent order with penalties; civil action to recover losses criminal prosecution seeking penalties; terminate service	PC, M, DPW, City Council

VIOLATIONS DETECTED DURING INDUSTRIAL INSPECTIONS AND INVESTIGATIONS

1. Entry of access denial	Entry or access denied or copies of records denied	Obtain search warrant and proceed with inspection or investigation	PC, M, DPW
2. Inadequate recordkeeping	Incomplete or missing files (no evidence of intent)	NOV	PC, M, DPW
	Recurring, chronic	Compliance meeting; show cause; consent order with penalties	PC, M, DPW

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3. Failure to report additional monitoring

Inspection or investigation yields additional analyses required to be reported

NOV

PC, M, DPW

Recurring, chronic

Compliance meeting; show cause; consent order with penalties

PC, M, DPW

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Time Frames for Responses

- A. Violations will be identified, documented, and initial enforcement response initiated within 20 working days of documentation.
- B. Violations which endanger or appear to cause endangerment to the health or welfare of persons; or which interferes or threatens to interfere with the operation of the POTW; or which presents or may present an endangerment to the environment will receive immediate enforcement response of order to suspend discharge or terminate service.
- C. Significant noncompliance will be addressed with an enforceable order within 60 days of identification and documentation of noncompliance.
- D. Follow-up escalated enforcement actions for continuing or recurring violations will be initiated within 60 days of the final event (such as final compliance date of a compliance schedule) or the initial or previous enforcement action.

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APPENDIX A

GENERAL PRETREATMENT REGULATIONS
FOR EXISTING AND NEW SOURCES OF POLLUTION

[Home Page](#) > [Executive Branch](#) > [Code of Federal Regulations](#) > [Electronic Code of Federal Regulations](#)

Electronic Code of Federal Regulations

e-CFR
TM

e-CFR Data is current as of July 9, 2010

Title 40: Protection of Environment

[Browse Previous](#) | [Browse Next](#)

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Section Contents

- [§ 403.1 Purpose and applicability.](#)
- [§ 403.2 Objectives of general pretreatment regulations.](#)
- [§ 403.3 Definitions.](#)
- [§ 403.4 State or local law.](#)
- [§ 403.5 National pretreatment standards: Prohibited discharges.](#)
- [§ 403.6 National pretreatment standards: Categorical standards.](#)
- [§ 403.7 Removal credits.](#)
- [§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.](#)
- [§ 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.](#)
- [§ 403.10 Development and submission of NPDES State pretreatment programs.](#)
- [§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.](#)
- [§ 403.12 Reporting requirements for POTW's and industrial users.](#)
- [§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.](#)
- [§ 403.14 Confidentiality.](#)
- [§ 403.15 Net/Gross calculation.](#)
- [§ 403.16 Upset provision.](#)
- [§ 403.17 Bypass.](#)
- [§ 403.18 Modification of POTW pretreatment programs.](#)
- [§ 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.](#)
- [§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.](#)
- [Appendixes A–C to Part 403 \[Reserved\]](#)
- [Appendix D to Part 403—Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula](#)
- [Appendix E to Part 403—Sampling Procedures](#)
- [Appendix F to Part 403 \[Reserved\]](#)
- [Appendix G to Part 403—Pollutants Eligible for a Removal Credit](#)

Authority: 33 U.S.C. 1251 *et seq.*

Source: 46 FR 9439, Jan. 28, 1981, unless otherwise noted.

§ 403.1 Purpose and applicability.



[top](#)

(a) This part implements sections 204(b)(1)(C), 208(b)(2) (C)(iii), 301(b)(1)(A)(ii), 301(b)(2) (A)(ii), 301(h)(5) and 301(i)(2), 304 (e)

and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217) or "The Act". It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works (POTWs) or which may contaminate sewage sludge.

(b) This regulation applies:

(1) To pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in §403.3;

(2) To POTWs which receive wastewater from sources subject to National Pretreatment Standards;

(3) To States which have or are applying for National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with section 402 of the Act; and

(4) To any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which Discharge to a sewer which is not connected to a POTW Treatment Plant.

[46 FR 9439, Jan. 28, 1981, as amended at 48 FR 2776, Jan. 21, 1983; 60 FR 33932, June 29, 1995]

§ 403.2 Objectives of general pretreatment regulations.



By establishing the responsibilities of government and industry to implement National Pretreatment Standards this regulation fulfills three objectives:

(a) To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

(b) To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and

(c) To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

§ 403.3 Definitions.



For the purposes of this part:

(a) Except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this regulation.

(b) The term *Act* means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*

(c) The term *Approval Authority* means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

(d) The term *Approved POTW Pretreatment Program or Program or POTW Pretreatment Program* means a program administered by a POTW that meets the criteria established in this regulation (§§403.8 and 403.9) and which has been approved by a Regional Administrator or State Director in accordance with §403.11 of this regulation.

(e) The term *Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) The term *Control Authority* refers to:

(1) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of §403.11; or

(2) The Approval Authority if the Submission has not been approved.

(g) The term *Director* means the chief administrative officer of a State or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act and an approved State pretreatment program.

(h) The term *Water Management Division Director* means one of the Directors of the Water Management Divisions within the Regional offices of the Environmental Protection Agency or this person's delegated representative.

(i) The term *Indirect Discharge* or *Discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

(j) The term *Industrial User* or *User* means a source of Indirect Discharge.

(k) The term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(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 any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including 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.

(l) The term *National Pretreatment Standard*, *Pretreatment Standard*, or *Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5.

(m)(1) The term *New Source* means any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that*:

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

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

(iii) 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 paragraphs (m)(1)(ii) or (m)(1)(iii) of this section, 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:

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

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) 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

(ii) 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.

(n) The terms *NPDES Permit* or *Permit* means a permit issued to a POTW pursuant to section 402 of the Act.

(o) The term *NPDES State* means a State (as defined in 40 CFR 122.2) or Interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(p) The term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any

requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(q) The term *Publicly Owned Treatment Works* or *POTW* means 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.

(r) The term *POTW Treatment Plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(s) The term *Pretreatment* means 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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by §403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with §403.6(e).

(t) The term *Pretreatment requirements* means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(u) The term *Regional Administrator* means the appropriate EPA Regional Administrator.

(v) *Significant Industrial User*. (1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(w) The term *Submission* means:

(1) A request by a POTW for approval of a Pretreatment Program to the EPA or a Director;

(2) A request by a POTW to the EPA or a Director for authority to revise the discharge limits in categorical Pretreatment Standards to reflect POTW pollutant removals; or

(3) A request to the EPA by an NPDES State for approval of its State pretreatment program.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 49 FR 28059, July 10, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 52 FR 1600, Jan. 14, 1987; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 70 FR 60191, Oct. 14, 2005]

§ 403.4 State or local law.



Nothing in this regulation is intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Act or this regulation. States with an NPDES permit program approved in accordance with section 402 (b) and (c) of the Act, or States requesting NPDES programs, are responsible for developing a State pretreatment program in accordance with §403.10 of this regulation.

§ 403.5 National pretreatment standards: Prohibited discharges.



(a)(1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.

(2) *Affirmative Defenses.* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) of this section where the User can demonstrate that:

(i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and

(ii)(A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

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

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

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

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

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

(c) *When specific limits must be developed by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to §403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

(2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

(3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

(4) POTW's may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.

(d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

(e) EPA enforcement actions under section 309(f) of the Clean Water Act.

If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20430, June 4, 1986; 52 FR 1600, Jan. 14, 1987; 55 FR 30129, July 24, 1990; 60 FR 33932, June 29, 1995; 70 FR 60192, Oct. 14, 2005]

§ 403.6 National pretreatment standards: Categorical standards.



National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this part.

(a) *Category Determination Request* —(1) *Application Deadline.* Within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an Industrial User may be included, the Industrial User or POTW may request that the Water Management Division Director or Director, as appropriate, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed processes or operation. A New Source must request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, the POTW shall notify any affected Industrial User of such submission. The Industrial User may provide written comments on the POTW submission to the Water Management Division Director or Director, as appropriate, within 30 days of notification.

(2) *Contents of Application.* Each request shall contain a statement:

(i) Describing which subcategories might be applicable; and

(ii) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this section shall make the following certification:

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

(3) *Deficient requests.* The Water Management Division Director or Director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the Water Management Division Director or Director that their requests are deficient and, unless the time period is extended, will be given 30 days to

correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Water Management Division Director or the Director, the request for a determination shall be denied.

(4) *Final decision.* (i) When the Water Management Division Director or Director receives a submittal he or she will, after determining that it contains all of the information required by paragraph (2) of this section, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The Water Management Division Director or Director will then make a written determination of the applicable subcategory and state the reasons for the determination.

(ii) Where the request is submitted to the Director, the Director shall forward the determination described in this paragraph to the Water Management Division Director who may make a final determination. The Water Management Division Director may waive receipt of these determinations. If the Water Management Division Director does not modify the Director's decision within 60 days after receipt thereof, or if the Water Management Division Director waives receipt of the determination, the Director's decision is final.

(iii) Where the request is submitted by the Industrial User or POTW to the Water Management Division Director or where the Water Management Division Director elects to modify the Director's decision, the Water Management Division Director's decision will be final.

(iv) The Water Management Division Director or Director, as appropriate, shall send a copy of the determination to the affected Industrial User and the POTW. Where the final determination is made by the Water Management Division Director, he or she shall send a copy of the determination to the Director.

(5) *Requests for hearing and/or legal decision.* Within 30 days following the date of receipt of notice of the final determination as provided for by paragraph (a)(4)(iv) of this section, the Requester may submit a petition to reconsider or contest the decision to the Regional Administrator who shall act on such petition expeditiously and state the reasons for his or her determination in writing.

(b) *Deadline for compliance with categorical standards.* Compliance by existing sources with categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Direct dischargers with NPDES Permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable categorical Pretreatment Standard. Existing sources which become Industrial Users subsequent to promulgation of an applicable categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source as defined in §403.3(m). New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

(c)(1) *Concentration and mass limits.* Pollutant discharge limits in categorical Pretreatment Standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) A Control Authority calculating equivalent mass-per-day limitations under paragraph (c)(2) of this section shall calculate such limitations by multiplying the limits in the Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(4) A Control Authority calculating equivalent concentration limitations under paragraph (c)(2) of this section shall calculate such limitations by dividing the mass limitations derived under paragraph (c)(3) of this section by the average daily flow rate of the Industrial User's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

(5) When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the Industrial User meets all the following conditions in paragraph (c)(5)(i)(A) through (c)(5)(i)(E) of this section.

(i) To be eligible for equivalent mass limits, the Industrial User must:

(A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(ii) An Industrial User subject to equivalent mass limits must:

(A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(C) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (c)(5)(i)(C) of this section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (c)(5)(i)(A) of this section so long as it discharges under an equivalent mass limit.

(iii) A Control Authority which chooses to establish equivalent mass limits:

(A) Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

(B) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(C) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (d) of this section. The Industrial User must also be in compliance with §403.17 (regarding the prohibition of bypass).

(iv) The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(6) The Control Authority may convert the mass limits of the categorical Pretreatment Standards at 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph (d) of this section.

(7) Equivalent limitations calculated in accordance with paragraphs (c)(3), (c)(4), (c)(5) and (c)(6) of this section are deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this part. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(9) Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a

production based standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

(d) *Dilution prohibited as substitute for treatment.* Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

(e) *Combined wastestream formula.* Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

(1) *Alternative limit calculation.* For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

(i) *Alternative concentration limit.*

$$C_T = \left(\frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

where

C_T = the alternative concentration limit for the combined wastestream.

C_i = the categorical Pretreatment Standard concentration limit for a pollutant in the regulated stream i .

F_i = the average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see appendix D of this part):

- (1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));
- (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));
- (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the

Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T =The average daily flow (at least a 30-day average) through the combined treatment facility (includes F_i , F_D and unregulated streams).

N =The total number of regulated streams.

(ii) *Alternative mass limit.*

$$M_T = \left(\sum_{i=1}^N M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

where

M_T =the alternative mass limit for a pollutant in the combined wastestream.

M_i =the categorical Pretreatment Standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i =the average flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D =the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the following reasons (see appendix D of this part):

(1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph (8)(a)(iii));

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii));

(3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph (8)(a)(iii)); or

(4) The wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i)).

F_T =The average flow (at least a 30-day average) through the combined treatment facility (includes F_i , F_D and unregulated streams).

N =The total number of regulated streams.

(2) *Alternate limits below detection limit.* An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

(3) *Self-monitoring.* Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of §403.12(g).

(4) *Choice of monitoring location.* Where a treated regulated process wastestream is combined prior to

treatment with wastewaters other than those generated by the regulated process, the Industrial User may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable Pretreatment Standards. If the Industrial User chooses to monitor the segregated process wastestream, it shall apply the applicable categorical Pretreatment Standard. If the User chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The Industrial User may change monitoring points only after receiving approval from the Control Authority. The Control Authority shall ensure that any change in an Industrial User's monitoring point(s) will not allow the User to substitute dilution for adequate treatment to achieve compliance with applicable Standards.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 21037, May 17, 1984; 49 FR 31224, Aug. 3, 1984; 51 FR 20430, June 4, 1986; 51 FR 23760, July 1, 1986; 53 FR 40610, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 70 FR 60192, Oct. 14, 2005]

§ 403.7 Removal credits.



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(a) *Introduction* —(1) *Definitions*. For the purpose of this section:

(i) *Removal* means a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the operation of the treatment system. Removal as used in this subpart shall not mean dilution of a pollutant in the POTW.

(ii) *Sludge requirements* shall mean the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation Recovery Act (RCRA) and State regulations contained in any State sludge management plan prepared pursuant to subtitle D of SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(2) *General*. Any POTW receiving wastes from an Industrial User to which a categorical Pretreatment Standard(s) applies may, at its discretion and subject to the conditions of this section, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical Pretreatment Standard(s). The POTW may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected Industrial User shall calculate its revised discharge limits in accordance with paragraph (a)(4) of this section. Removal credits may only be given for indicator or surrogate pollutants regulated in a categorical Pretreatment Standard if the categorical Pretreatment Standard so specifies.

(3) *Conditions for authorization to give removal credits*. A POTW is authorized to give removal credits only if the following conditions are met:

(i) *Application*. The POTW applies for, and receives, authorization from the Approval Authority to give a removal credit in accordance with the requirements and procedures specified in paragraph (e) of this section.

(ii) *Consistent removal determination*. The POTW demonstrates and continues to achieve consistent

removal of the pollutant in accordance with paragraph (b) of this section.

(iii) *POTW local pretreatment program.* The POTW has an approved pretreatment program in accordance with and to the extent required by part 403; provided, however, a POTW which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in paragraph (d) of this section.

(iv) *Sludge requirements.* The granting of removal credits will not cause the POTW to violate the local, State and Federal Sludge Requirements which apply to the sludge management method chosen by the POTW. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable Sludge Requirements, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s) as modified by the removal credit. If granting removal credits forces a POTW to incur greater sludge management costs than would be incurred in the absence of granting removal credits, the additional sludge management costs will not be eligible for EPA grant assistance. Removal credits may be made available for the following pollutants.

(A) For any pollutant listed in appendix G section I of this part for the use or disposal practice employed by the POTW, when the requirements in 40 CFR part 503 for that practice are met.

(B) For any pollutant listed in appendix G section II of this part for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G section II of this part in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in appendix G section II of this part.

(C) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 40 CFR part 258.

(v) *NPDES permit limitations.* The granting of removal credits will not cause a violation of the POTW's permit limitations or conditions. Alternatively, the POTW can demonstrate to the Approval Authority that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when the Industrial User(s) to whom the removal credit would apply is required to meet its categorical Pretreatment Standard(s), as modified by the removal credit provision.

(4) *Calculation of revised discharge limits.* Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \frac{x}{1 - r}$$

where:

x=pollutant discharge limit specified in the applicable categorical Pretreatment Standard

r=removal credit for that pollutant as established under paragraph (b) of this section (percentage removal expressed as a proportion, *i.e.*, a number between 0 and 1)

y=revised discharge limit for the specified pollutant (expressed in same units as x)

(b) *Establishment of removal credits; demonstration of Consistent Removal* —(1) *Definition of Consistent Removal.* "Consistent Removal" shall mean the average of the lowest 50 percent of the removal measured according to paragraph (b)(2) of this section. All sample data obtained for the measured pollutant during the

time period prescribed in paragraph (b)(2) of this section must be reported and used in computing Consistent Removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Approval Authority. If the substance is not measurable in the influent, the data may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentrations equal to or above the limit of measurement, the Approval Authority may approve alternate means for demonstrating Consistent Removal. The term "measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

(2) *Consistent Removal data.* Influent and effluent operational data demonstrating Consistent Removal or other information, as provided for in paragraph (b)(1) of this section, which demonstrates Consistent Removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

(i) *Representative data; seasonal.* The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.

(ii) *Representative data; quality and quantity.* The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate Consistent Removal as provided for in paragraph (b)(1) of this section.

(iii) *Sampling procedures: Composite.* (A) The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

(B)(1) Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include no-workdays as well as workdays. If the Approval Authority determines that this schedule will not be most representative of the actual operation of the POTW Treatment Plant, an alternative sampling schedule will be approved.

(2) In addition, upon the Approval Authority's concurrence, a POTW may utilize an historical data base amassed prior to the effective date of this section provide that such data otherwise meet the requirements of this paragraph. In order for the historical data base to be approved it must present a statistically valid description of daily, weekly and seasonal sewage treatment plant loadings and performance for at least one year.

(C) Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(iv) *Sampling procedures: Grab.* Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.

(v) *Analytical methods.* The sampling referred to in paragraphs (b)(2) (i) through (iv) of this section and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(vi) *Calculation of removal.* All data acquired under the provisions of this section must be submitted to the Approval Authority. Removal for a specific pollutant shall be determined either, for each sample, by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration, or, where such data cannot be obtained, Removal may be demonstrated using other data or procedures subject to concurrence by the Approval Authority as provided for in paragraph (b)(1) of this section.

(c) *Provisional credits.* For pollutants which are not being discharged currently (*i.e.* , new or modified facilities, or production changes) the POTW may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated pursuant to the requirements of paragraph (b) of this section. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to the requirements of paragraph (b) of this section, the authority to grant provisional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(d) *Exception to POTW Pretreatment Program Requirement.* A POTW required to develop a local pretreatment program by §403.8 may conditionally give removal credits pending approval of such a program in accordance with the following terms and conditions:

(1) All Industrial Users who are currently subject to a categorical Pretreatment Standard and who wish conditionally to receive a removal credit must submit to the POTW the information required in §403.12(b)(1) through (7) (except new or modified industrial users must only submit the information required by §403.12(b)(1) through (6)), pertaining to the categorical Pretreatment Standard as modified by the removal credit. The Industrial Users shall indicate what additional technology, if any, will be needed to comply with the categorical Pretreatment Standard(s) as modified by the removal credit;

(2) The POTW must have submitted to the Approval Authority an application for pretreatment program

approval meeting the requirements of §§403.8 and 403.9 in a timely manner, not to exceed the time limitation set forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit, but in no case later than July 1, 1983, where no permit deadline exists;

(3) The POTW must:

(i) Compile and submit data demonstrating its consistent removal in accordance with paragraph (b) of this section;

(ii) Comply with the conditions specified in paragraph (a)(3) of this section; and

(iii) Submit a complete application for removal credit authority in accordance with paragraph (e) of this section;

(4) If a POTW receives authority to grant conditional removal credits and the Approval Authority subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in paragraphs (d)(2) and (3) of this section, the authority to grant conditional removal credits shall be terminated by the Approval Authority and all Industrial Users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority.

(5) If a POTW grants conditional removal credits and the POTW or the Approval Authority subsequently makes a final determination, after appropriate notice, that the Industrial User(s) failed to comply with the conditions in paragraph (d)(1) of this section, the conditional credit shall be terminated by the POTW or the Approval Authority for the non-complying Industrial User(s) and the Industrial User(s) to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical Pretreatment Standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s), as may be specified by the Approval Authority. The conditional credit shall not be terminated where a violation of the provisions of this paragraph results from causes entirely outside of the control of the Industrial User(s) or the Industrial User(s) had demonstrated substantial compliance.

(6) The Approval Authority may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits will remain in effect until reviewed by the Approval Authority. This review may occur at any time in accordance with the procedures of §403.11, but in no event later than the time of any pretreatment program approval or any NPDES permit reissuance thereunder.

(e) *POTW application for authorization to give removal credits and Approval Authority review* —(1) *Who must apply.* Any POTW that wants to give a removal credit must apply for authorization from the Approval Authority.

(2) *To whom application is made.* An application for authorization to give removal credits (or modify existing ones) shall be submitted by the POTW to the Approval Authority.

(3) *When to apply.* A POTW may apply for authorization to give or modify removal credits at any time.

(4) *Contents of the application.* An application for authorization to give removal credits must be supported by the following information:

- (i) *List of pollutants.* A list of pollutants for which removal credits are proposed.
 - (ii) *Consistent Removal data.* The data required pursuant to paragraph (b) of this section.
 - (iii) *Calculation of revised discharge limits.* Proposed revised discharge limits for each affected subcategory of Industrial Users calculated in accordance with paragraph (a)(4) of this section.
 - (iv) *Local Pretreatment Program Certification.* A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement found at paragraph (d) of this section.
 - (v) *Sludge management certification.* A specific description of the POTW's current methods of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in paragraph (a)(3)(iv) of this section.
 - (vi) *NPDES permit limit certification.* A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in paragraph (a)(3)(v) of this section.
- (5) *Approval Authority review.* The Approval Authority shall review the POTW's application for authorization to give or modify removal credits in accordance with the procedures of §403.11 and shall, in no event, have more that 180 days from public notice of an application to complete review.
- (6) *EPA review of State removal credit approvals.* Where the NPDES State has an approved pretreatment program, the Regional Administrator may agree in the Memorandum of Agreement under 40 CFR 123.24(d) to waive the right to review and object to submissions for authority to grant removal credits. Such an agreement shall not restrict the Regional Administrator's right to comment upon or object to permits issued to POTW's except to the extent 40 CFR 123.24(d) allows such restriction.
- (7) Nothing in these regulations precludes an Industrial User or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.
- (f) *Continuation and withdrawal of authorization* —(1) *Effect of authorization.* (i) Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical Pretreatment Standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in paragraph (a)(3)(iv) of this section or its NPDES permit limits and conditions as required by paragraph (a)(3)(v) of this section. If a POTW elects at a later time to extend removal credits to a certain categorical Pretreatment Standard, industrial subcategory or one or more Industrial Users that initially were not granted removal credits, it must notify the Approval Authority.
- (2) *Inclusion in POTW permit.* Once authority is granted, the removal credits shall be included in the POTW's NPDES Permit as soon as possible and shall become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in paragraph (f)(4) of this section.
- (3) *Compliance monitoring.* Following authorization to give removal credits, a POTW shall continue to monitor and report on (at such intervals as may be specified by the Approval Authority, but in no case less than once per year) the POTW's removal capabilities. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the POTW's compliance

report.

(4) *Modification or withdrawal of removal credits* —(i) *Notice of POTW*. The Approval Authority shall notify the POTW if, on the basis of pollutant removal capability reports received pursuant to paragraph (f)(3) of this section or other relevant information available to it, the Approval Authority determines:

(A) That one or more of the discharge limit revisions made by the POTW, of the POTW itself, no longer meets the requirements of this section, or

(B) That such discharge limit revisions are causing a violation of any conditions or limits contained in the POTW's NPDES Permit.

(ii) *Corrective action*. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or the affected Industrial Users demonstrate that a longer time period is reasonably necessary to undertake the appropriate corrective action, the Approval Authority shall either withdraw such discharge limits or require modifications in the revised discharge limits.

(iii) *Public notice of withdrawal or modification*. The Approval Authority shall not withdraw or modify revised discharge limits unless it shall first have notified the POTW and all Industrial Users to whom revised discharge limits have been applied, and made public, in writing, the reasons for such withdrawal or modification, and an opportunity is provided for a hearing. Following such notice and withdrawal or modification, all Industrial Users to whom revised discharge limits had been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical Pretreatment Standards, as appropriate, and shall achieve compliance with such limits within a reasonable time (not to exceed the period of time prescribed in the applicable categorical Pretreatment Standard(s) as may be specified by the Approval Authority.

(g) *Removal credits in State-run pretreatment programs under §403.10(e)*. Where an NPDES State with an approved pretreatment program elects to implement a local pretreatment program in lieu of requiring the POTW to develop such a program (as provided in §403.10(e)), the POTW will not be required to develop a pretreatment program as a precondition to obtaining authorization to give removal credits. The POTW will, however, be required to comply with the other conditions of paragraph (a)(3) of this section.

(h) *Compensation for overflow*. "Overflow" means the intentional or unintentional diversion of flow from the POTW before the POTW Treatment Plant. POTWs which at least once annually Overflow untreated wastewater to receiving waters may claim Consistent Removal of a pollutant only by complying with either paragraphs (h)(1) or (h)(2) of this section. However, paragraph (h) of this section shall not apply where Industrial User(s) can demonstrate that Overflow does not occur between the Industrial User(s) and the POTW Treatment Plant;

(1) The Industrial User provides containment or otherwise ceases or reduces Discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an Overflow event can reasonably be expected to occur at the POTW or at a sewer to which the Industrial User is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted where the POTW submits to the Approval Authority evidence that:

(i) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an Overflow event can reasonably be expected to occur, Discharges from the regulated processes which contain pollutants for which an allowance is requested;

(ii) The POTW has identified circumstances in which an Overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that Industrial Users will learn of an impending Overflow in sufficient time to contain, cease or reduce Discharging to prevent untreated Overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in paragraph (h)(1)(iii) of this section, to insure that Industrial Users are containing, ceasing or reducing operations during POTW System Overflow; and

(iii) All Industrial Users to which the POTW proposes to apply this provision have demonstrated the ability and commitment to collect and make available, upon request by the POTW, State Director or EPA Regional Administrator, daily flow reports or other data sufficient to demonstrate that all Discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced or otherwise ceased, as appropriate, during all circumstances in which an Overflow event was reasonably expected to occur; or

(2)(i) The Consistent Removal claimed is reduced pursuant to the following equation:

$$r_c = r_m \frac{8760 - Z}{8760}$$

Where:

r_m = POTW's Consistent Removal rate for that pollutant as established under paragraphs (a)(1) and (b)(2) of this section

r_c = removal corrected by the Overflow factor

Z = hours per year that Overflows occurred between the Industrial User(s) and the POTW Treatment Plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular Industrial User's Discharge Overflows between the Industrial User and the POTW Treatment Plant; and

(ii) The POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree, issued pursuant to the Clean Water Act affecting combined sewer overflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the Combined Sewer Overflow Control Policy.

[49 FR 31221, Aug. 3, 1984, as amended at 51 FR 20430, June 4, 1986; 53 FR 42435, Nov. 5, 1987; 58 FR 9386, Feb. 19, 1993; 58 FR 18017, Apr. 7, 1993; 70 FR 60193, Oct. 14, 2005]

§ 403.8 Pretreatment Program Requirements: Development and Implementation by POTW.

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(a) *POTWs required to develop a pretreatment program.* Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program unless the NPDES State exercises its option to assume local responsibilities as provided for in §403.10(e). The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through.

(b) *Deadline for Program Approval.* A POTW which meets the criteria of paragraph (a) of this section must receive approval of a POTW Pretreatment Program no later than 3 years after the reissuance or modification of its existing NPDES permit but in no case later than July 1, 1983. POTWs whose NPDES permits are modified under section 301(h) of the Act shall have a Pretreatment Program within three (3) years as provided for in 40 CFR part 125, subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under paragraph (a) of this section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the Approval Authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in paragraph (f) of this section and shall be administered by the POTW to ensure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(c) *Incorporation of approved programs in permits.* A POTW may develop an appropriate POTW Pretreatment Program any time before the time limit set forth in paragraph (b) of this section. The POTW's NPDES Permit will be reissued or modified by the NPDES State or EPA to incorporate the approved Program as enforceable conditions of the Permit. The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in §403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63.

(d) *Incorporation of compliance schedules in permits.* [Reserved]

(e) *Cause for reissuance or modification of Permits.* Under the authority of section 402(b)(1)(C) of the Act, the Approval Authority may modify, or alternatively, revoke and reissue a POTW's Permit in order to:

(1) Put the POTW on a compliance schedule for the development of a POTW Pretreatment Program where the addition of pollutants into a POTW by an Industrial User or combination of Industrial Users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

(2) Coordinate the issuance of a section 201 construction grant with the incorporation into a permit of a compliance schedule for POTW Pretreatment Program;

(3) Incorporate a modification of the permit approved under section 301(h) or 301(i) of the Act;

(4) Incorporate an approved POTW Pretreatment Program in the POTW permit; or

(5) Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(6) Incorporate the removal credits (established under §403.7) in the POTW permit.

(f) *POTW pretreatment requirements.* A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(1) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under §403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

(A)(1) At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Require the same effluent limitations;

(iv) Require the same or similar monitoring; and

(v) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

(2) To be covered by the general control mechanism, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with §403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the Discharge is not effective in the general control mechanism until after the POTW has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with §403.12(e)(2). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in paragraphs (f)(1)(iii)(A)(1) through (5) of this section, and a copy of the User's written request for coverage for 3 years after the expiration of the general control mechanism. A POTW may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations (§§403.6(e) and 403.15).

(B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:

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

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

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

law;

(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law;

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

(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(iv) Require (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in §403.12.

(v) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under §403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

(vi)(A) Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

(B) Pretreatment requirements which will be enforced through the remedies set forth in paragraph (f)(1)(vi)(A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Approval Authority believes to be insufficient.

(vii) Comply with the confidentiality requirements set forth in §403.14.

(2) *Procedures.* The POTW shall develop and implement procedures to ensure compliance with the

requirements of a Pretreatment Program. At a minimum, these procedures shall enable the POTW to:

(i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Regional Administrator or Director upon request;

(ii) Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request;

(iii) Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

(iv) Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in §403.12;

(v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified below:

(A) Where the POTW has authorized the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with §403.12(e)(3), the POTW must sample for the waived pollutant(s) at least once during the term of the Categorical Industrial User's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the Industrial User's wastewater based on changes that occur in the User's operations, the POTW must immediately begin at least annual effluent monitoring of the User's Discharge and inspection.

(B) Where the POTW has determined that an Industrial User meets the criteria for classification as a Non-Significant Categorical Industrial User, the POTW must evaluate, at least once per year, whether an Industrial User continues to meet the criteria in §403.3(v)(2).

(C) In the case of Industrial Users subject to reduced reporting requirements under §403.12(e)(3), the POTW must randomly sample and analyze the effluent from Industrial Users and conduct inspections at least once every two years. If the Industrial User no longer meets the conditions for reduced reporting in §403.12(e)(3), the POTW must immediately begin sampling and inspecting the Industrial User at least once a year.

(vi) Evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For Industrial Users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within 1 year of being designated a Significant Industrial User. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug

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

(A) Description of discharge practices, including non-routine batch Discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;

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

(vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under §403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

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

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

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)

(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a

local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 45 days after the due date, required reports such as 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 or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

(3) *Funding.* The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f) (1) and (2) of this section. In some limited circumstances, funding and personnel may be delayed where (i) the POTW has adequate legal authority and procedures to carry out the Pretreatment Program requirements described in this section, and (ii) a limited aspect of the Program does not need to be implemented immediately (see §403.9(b)).

(4) *Local limits.* The POTW shall develop local limits as required in §403.5(c)(1), or demonstrate that they are not necessary.

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

(i) Describe how the POTW will investigate instances of noncompliance;

(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

(6) The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in §403.3(v)(1). The list shall identify the criteria in §403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to §403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to §403.9 or as a non-substantial modification pursuant to §403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to §403.12(i)(1).

(g) A POTW that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, 20430, June 4, 1986; 51 FR 23759, July 1, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30129, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60193, Oct. 14, 2005]

● § 403.9 POTW pretreatment programs and/or authorization to revise pretreatment standards: Submission for approval.



(a) *Who approves Program.* A POTW requesting approval of a POTW Pretreatment Program shall develop a program description which includes the information set forth in paragraphs (b)(1) through (4) of this section. This description shall be submitted to the Approval Authority which will make a determination on the request for program approval in accordance with the procedures described in §403.11.

(b) *Contents of POTW program submission.* The program description must contain the following information:

(1) A statement from the City Solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in §403.8. This statement shall:

(i) Identify the provision of the legal authority under §403.8(f)(1) which provides the basis for each procedure under §403.8(f)(2);

(ii) Identify the manner in which the POTW will implement the program requirements set forth in §403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g., by order, permit, ordinance, etc.); and,

● (iii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users;

(2) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved;

(3) A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program. If more than one agency is responsible for administration of the Program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

(4) A description of the funding levels and full- and part-time manpower available to implement the Program;

(c) *Conditional POTW program approval.* The POTW may request conditional approval of the Pretreatment Program pending the acquisition of funding and personnel for certain elements of the Program. The request for conditional approval must meet the requirements set forth in paragraph (b) of this section except that the requirements of paragraph (b) of this section, may be relaxed if the Submission demonstrates that:

(1) A limited aspect of the Program does not need to be implemented immediately;

● (2) The POTW had adequate legal authority and procedures to carry out those aspects of the Program which will not be implemented immediately; and

(3) Funding and personnel for the Program aspects to be implemented at a later date will be available when needed. The POTW will describe in the Submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the Approval Authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW Pretreatment Program and any removal allowances granted to the POTW, may be modified or withdrawn.

(d) *Content of removal allowance submission.* The request for authority to revise categorical Pretreatment Standards must contain the information required in §403.7(d).

(e) *Approval authority action.* Any POTW requesting POTW Pretreatment Program approval shall submit to the Approval Authority three copies of the Submission described in paragraph (b), and if appropriate, (d) of this section. Within 60 days after receiving the Submission, the Approval Authority shall make a preliminary determination of whether the Submission meets the requirements of paragraph (b) and, if appropriate, (d) of this section. If the Approval Authority makes the preliminary determination that the Submission meets these requirements, the Approval Authority shall:

(1) Notify the POTW that the Submission has been received and is under review; and

(2) Commence the public notice and evaluation activities set forth in §403.11.

(f) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (e) of this section, the Approval Authority determines that the Submission does not comply with the requirements of paragraph (b) or (c) of this section, and, if appropriate, paragraph (d), of this section, the Approval Authority shall provide notice in writing to the applying POTW and each person who has requested individual notice. This notification shall identify any defects in the Submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of paragraphs (b), (c) of this section, and, if appropriate, paragraph (d) of this section.

(g) *Consistency with water quality management plans.* (1) In order to be approved the POTW Pretreatment Program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR parts 130, 131, as revised, where such 208 plan includes Management Agency designations and addresses pretreatment in a manner consistent with 40 CFR part 403. In order to assure such consistency the Approval Authority shall solicit the review and comment of the appropriate 208 Planning Agency during the public comment period provided for in §403.11(b)(1)(ii) prior to approval or disapproval of the Program.

(2) Where no 208 plan has been approved or where a plan has been approved but lacks Management Agency designations and/or does not address pretreatment in a manner consistent with this regulation, the Approval Authority shall nevertheless solicit the review and comment of the appropriate 208 planning agency.

[53 FR 9439, Jan. 28, 1981, as amended at 53 FR 40612, Oct. 17, 1988; 58 FR 18017, Apr. 7, 1993]

§ 403.10 Development and submission of NPDES State pretreatment programs.



[top](#)

(a) *Approval of State Programs.* No State NPDES program shall be approved under section 402 of the Act after the effective date of these regulations unless it is determined to meet the requirements of paragraph (f) of this section. Notwithstanding any other provision of this regulation, a State will be required to act upon those authorities which it currently possesses before the approval of a State Pretreatment Program.

(b) [Reserved]

(c) *Failure to request approval.* Failure of an NPDES State with a permit program approved under section 402 of the Act prior to December 27, 1977, to seek approval of a State Pretreatment Program and failure of an approved State to administer its State Pretreatment Program in accordance with the requirements of this section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act.

(d) [Reserved]

(e) *State Program in lieu of POTW Program.* Notwithstanding the provision of §403.8(a), a State with an approved Pretreatment Program may assume responsibility for implementing the POTW Pretreatment Program requirements set forth in §403.8(f) in lieu of requiring the POTW to develop a Pretreatment Program. However, this does not preclude POTW's from independently developing Pretreatment Programs.

(f) *State Pretreatment Program requirements.* In order to be approved, a request for State Pretreatment Program Approval must demonstrate that the State Pretreatment Program has the following elements:

(1) *Legal authority.* The Attorney General's Statement submitted in accordance with paragraph (g)(1)(i) of this section shall certify that the Director has authority under State law to operate and enforce the State Pretreatment Program to the extent required by this part and by 40 CFR 123.27. At a minimum, the Director shall have the authority to:

(i) Incorporate POTW Pretreatment Program conditions into permits issued to POTW's; require compliance by POTW's with these incorporated permit conditions; and require compliance by Industrial Users with Pretreatment Standards;

(ii) Ensure continuing compliance by POTW's with pretreatment conditions incorporated into the POTW Permit through review of monitoring reports submitted to the Director by the POTW in accordance with §403.12 and ensure continuing compliance by Industrial Users with Pretreatment Standards through the review of self-monitoring reports submitted to the POTW or to the Director by the Industrial Users in accordance with §403.12;

(iii) Carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit; and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the Industrial User, whether the Industrial User is in compliance with Pretreatment Standards;

(iv) Seek civil and criminal penalties, and injunctive relief, for noncompliance by the POTW with pretreatment conditions incorporated into the POTW Permit and for noncompliance with Pretreatment Standards by Industrial Users as set forth in §403.8(f)(1)(vi). The Director shall have authority to seek judicial relief for noncompliance by Industrial Users even when the POTW has acted to seek such relief (e.g., if the POTW has sought a penalty which the Director finds to be insufficient);

(v) Approve and deny requests for approval of POTW Pretreatment Programs submitted by a POTW to the

Director;

(vi) Deny and recommend approval of (but not approve) requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in §403.13; and

(vii) Approve and deny requests for authority to modify categorical Pretreatment Standards to reflect removals achieved by the POTW in accordance with the criteria and procedures set forth in §§403.7, 403.9 and 403.11.

(2) *Procedures.* The Director shall have developed procedures to carry out the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. At a minimum, these procedures shall enable the Director to:

(i) Identify POTW's required to develop Pretreatment Programs in accordance with §403.8(a) and notify these POTW's of the need to develop a POTW Pretreatment Program. In the absence of a POTW Pretreatment Program, the State shall have procedures to carry out the activities set forth in §403.8(f)(2);

(ii) Provide technical and legal assistance to POTW's in developing Pretreatment Programs;

(iii) Develop compliance schedules for inclusion in POTW Permits which set forth the shortest reasonable time schedule for the completion of tasks needed to implement a POTW Pretreatment Program. The final compliance date in these schedules shall be no later than July 1, 1983;

(iv) Sample and analyze:

(A) Influent and effluent of the POTW to identify, independent of information supplied by the POTW, compliance or noncompliance with pollutant removal levels set forth in the POTW permit (see §403.7); and

(B) The contents of sludge from the POTW and methods of sludge disposal and use to identify, independent of information supplied by the POTW, compliance or noncompliance with requirements applicable to the selected method of sludge management;

(v) Investigate evidence of violations of pretreatment conditions set forth in the POTW Permit by taking samples and acquiring other information as needed. This data acquisition shall be performed with sufficient care as to produce evidence admissible in an enforcement proceeding or in court;

(vi) Review and approve requests for approval of POTW Pretreatment Programs and authority to modify categorical Pretreatment Standards submitted by a POTW to the Director; and

(vii) Consider requests for Fundamentally Different Factors variances submitted by Industrial Users in accordance with the criteria and procedures set forth in §403.13.

(3) *Funding.* The Director shall assure that funding and qualified personnel are available to carry out the authorities and procedures described in paragraphs (f)(1) and (2) of this section.

(g) *Content of State Pretreatment Program submission.* The request for State Pretreatment Program approval will consist of:

(1)(i) A statement from the State Attorney General (or the Attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to implement the requirements of this part. The authorities cited by the Attorney General in this statement shall be in the form

of lawfully adopted State statutes or regulations which shall be effective by the time of approval of the State Pretreatment Program; and

(ii) Copies of all State statutes and regulations cited in the above statement;

(iii) States with approved Pretreatment Programs shall establish Pretreatment regulations by November 16, 1989, unless the State would be required to enact or amend statutory provision, in which case, such regulations must be established by November 16, 1990.

(2) A description of the funding levels and full- and part-time personnel available to implement the program; and

(3) Any modifications or additions to the Memorandum of Agreement (required by 40 CFR 123.24) which may be necessary for EPA and the State to implement the requirements of this part.

(h) *EPA Action.* Any approved NPDES State requesting State Pretreatment Program approval shall submit to the Regional Administrator three copies of the Submission described in paragraph (g) of this section. Upon a preliminary determination that the Submission meets the requirements of paragraph (g) the Regional Administrator shall:

(1) Notify the Director that the Submission has been received and is under review; and

(2) Commence the program revision process set out in 40 CFR 123.62. For purposes of that section all requests for approval of State Pretreatment Programs shall be deemed substantial program modifications. A comment period of at least 30 days and the opportunity for a hearing shall be afforded the public on all such proposed program revisions.

(i) *Notification where submission is defective.* If, after review of the Submission as provided for in paragraph (h) of this section, EPA determines that the Submission does not comply with the requirements of paragraph (f) or (g) of this section EPA shall so notify the applying NPDES State in writing. This notification shall identify any defects in the Submission and advise the NPDES State of the means by which it can comply with the requirements of this part.

[46 FR 9439, Jan. 28, 1981, as amended at 51 FR 20429, June 4, 1986; 53 FR 40612, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995]

§ 403.11 Approval procedures for POTW pretreatment programs and POTW granting of removal credits.



[top](#)

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization:

(a) *Deadline for review of submission.* The Approval Authority shall have 90 days from the date of public notice of any Submission complying with the requirements of §403.9(b) and, where removal credit authorization is sought with §§403.7(e) and 403.9(d), to review the Submission. The Approval Authority shall review the Submission to determine compliance with the requirements of §403.8 (b) and (f), and, where removal credit authorization is sought, with §403.7. The Approval Authority may have up to an additional 90 days to complete the evaluation of the Submission if the public comment period provided for in paragraph (b)(1)(ii) of this section is extended beyond 30 days or if a public hearing is held as provided for in paragraph (b)(2) of this section. In no event, however, shall the time for evaluation of the Submission

exceed a total of 180 days from the date of public notice of a Submission meeting the requirements of §403.9(b) and, in the case of a removal credit application, §§403.7(e) and 403.9(b).

(b) *Public notice and opportunity for hearing.* Upon receipt of a Submission the Approval Authority shall commence its review. Within 20 work days after making a determination that a Submission meets the requirements of §403.9(b) and, where removal allowance approval is sought, §§403.7(d) and 403.9(d), the Approval Authority shall:

(1) Issue a public notice of request for approval of the Submission;

(i) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the Submission. Procedures for the circulation of public notice shall include:

(A) Mailing notices of the request for approval of the Submission to designated 208 planning agencies, Federal and State fish, shellfish and wildfish resource agencies (unless such agencies have asked not to be sent the notices); and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and

(B) Publication of a notice of request for approval of the Submission in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that meaningful public notice.

(ii) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the Submission.

(iii) All written comments submitted during the 30 day comment period shall be retained by the Approval Authority and considered in the decision on whether or not to approve the Submission. The period for comment may be extended at the discretion of the Approval Authority; and

(2) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the Submission.

(i) This request for public hearing shall be filed within the 30 day (or extended) comment period described in paragraph (b)(1)(ii) of this section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.

(ii) The Approval Authority shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the Submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

(iii) Public notice of a hearing to consider a Submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the Submission under paragraph (b)(1)(i)(B) of this section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

(c) *Approval authority decision.* At the end of the 30 day (or extended) comment period and within the 90 day (or extended) period provided for in paragraph (a) of this section, the Approval Authority shall approve or deny the Submission based upon the evaluation in paragraph (a) of this section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the Approval Authority makes a determination to deny the request, the Approval Authority shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the Approval Authority may allow the requestor additional time to bring the

Submission into compliance with applicable requirements.

(d) *EPA objection to Director's decision.* No POTW pretreatment program or authorization to grant removal allowances shall be approved by the Director if following the 30 day (or extended) evaluation period provided for in paragraph (b)(1)(ii) of this section and any hearing held pursuant to paragraph (b)(2) of this section the Regional Administrator sets forth in writing objections to the approval of such Submission and the reasons for such objections. A copy of the Regional Administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The Regional Administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the Regional Administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal allowances 90 days after the date the objections are issued.

(e) *Notice of decision.* The Approval Authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the Submission. In addition, the Approval Authority shall cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the Submission was published. The Approval Authority shall identify in any notice of POTW Pretreatment Program approval any authorization to modify categorical Pretreatment Standards which the POTW may make, in accordance with §403.7, for removal of pollutants subject to Pretreatment Standards.

(f) *Public access to submission.* The Approval Authority shall ensure that the Submission and any comments upon such Submission are available to the public for inspection and copying.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31224, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 62 FR 38414, July 17, 1997]

§ 403.12 Reporting requirements for POTW's and industrial users.

 [top](#)

(a) [Reserved]

(b) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report.* Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under §403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(7) of this section. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)–(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b) (4) and (5) of this section:

(1) *Identifying information.* The User shall submit the name and address of the facility including the name of the operator and owners;

(2) *Permits.* The User shall submit a list of any environmental control permits held by or for the facility;

(3) *Description of operations.* The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(4) *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of §403.6(e). (See paragraph (b)(5)(iv) of this section.)

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.* (i) The user shall identify the Pretreatment Standards applicable to each regulated process;

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

(iii) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(iv) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of §403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with §403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

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

(vii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and

shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

(6) *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (l) of this section) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§403.7), the combined wastestream formula (§403.6(e)), and/or a Fundamentally Different Factors variance (§403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (b)(6) and (7) of this section shall pertain to the modified limits.

(ii) If the categorical Pretreatment Standard is modified by a removal allowance (§403.7), the combined wastestream formula (§403.6(e)), and/or a Fundamentally Different Factors variance (§403.13) after the User submits the report required by paragraph (b) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(c) *Compliance schedule for meeting categorical Pretreatment Standards.* The following conditions shall apply to the schedule required by paragraph (b)(7) of this section:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(d) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs (b) (4)–(6) of this section. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable

pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(e) *Periodic reports on continued compliance.* (1) Any Industrial User subject to a categorical Pretreatment Standard (except a Non-Significant Categorical User as defined in §403.3(v)(2)), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

(2) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The request for a monitoring waiver must be signed in accordance with paragraph (l) of this section and include the certification statement in §403.6(a)(2)(ii). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of this section or other more frequent monitoring requirements imposed by the Control Authority; and notify the Control Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(3) The Control Authority may reduce the requirement in paragraph (e)(1) of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the Industrial User meets all of the following conditions:

(i) The Industrial User's total categorical wastewater flow does not exceed any of the following:

(A) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;

(B) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

(C) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW in accordance with §403.5(c) and paragraph (d) of this section;

(ii) The Industrial User has not been in significant noncompliance, as defined in §403.8(f)(2)(viii), for any time in the past two years;

(iii) The Industrial User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (g)(3) of this section;

(iv) The Industrial User must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (e)(3)(i) or (ii) of this section. Upon notification, the Industrial User must immediately begin complying with the minimum reporting in paragraph (e)(1) of this section; and

(v) The Control Authority must retain documentation to support the Control Authority's determination that a specific Industrial User qualifies for reduced reporting requirements under paragraph (e)(3) of this section for a period of 3 years after the expiration of the term of the control mechanism.

(4) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in §403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

(f) *Notice of potential problems, including slug loading.* All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by §403.5(b), by the Industrial User.

(g) *Monitoring and analysis to demonstrate continued compliance.* (1) Except in the case of Non-Significant Categorical Users, the reports required in paragraphs (b), (d), (e), and (h) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under paragraphs (b)(6) and (d) of this section. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

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

(ii) The Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

(3) The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control

Authority may authorize a lower minimum. For the reports required by paragraphs (e) and (h) of this section, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

(5) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, §§136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(6) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(5) of this section, the results of this monitoring shall be included in the report.

(h) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.

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

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

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

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

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

(5) Any other relevant information requested by the Approval Authority.

(j) *Notification of changed Discharge.* All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.

(k) *Compliance schedule for POTW's.* The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW Pretreatment Program required by §403.8.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW Pretreatment Program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

(2) No increment referred to in paragraph (k)(1) of this section shall exceed nine months;

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Approval Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Approval Authority.

(l) *Signatory requirements for Industrial User reports.* The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in §403.6(a)(2)(ii), and shall be signed as follows:

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

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

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

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

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

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

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

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

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

(m) *Signatory requirements for POTW reports.* Reports submitted to the Approval Authority by the POTW in accordance with paragraph (i) of this section must be signed by a principal executive officer, ranking elected official or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted.

(n) *Provisions Governing Fraud and False Statements:* The reports and other documents required to be submitted or maintained under this section shall be subject to:

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

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

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

(o) *Record-keeping requirements.* (1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

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

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods use; and

(v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs (b), (d), (e), and (h) of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

(p)(1) The Industrial User 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 a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the 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 months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen 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 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.

(3) 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 regulations.

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

(q) *Annual certification by Non-Significant Categorical Industrial Users.* A facility determined to be a Non-Significant Categorical Industrial User pursuant to §403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (l) of this section. This certification must accompany any alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, ____ [month, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in §403.3(v)(2); (b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:

(r) The Control Authority that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting).

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 31225, Aug. 3, 1984; 51 FR 20429, June 4, 1986; 53 FR 40613, Oct. 17, 1988; 55 FR 30131, July 24, 1990; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 62 FR 38414, July 17, 1997; 70 FR 59889, Oct. 13, 2005; 70 FR 60195, Oct. 14, 2005]

§ 403.13 Variances from categorical pretreatment standards for fundamentally different factors.

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(a) *Definition.* The term *Requester* means an Industrial User or a POTW or other interested person seeking a variance from the limits specified in a categorical Pretreatment Standard.

(b) *Purpose and scope.* In establishing categorical Pretreatment Standards for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b). In some cases, information which may affect these Pretreatment Standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical Pretreatment Standards, making them either more or less stringent, as they apply to a certain Industrial User within an industrial category or subcategory. This will only be done if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person believing that factors relating to an Industrial User are fundamentally different from the factors considered during development of a categorical Pretreatment Standard applicable to that User and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical Pretreatment Standard, may request a fundamentally different factors variance under this section or such a variance request may be initiated by the EPA.

(c) *Criteria*—(1) *General criteria.* A request for a variance based upon fundamentally different factors shall be approved only if:

(i) There is an applicable categorical Pretreatment Standard which specifically controls the pollutant for which alternative limits have been requested; and

(ii) Factors relating to the discharge controlled by the categorical Pretreatment Standard are fundamentally different from the factors considered by EPA in establishing the Standards; and

(iii) The request for a variance is made in accordance with the procedural requirements in paragraphs (g) and (h) of this section.

(2) *Criteria applicable to less stringent limits.* A variance request for the establishment of limits less stringent than required by the Standard shall be approved only if:

(i) The alternative limit requested is no less stringent than justified by the fundamental difference;

(ii) The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under §403.5;

(iii) The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Pretreatment Standards; and

(iv) Compliance with the Standards (either by using the technologies upon which the Standards are based or by using other control alternatives) would result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(3) *Criteria applicable to more stringent limits.* A variance request for the establishment of limits more stringent than required by the Standards shall be approved only if:

(i) The alternative limit request is no more stringent than justified by the fundamental difference; and

(ii) Compliance with the alternative limit would not result in either:

(A) A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or

(B) A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Standards.

(d) *Factors considered fundamentally different.* Factors which may be considered fundamentally different are:

(1) The nature or quality of pollutants contained in the raw waste load of the User's process wastewater;

(2) The volume of the User's process wastewater and effluent discharged;

(3) Non-water quality environmental impact of control and treatment of the User's raw waste load;

(4) Energy requirements of the application of control and treatment technology;

(5) Age, size, land availability, and configuration as they relate to the User's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;

(6) Cost of compliance with required control technology.

(e) *Factors which will not be considered fundamentally different.* A variance request or portion of such a request under this section may not be granted on any of the following grounds:

(1) The feasibility of installing the required waste treatment equipment within the time the Act allows;

(2) The assertion that the Standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in paragraph (d) of this section;

(3) The User's ability to pay for the required waste treatment; or

(4) The impact of a Discharge on the quality of the POTW's receiving waters.

(f) *State or local law.* Nothing in this section shall be construed to impair the right of any state or locality under section 510 of the Act to impose more stringent limitations than required by Federal law.

(g) *Application deadline.* (1) Requests for a variance and supporting information must be submitted in writing to the Director or to the Administrator (or his delegate), as appropriate.

(2) In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical Pretreatment Standard is published in the Federal Register.

(3) Where the User has requested a categorical determination pursuant to §403.6(a), the User may elect to await the results of the category determination before submitting a variance request under this section. Where the User so elects, he or she must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to §403.6(a)(4).

(h) *Contents submission.* Written submissions for variance requests, whether made to the Administrator (or his delegate) or the Director, must include:

(1) The name and address of the person making the request;

(2) Identification of the interest of the Requester which is affected by the categorical Pretreatment Standard for which the variance is requested;

(3) Identification of the POTW currently receiving the waste from the Industrial User for which alternative discharge limits are requested;

(4) Identification of the categorical Pretreatment Standards which are applicable to the Industrial User;

(5) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

(6) The alternative discharge limits proposed by the Requester for each pollutant or pollutant parameter identified in paragraph (h)(5) of this section;

(7) A description of the Industrial User's existing water pollution control facilities;

(8) A schematic flow representation of the Industrial User's water system including water supply, process wastewater systems, and points of Discharge; and

(9) A Statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by the EPA and used in developing each pollutant discharge limit in the Pretreatment Standard.

(i) *Deficient requests.* The Administrator (or his delegate) or the Director will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the Administrator (or his delegate) or the Director that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the Administrator (or his delegate) or the Director, the request for a variance shall be denied.

(j) *Public notice.* Upon receipt of a complete request, the Administrator (or his delegate) or the Director will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(1) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

(i) The POTW into which the Industrial User requesting the variance discharges;

(ii) Adjoining States whose waters may be affected; and

(iii) Designated 208 planning agencies, Federal and State fish, shellfish and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

(2) The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

(3) Following the comment period, the Administrator (or his delegate) or the Director will make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the Industrial User for which the variance is requested if different), the POTW into which the Industrial User discharges and all persons who submitted comments on the request.

(k) *Review of requests by state.* (1) Where the Director finds that fundamentally different factors do not exist, he may deny the request and notify the requester (and Industrial User where they are not the same) and the POTW of the denial.

(2) Where the Director finds that fundamentally different factors do exist, he shall forward the request, with a recommendation that the request be approved, to the Administrator (or his delegate).

(l) *Review of requests by EPA.* (1) Where the Administrator (or his delegate) finds that fundamentally different factors do not exist, he shall deny the request for a variance and send a copy of his determination to the Director, to the POTW, and to the requester (and to the Industrial User, where they are not the same).

(2) Where the Administrator (or his delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he will approve the variance. In approving the variance, the Administrator

(or his delegate) will:

(i) Prepare recommended alternative discharge limits for the Industrial User either more or less stringent than those prescribed by the applicable categorical Pretreatment Standard to the extent warranted by the demonstrated fundamentally different factors;

(ii) Provide the following information in his written determination:

(A) The recommended alternative discharge limits for the Industrial User concerned;

(B) The rationale for the adjustment of the Pretreatment Standard (including the reasons for recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived;

(C) The supporting evidence submitted to the Administrator (or his delegate); and

(D) Other information considered by the Administrator (or his delegate) in developing the recommended alternative discharge limits;

(iii) Notify the Director and the POTW of his or her determination; and

(iv) Send the information described in paragraphs (l)(2) (i) and (ii) of this section to the Requestor (and to the Industrial User where they are not the same).

(m) *Request for hearing.* (1) Within 30 days following the date of receipt of the notice of the decision of the Administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the Regional Administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other than the Industrial User the person shall simultaneously serve a copy of the request on the Industrial User.

(2) If the Regional Administrator declines to hold a hearing and the Regional Administrator affirms the findings of the Administrator's delegate the requester may submit a petition for a hearing to the Environmental Appeals Board (which is described in §1.25 of this title) within 30 days of the Regional Administrator's decision.

[46 FR 9439, Jan. 28, 1981, as amended at 49 FR 5132, Feb. 10, 1984; 50 FR 38811, Sept. 25, 1985; 51 FR 16030, Apr. 30, 1986; 54 FR 258, Jan. 4, 1989; 57 FR 5347, Feb. 13, 1992; 58 FR 18017, Apr. 7, 1993; 60 FR 33932, June 29, 1995; 70 FR 60198, Oct. 14, 2005]

§ 403.14 Confidentiality.



[top](#)

(a) *EPA authorities.* In accordance with 40 CFR part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

(b) *Effluent data.* Information and data provided to the Control Authority pursuant to this part which is effluent data shall be available to the public without restriction.

(c) *State or POTW.* All other information which is submitted to the State or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302.

§ 403.15 Net/Gross calculation.



(a) *Application.* Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (*i.e.* , adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (b) of this section are met.

(b) *Criteria.* (1) Either:

(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

(4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

[70 FR 60198, Oct. 14, 2005]

§ 403.16 Upset provision.



(a) *Definition.* 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) *Effect of an upset.* 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) *Conditions necessary for a demonstration of upset.* 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 workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The Industrial User has submitted the following information to the POTW and Control Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(i) A description of the Indirect Discharge and cause of noncompliance;

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

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

(d) *Burden of proof.* In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(e) *Reviewability of agency consideration of claims of upset.* In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. 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) *User responsibility in case of upset.* 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.

[46 FR 9439, Jan. 28, 1981, as amended at 53 FR 40615, Oct. 17, 1988]

§ 403.17 Bypass.

 [top](#)

(a) *Definitions.* (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) *Bypass not violating applicable Pretreatment Standards or Requirements.* An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) *Notice.* (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass.

(2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 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 Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) *Prohibition of bypass.* (1) Bypass is prohibited, and the Control Authority 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 preventative maintenance; and

(iii) The Industrial User submitted notices as required under paragraph (c) of this section.

(2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

[53 FR 40615, Oct. 17, 1988, as amended at 58 FR 18017, Apr. 7, 1993]

§ 403.18 Modification of POTW pretreatment programs.

 [top](#)

(a) *General.* Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under §403.11.

(b) *Substantial modifications defined.* Substantial modifications include:

(1) Modifications that relax POTW legal authorities (as described in §403.8(f)(1)), except for modifications that directly reflect a revision to this Part 403 or to 40 CFR chapter I, subchapter N, and are reported

pursuant to paragraph (d) of this section;

(2) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of this section. Maximum Allowable Industrial Loading means the total mass of a pollutant that all Industrial Users of a POTW (or a subgroup of Industrial Users identified by the POTW) may discharge pursuant to limits developed under §403.5(c);

(3) Changes to the POTW's control mechanism, as described in §403.8(f)(1)(iii);

(4) A decrease in the frequency of self-monitoring or reporting required of industrial users;

(5) A decrease in the frequency of industrial user inspections or sampling by the POTW;

(6) Changes to the POTW's confidentiality procedures; and

(7) Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.

(c) *Approval procedures for substantial modifications.* (1) The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description (see §403.9(b)), or such other documents the Approval Authority determines to be necessary under the circumstances.

(2) The Approval Authority shall approve or disapprove the modification based on the requirements of §403.8(f) and using the procedures in §403.11(b) through (f), except as provided in paragraphs (c) (3) and (4) of this section. The modification shall become effective upon approval by the Approval Authority.

(3) The Approval Authority need not publish a notice of decision under §403.11(e) provided: The notice of request for approval under §403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

(4) Notices required by §403.11 may be performed by the POTW provided that the Approval Authority finds that the POTW notice otherwise satisfies the requirements of §403.11.

(d) *Approval procedures for non-substantial modifications.* (1) The POTW shall notify the Approval Authority of any non-substantial modification at least 45 days prior to implementation by the POTW, in a statement similar to that provided for in paragraph (c)(1) of this section.

(2) Within 45 days after the submission of the POTW's statement, the Approval Authority shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

(e) *Incorporation in permit.* All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with 40 CFR 122.63(g).

[62 FR 38414, July 17, 1997]

§ 403.19 Provisions of specific applicability to the Owatonna Waste Water Treatment Facility.

 [top](#)

- (a) For the purposes of this section, the term “Participating Industrial Users” includes the following Industrial Users in the City of Owatonna, Minnesota: Crown Cork and Seal Company, Inc.; Cybex International Inc.; Josten's Inc.—Southtown Facility; SPx Corporation, Service Solutions Division; Truth Hardware Corporation; and Uber Tanning Company.
- (b) For a Participating Industrial User discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota, when a categorical Pretreatment Standard is expressed in terms of pollutant concentration the City of Owatonna may convert the limit to a mass limit by multiplying the five-year, long-term average process flows of the Participating Industrial User (or a shorter period if production has significantly increased or decreased during the five year period) by the concentration-based categorical Pretreatment Standard. Participating Industrial Users must notify the City in the event production rates are expected to vary by more than 20 percent from a baseline production rate determined by Owatonna when it establishes a Participating Industrial User's initial mass limit. To remain eligible to receive equivalent mass limits the Participating Industrial User must maintain at least the same level of treatment as at the time the equivalent mass limit is established. Upon notification of a revised production rate from a Participating Industrial User, the City will reassess the appropriateness of the mass limit. Owatonna shall reestablish the concentration-based limit if a Participating Industrial User does not maintain at least the same level of treatment as when the equivalent mass limit was established.
- (c) If a categorical Participating Industrial User of the Owatonna Waste Water Treatment Facility has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that pollutants regulated through categorical Pretreatment Standards, other than 40 CFR part 414, are not expected to be present in quantities greater than the background influent concentration to the industrial process, the City of Owatonna may reduce the sampling frequency specified in §403.8(f)(2)(v) to once during the term of the categorical Participating Industrial User's permit.
- (d) If a Participating Industrial User is discharging to the Owatonna Waste Water Treatment Facility in Owatonna, Minnesota and is subject to a categorical Pretreatment Standard other than one codified at 40 CFR part 414, the City of Owatonna may authorize the Participating Industrial User to forego sampling of a pollutant if the Participating Industrial User has demonstrated through sampling and other technical factors, including a comparison of three years of effluent data with background data, that the pollutant is not expected to be present in quantities greater than the background influent concentration to the industrial process, and the Participating Industrial User certifies on each report, with the following statement, that there has been no increase in the pollutant in its wastestream due to activities of the Participating Industrial User. The following statement is to be included as a comment to the periodic reports required by §403.12(e):
- “Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR __, I certify that, to the best of my knowledge and belief, the raw materials, industrial processes, and potential by-products have not contributed this pollutant to the wastewaters since filing of the last periodic report under 40 CFR 403.12(e).”
- (e) If the average daily loading from the Participating Industrial Users to the Owatonna Waste Water Treatment Facility is equal to or less than 0.68 pounds per day of chromium, 0.25 pounds per day of copper, 1.17 pounds per day of nickel, and 1.01 pounds per day of zinc, Owatonna may authorize a categorical Participating Industrial User to satisfy the reporting requirements of §403.12(e) with an annual report

provided on a date specified by Owatonna, provided that the Participating Industrial User has no reasonable potential to violate a Pretreatment Standard for any pollutant for which reduced monitoring is being allowed, and has not been in Significant Noncompliance within the previous three years.

(f) The Owatonna Waste Water Treatment Facility in Owatonna, Minnesota shall post public notice of all Significant Noncompliance subject to the publication requirement in §403.8(f)(2)(vii) at the Minnesota Pollution Control Agency website for a period of one year, as soon as practicable upon identifying the violations. In addition, the Owatonna Waste Water Treatment Facility shall post an explanation of how Significant Noncompliance is determined, and a contact name and phone number for information regarding other, non-Significant Noncompliance violations. If a violation is not corrected within thirty (30) calendar days or results in pass through or interference at the Owatonna Waste Water Treatment Facility, publication must also be made in the format specified in §403.8(f)(2)(vii).

(g) The provisions of this section shall expire on October 6, 2005.

[65 FR 59747, Oct. 6, 2000]

§ 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL.

 [top](#)

The Approval Authority may allow any publicly owned treatment works (POTW) that has a final “Project XL” agreement to implement a Pretreatment Program that includes legal authorities and requirements that are different than the administrative requirements otherwise applicable under this part. The POTW must submit any such alternative requirements as a substantial program modification in accordance with the procedures outlined in §403.18. The approved modified program must be incorporated as an enforceable part of the POTW's NPDES permit. The Approval Authority must include a reopener clause in the POTW's NPDES permit that directs the POTW to discontinue implementing the approved alternative requirements and resume implementation of its previously approved pretreatment program if the Approval Authority determines that the primary objectives of the Local Pilot Pretreatment Program are not being met or the “Project XL” agreement expires or is otherwise terminated.

[66 FR 50339, Oct. 3, 2001]

Appendixes A–C to Part 403 [Reserved]

 [top](#)

Appendix D to Part 403—Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula

 [top](#)

The following industrial subcategories are considered to have dilute wastestreams for purposes of the combined wastestream formula. They either were or could have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the Natural Resources Defense Council, Inc., et al. v. Costle Consent Decree for one or more of the following four reasons: (1) The pollutants of concern are not detectable in the effluent from the industrial user (paragraph 8(a)(iii)); (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8(a)(iii));

(3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph 8(a)(iii)); or (4) the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i)). In some instances, different rationales were given for exclusion under paragraph 8. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed above.

This list is complete as of October 9, 1986. It will be updated periodically for the convenience of the reader.

Auto and Other Laundries (40 CFR part 444)

Carpet and Upholstery Cleaning

Coin-Operated Laundries and Dry Cleaning

Diaper Services

Dry Cleaning Plants except Rug Cleaning

Industrial Laundries

Laundry and Garment Services, Not Elsewhere Classified

Linen Supply

Power Laundries, Family and Commercial

*Electrical and Electronic Components*¹ (40 CFR part 469)

¹ The Paragraph 8 exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations (40 CFR parts 413/433).

Capacitors (Fluid Fill)

Carbon and Graphite Products

Dry Transformers

Ferrite Electronic Devices

Fixed Capacitors

Fluorescent Lamps

Fuel Cells

Incandescent Lamps

Magnetic Coatings

Mica Paper Dielectric

Motors, Generators, Alternators

Receiving and Transmitting Tubes

Resistance Heaters

Resistors

Switchgear

Transformer (Fluid Fill)

Metal Molding and Casting (40 CFR part 464)

Nickel Casting

Tin Casting

Titanium Casting

Gum and Wood Chemicals (40 CFR part 454)

Char and Charcoal Briquets

Inorganic Chemicals Manufacturing (40 CFR part 415)

Ammonium Chloride

Ammonium Hydroxide

Barium Carbonate

Calcium Carbonate

Carbon Dioxide

Carbon Monoxide and Byproduct Hydrogen

Hydrochloric Acid

Hydrogen Peroxide (Organic Process)

Nitric Acid

Oxygen and Nitrogen

Potassium Iodide

Sodium Chloride (Brine Mining Process)

Sodium Hydrosulfide

Sodium Hydrosulfite

Sodium Metal

Sodium Silicate

Sodium Thiosulfate

Sulfur Dioxide

Sulfuric Acid

Leather (40 CFR part 425)

Gloves

Luggage

Paving and Roofing (40 CFR part 443)

Asphalt Concrete

Asphalt Emulsion

Linoleum

Printed Asphalt Felt

Roofing

Pulp, Paper, and Paperboard, and Builders' Paper and Board Mills (40 CFR parts 430 and 431)

Groundwood-Chemi-Mechanical

Rubber Manufacturing (40 CFR part 428)

Tire and Inner Tube Plants

Emulsion Crumb Rubber

Solution Crumb Rubber

Latex Rubber

Small-sized General Molded, Extruded and Fabricated Rubber Plants,²

² Footnote: Except for production attributed to lead-sheathed hose manufacturing operations.

Medium-sized General Molded, Extruded and Fabricated Rubber Plants²

Large-sized General Molded, Extruded and Fabricated Rubber Plants²

Wet Digestion Reclaimed Rubber

● Pan, Dry Digestion, and Mechanical Reclaimed Rubber

Latex Dipped, Latex-Extruded, and Latex-Molded Rubber³

³ Footnote: Except for production attributed to chromic acid form-cleaning operations.

Latex Foam⁴

⁴ Footnote: Except for production that generates zinc as a pollutant in discharge.

Soap and Detergent Manufacturing (40 CFR part 417)

Soap Manufacture by Batch Kettle

Fatty Acid Manufacture by Fat Splitting

Soap Manufacture by Fatty Acid

Neutralization

Glycerine Concentration

Glycerine Distillation

● Manufacture of Soap Flakes and Powders

Manufacture of Bar Soaps

Manufacture of Liquid Soaps

Manufacture of Spray Dried Detergents

Manufacture of Liquid Detergents

Manufacture of Dry Blended Detergents

Manufacture of Drum Dried Detergents

Manufacture of Detergent Bars and Cakes

Textile Mills (40 CFR part 410)

Apparel manufacturing

Cordage and Twine

Padding and Upholstery Filling

● *Timber Products Processing* (40 CFR part 429)

Barking Process

Finishing Processes

Hardboard—Dry Process

[51 FR 36372, Oct. 9, 1986]

Appendix E to Part 403—Sampling Procedures



I. Composite Method

A. It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least 12 aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

B. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the Approval Authority requires detention time compensation. The Approval Authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

II. Grab Method

If composite sampling is not an appropriate technique, grab samples should be taken to obtain influent and effluent operational data. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes. The collection of influent grab samples should precede the collection of effluent samples by approximately one detention period except that where the detention period is greater than 24 hours such staggering of the sample collection may not be necessary or appropriate. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based upon the average of the daily flows during the same month of the previous year. Grab sampling should be employed where the pollutants being evaluated are those, such as cyanide and phenol, which may not be held for an extended period because of biological, chemical or physical interaction which take place after sample collection and affect the results.

[49 FR 31225, Aug. 3, 1984]

Appendix F to Part 403 [Reserved]



Appendix G to Part 403—Pollutants Eligible for a Removal Credit



I. Regulated Pollutants in Part 503 Eligible for a Removal Credit

Pollutants	Use or disposal practice		
	LA	SD	I
Arsenic	X	X	X
Beryllium			X
Cadmium	X		X
Chromium		X	X
Copper	X		
Lead	X		X
Mercury	X		X
Molybdenum	X		
Nickel	X	X	X
Selenium	X		
Zinc	X		
Total hydrocarbons			X ¹

Key:

LA—land application.

SD—surface disposal site without a liner and leachate collection system.

I—firing of sewage sludge in a sewage sludge incinerator.

¹The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in subpart E in 40 CFR Part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin(total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Din-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Beta-hexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit

[Milligrams per kilogram—dry weight basis]

Pollutant	Use or disposal practice		
	LA	Surface disposal	I

		Unlined ¹	Lined ²	
Arsenic			³ 100	
Aldrin/Dieldrin (Total)	2.7			
Benzene	³ 16	140	3400	
Benzo(a)pyrene	15	³ 100	³ 100	
Bis(2-ethylhexyl)phthalate		³ 100	³ 100	
Cadmium		³ 100	³ 100	
Chlordane	86	³ 100	³ 100	
Chromium (total)	³ 100		³ 100	
Copper		³ 46	100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	
2,4 Dichlorophenoxy-acetic acid		7	7	
Fluoride	730			
Heptachlor	7.4			
Hexachlorobenzene	29			
Hexachlorobutadiene	600			
Iron	³ 78			
Lead		³ 100	³ 100	
Lindane	84	³ 28	³ 28	
Malathion		0.63	0.63	
Mercury		³ 100	³ 100	
Molybdenum		40	40	
Nickel			³ 100	
N-Nitrosodimethylamine	2.1	0.088	0.088	
Pentachlorophenol	30			
Phenol		82	82	
Polychlorinated biphenyls	4.6	<50	<50	
Selenium		4.8	4.8	4.8
Toxaphene	10	³ 26	³ 26	
Trichloroethylene	³ 10	9500	³ 10	
Zinc		4500	4500	4500

¹ Active sewage sludge unit without a liner and leachate collection system.

² Active sewage sludge unit with a liner and leachate collection system.

³ Value expressed in grams per kilogram—dry weight basis.

Key: LA—land application.

I—incineration.

[60 FR 54768, Oct. 25, 1995, as amended at 65 FR 42567, Aug. 4, 1999; 70 FR 60198, Oct. 14, 2005]

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APPENDIX B

CITY OF NASHVILLE
NPDES PERMIT NO. AR0021776

Permit Number: AR0021776

**AUTHORIZATION TO DISCHARGE WASTEWATER UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND
THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

The applicant's mailing address is:

City of Nashville
426 North Main Street
Nashville, AR 71852

The facility address is:

City of Nashville
743 Highway 27 South
Nashville, AR 71852

is authorized to discharge from a facility located as follows: South side of Highway 27 near the junction of Highway 27B, in Howard County, Arkansas.

Latitude: 33° 55' 11.27"; Longitude: 93° 51' 40.16"

to receiving waters named:

Through an 18" pipe to unnamed tributary of Mine Creek thence to Millwood Lake, thence to the Red River in Segment 1C of the Red River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 33° 54' 56"; Longitude: 93° 51' 28"

With a monitoring location of:

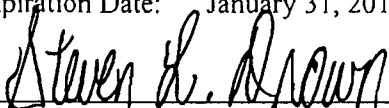
Latitude: 33° 55' 5.3"; Longitude: 93° 51' 35.45"

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

Issue Date: January 31, 2009

Effective Date: February 1, 2009

Expiration Date: January 31, 2014



Steven L. Drown
Chief, Water Division
Arkansas Department of Environmental Quality

**PART I
PERMIT REQUIREMENTS**

SECTION A. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater.

During the period beginning on the effective date and lasting until three years from the effective date, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of two aerated lagoons in parallel, a two-cell stabilization pond, two dissolved air flotation unit (DAF), followed by chlorination then dechlorination with the design flow of 2.3 MGD.

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow ¹	N/A	report	report	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	192	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	288	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(April)	192	10	15	three/week	6-hr composite
(May-Oct)	38	2	3	three/week	6-hr composite
(Nov-March)	192	10	15	three/week	6-hr composite
Dissolved Oxygen ²					
(May-Oct)	N/A	5.0, (Monthly Avg. Min.)		three/week	grab
(Nov-Apr)	N/A	7.4, (Monthly Avg. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	three/week	grab
(Oct-Mar)	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC) ³	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Phosphorus, Total	report	report	report	three/week	grab
Nitrite + Nitrate Nitrogen (NO2+NO3-N)	report	report	report	three/week	grab
Cyanide, Total Recoverable ⁴	0.154	8.03 µg/l	16.12 µg/l	once/quarter	grab
Selenium, Total Recoverable ⁴	report	report	report	once/quarter	grab

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
Whole Effluent Toxicity⁷ (7-day NOEC) ⁶ 22414	<u>Daily Average</u> <u>Minimum</u> Not < 73%	<u>7-day Minimum</u> Not < 73%	once/quarter	24-hr composite
Pimephales promelas (Chronic)⁵ Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Growth (7-day NOEC) TPP6C Coefficient of variation (growth) TQP6C	<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite
Ceriodaphnia dubia (Chronic)⁵ Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail Reprod. (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Reproduction (7-day NOEC) TPP3B Coefficient of variation (reproduction) TQP3B	<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite

- 1 Report monthly average and daily maximum as MGD.
- 2 See item #27(a) of Part IV (Dissolved Oxygen).
- 3 See Condition No. 12 of Part II (TRC Condition).
- 4 See Condition No. 11 of Part II (Metals Condition).
- 5 See Condition No. 10 of Part II (WET Condition)
- 6 The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which toxicity that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic test failure is defined as a demonstration of a statistically significant lethal or sub-lethal effect at test completion to a test species at or below the critical dilution.
- 7 Whole Effluent Toxicity limit for lethal endpoints.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken from the following location: at the end of pipe, but before the outfall and at the following monitoring coordinates: Latitude: 33° 55' 5.3"; Longitude: 93° 51' 35.45"

SECTION A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater.

During the period beginning three years from the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of two aerated lagoons in parallel, a two-cell stabilization pond, two dissolved air flotation unit (DAF), followed by chlorination then dechlorination with the design flow of 2.3 MGD.

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow ¹	N/A	report	report	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	192	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	288	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(Apr-Sep)	45	2.35	7.5	three/week	6-hr composite
(May-Oct)	38	2	3	three/week	6-hr composite
(Nov-March)	96	5	7.5	three/week	6-hr composite
Dissolved Oxygen ²					
(May-Oct)	N/A	5.0, (Monthly Avg. Min.)		three/week	grab
(Nov-Apr)	N/A	7.4, (Monthly Avg. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	three/week	grab
(Oct-Mar)	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC) ³	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Phosphorus, Total	report	report	report	three/week	grab
Nitrite + Nitrate Nitrogen (NO2+NO3-N)	report	report	report	three/week	grab
Cyanide, Total Recoverable ⁴	0.154	8.03 µg/l	16.12 µg/l	once/quarter	grab
Selenium, Total Recoverable ⁴	0.148	7.73 µg/l	15.5 µg/l	once/quarter	grab

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
Whole Effluent Toxicity⁷ (7-day NOEC) ⁶ 22414	<u>Daily Average Minimum</u> Not < 73%	<u>7-day Minimum</u> Not < 73%	once/quarter	24-hr composite
<u>Pimephales promelas (Chronic)⁵</u> Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Growth (7-day NOEC) TPP6C Coefficient of variation (growth) TQP6C	<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite
<u>Ceriodaphnia dubia (Chronic)⁵</u> Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail Reprod. (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Reproduction (7-day NOEC) TPP3B Coefficient of variation (reproduction) TQP3B	<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite

- 1 Report monthly average and daily maximum as MGD.
- 2 See item #27(a) of Part IV (Dissolved Oxygen).
- 3 See Condition No. 12 of Part II (TRC Condition).
- 4 See Condition No. 11 of Part II (Metals Condition).
- 5 See Condition No. 10 of Part II (WET Condition)
- 6 The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which toxicity that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic test failure is defined as a demonstration of a statistically significant lethal or sub-lethal effect at test completion to a test species at or below the critical dilution.
- 7 Whole Effluent Toxicity limits for lethal and sub-lethal endpoints.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken from the following location: at the end of pipe, but before the outfall and at the following monitoring coordinates: Latitude: 33° 55' 5.3"; Longitude: 93° 51' 35.45"

SECTION B. PERMIT COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

1. Compliance with the interim limits is required on the effective date of the permit.
2. The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Ammonia Nitrogen for the months of April and November-March and for year round Selenium according to the following schedule:

<u>ACTIVITY</u>	<u>DUE DATE</u>
Submit Progress Report	One (1) year from effective date
Submit Progress Report	Two (2) years from effective date
Achieve Final Limits	Three (3) years from effective date

3. Submit proposed Pretreatment Program modifications within 12 months of the permit effective date;
4. Submit certification/notification statement for technically based local limits (TBLL) within 60 days of the effective date;
OR: If the TBLLs are revised, submit a revised sewer use ordinance within 12 months of the effective date;
5. An annual Pretreatment Status Report is due during the month of February each year.
6. The permittee shall continue to conduct the Toxicity Reduction Evaluation (TRE) to address *C. dubia* toxicity observed in the effluent from Outfall 001.
7. The permittee shall continue to submit progress reports to the Technical Assistance Manger of the Water Quality Planning Section addressing the progress of the TRE and the progress towards attaining the final effluent limits for sub-lethal toxicity according to the following schedule as outlined in the TRE language in Part II:

<u>ACTIVITY</u>	<u>DUE DATE</u>
Quarterly Report	The last day of each January, April, July and October
Final Report	Twenty eight (28) months from confirming toxicity in the retests
Achieve Final Limits	Three (3) years from effective date

The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

**PART II
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as Class III by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and APCEC Regulation No. 3, as amended.
2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand (CBOD₅) shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6.
3. Produced sludge shall be disposed of by land application only when meeting the following criteria:
 - a. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
 - b. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.
4. The permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable).
5. The permittee shall report all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of overflow; observed environmental impacts from the overflow; action taken to address the overflow; and ultimate discharge location if not contained (e.g., storm-sewer system, ditch, tributary). All overflows which endanger health or the environment shall be orally reported to this department (Enforcement Section of the Water Division), within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment, shall be provided within 5 days of the time the permittee becomes aware of the circumstance.
6. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

7. Other Specified Monitoring Requirements

The permittee may use alternative appropriate monitoring methods and analytical instruments other than as specified in Part I Section A of the permit without a major permit modification under the following conditions:

- The monitoring and analytical instruments are consistent with accepted scientific practices;
- The requests shall be submitted in writing to the Permits Section of the Water Division of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or acceptable to the Director; and
- All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period. ADEQ must be notified in writing and the permittee must receive written approval from ADEQ if the permittee decides to return to the original permit monitoring requirements.

8. Contributing Industries and Pretreatment Requirements

a. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on 04/12/1993. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations. The permittee shall submit all necessary proposed modifications to ADEQ within twelve (12) months of the effective date of this permit. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- (1) Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times;
- (2) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial User in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities;
- (3) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements;

- (4) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
- (a) Statement of duration (in no case more than five years);
 - (b) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (c) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
 - (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waiver for a pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
 - (e) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and
 - (f) Requirements to control slug discharges, if determined by the POTW to be necessary.
- (5) The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi);
- (6) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program; and
- (7) The approved program shall not be modified by the permittee without the prior approval of ADEQ.
- b. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5(a) and (b), as required by 40 CFR Part 403.5(c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5(c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

The permittee shall submit, within sixty (60) days of the effective date of this permit, (1) a **WRITTEN CERTIFICATION** that a technical evaluation has demonstrated that the

existing technically based local limits (TBLL) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, **OR** (2) a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within 12 months of the effective date of this permit.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

- c. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once/year and the toxic pollutants in Table III at least 4 times/year (quarterly). If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least 4 times/year (quarterly) on both the influent and the effluent. The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.
- d. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW during the month of February.

In addition, during the month of February the permittee shall submit an updated pretreatment program status report to the ADEQ containing the following information:

- (1) An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify:
- (a) Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3),
 - (b) Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR Part 414),

Petroleum Refining (40 CFR Part 419), and Pesticide Chemicals (40 CFR Part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6).

- (c) Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5).
- (d) General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii).
- (e) Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403 (b), (e) and (h).

For each industrial user listed the following information shall be included:

- (i) Standard Industrial Classification (SIC) and NAICS code and categorical determination;
- (ii) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months);
- (iii) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:
 - * total number of inspections performed;
 - * total number of sampling visits made;
- (iv) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
 - * Compliant (C) - no violations during the previous 12 month period;
 - * Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significantly noncompliant industrial users;
 - * Significant Noncompliance (SNC) - in accordance with requirements described in d. above; and
- (v) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to

attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained;

- (2) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination;
 - (3) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response;
 - (4) The results of all influent and effluent analyses performed pursuant to paragraph (c) above;
 - (5) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;
 - (6) The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachment A, B and C); and
 - (7) The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.
- e. The permittee shall provide adequate notice of the following:
- (1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and
 - (2) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Adequate notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

9. Sludge from the two DAF Units is returned to the existing 42 Acre Lagoon. Sludge is recirculated in the plant operation.
10. Whole Effluent Toxicity Test Requirements (WET Limits, 7-Day Chronic, Freshwater)
 - a. Scope And Methodology

- (1) The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S):	001
REPORTED ON DMR AS OUTFALL:	001
CRITICAL DILUTION:	73%
EFFLUENT DILUTION SERIES:	31%, 41%, 55%, 73%, and 97%
LETHAL LIMIT	73%
SUB-LETHAL LIMIT	73%
SCHEDULE OF COMPLIANCE: SUB-LETHAL	YES
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA/600/4-91/002 or the most recent update thereof. This test should be terminated when 60% of the surviving adults in the control produce three broods.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA/600/4-91/002, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- (2) The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- (3) The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal or sub-lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of

additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

- (4) This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

b. REQUIRED TOXICITY TESTING CONDITIONS

(1) Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- (a) The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- (b) The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- (c) 60% of the surviving control females must produce three broods.
- (d) The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- (e) The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test, the growth and survival of the Fathead minnow test.
- (f) The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints in the Fathead minnow test.
- (g) If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control and/or in the critical dilution (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
- (h) If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.

- (i) A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
- (j) A PMSD range of 12 - 30 for Fathead minnow growth.

(2) Statistical Interpretation

- (a) For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013 or the most recent update thereof.
- (b) For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.
- (c) If the conditions of Test Acceptability are met in Item B.1 above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item C below.

(3) Dilution Water

- (a) Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.
- (b) If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item B.1, the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (i) a synthetic dilution water control which fulfills the test acceptance requirements of Item B.1 was run concurrently with the receiving water control;
 - (ii) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

(iii) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item C.1 below; and

(iv) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

(4) Samples and Composites

- (a) The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item A.1 above. Unless otherwise stated in this section, a composite sample for WET shall consist of 12 subsamples gathered at equal time intervals during a 24-hour period.
- (b) The permittee must collect all three flow-weighted composite samples within the monitoring period. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- (c) The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- (d) If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item C of this section
- (e) MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in Item A.1 above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

- (f) The permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

c. REPORTING

- (1) The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- (2) The permittee shall report the Whole Effluent Toxicity values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.

If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

If more than one species is tested during the reporting period, the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Toxicity.

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.

- (3) The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

(a) Pimephales promelas (Fathead minnow)

- (i) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C

- (ii) Report the NOEC value for survival, Parameter No. TOP6C
- (iii) Report the Lowest Observed Effect Concentration (LOEC) value for survival, Parameter No. TXP6C
- (iv) Report the NOEC value for growth, Parameter No. TPP6C
- (v) Report the LOEC value for growth, Parameter No. TYP6C
- (vi) If the NOEC for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C
- (vii) Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C

(b) Ceriodaphnia dubia

- (i) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B
- (ii) Report the NOEC value for survival, Parameter No. TOP3B
- (iii) Report the LOEC value for survival, Parameter No. TXP3B
- (iv) Report the NOEC value for reproduction, Parameter No. TPP3B
- (v) Report the LOEC value for reproduction, Parameter No. TYP3B
- (vi) If the NOEC for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B
- (vii) Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

d. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{SL} where there are no effects at effluent dilutions of less than 76% effluent.

- (1) Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used

in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:

(a) Specific Activities

The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- (b) Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48

hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- (c) Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.);
and
 - (d) Project Organization (e.g., project staff, project manager, consulting services, etc.).
- (2) The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
- (3) The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
- (a) any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - (b) any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - (c) any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- (4) The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- (5) Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

e. TOXICITY RE-OPENER

- (1) If the TRE has led to the successful elimination of effluent toxicity at the critical dilution, the sub-lethal WET final effluent limits may be replaced by monitoring and reporting only requirement through a minor modification. Otherwise, the permittee must comply with the final sub-lethal WET effluent limits
- (2) If the TRE has not led to the successful elimination of effluent toxicity at the critical dilution, but has indicated a causal parameter, the sub-lethal WET final effluent limit may be replaced by monitoring and reporting only requirement by a minor modification of the permit, with the addition of a limit for the causal constituent.

f. MONITORING FREQUENCY REDUCTION

This section does not apply to any species for which the permit establishes whole effluent toxicity (WET) limits. For the first five years after the effective date of a WET limit, the minimum monitoring frequency for the affected species is once per quarter.

- (1) The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).
- (2) CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item B.1 above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- (3) SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- (4) This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

11. The permittee may use any EPA approved method based on 40 CFR Part 136 provided the MQL for the chosen method is equal to or less than what has been specified in chart below:

Pollutant	MQL ($\mu\text{g/l}$)
Cyanide	10
Selenium, Total	5

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 CFR Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to ADEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

Upon written approval by the NPDES Permits Branch, the site specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

12. If TRC test results are less than Detection Level Achieved (DL), a value of zero (0) may be used for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

Total residual chlorine (TRC) in the effluent composite sample shall be measured and reported both at the time of sample termination and at the time of toxicity test initiation. The permittee shall ensure that the effluent composite used in toxicity testing is representative of normal facility residual chlorine discharge concentration.

13. The permittee may request, in writing, the removal of the effluent permit limit for Selenium during the one (1) year Compliance Schedule if four (4) quarterly samples confirm that the concentration of Selenium is below the level of concern, i.e., 5.0 $\mu\text{g/l}$.

**PART III
STANDARD CONDITIONS**

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

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

- a. Violation of any terms or conditions of this permit; or
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- e. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.10. herein.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4. **Toxic Pollutants**

Notwithstanding Part III.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. **Civil and Criminal Liability**

Except as provided in permit conditions on "Bypassing" (Part III.B.4.a.), and "Upsets" (Part III.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

6. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

7. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

8. **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

9. Severability

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

10. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

4. Bypass of Treatment Facilities

a. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.B.4.b. and 4.c.

b. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6. (24-hour notice).

c. Prohibition of bypass

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
 - (c) The permittee submitted notices as required by Part III.B.4.b.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.c.(1).

5. Upset Conditions

- a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.b. of this section are met. No determination made during administrative

review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- b. Conditions necessary for demonstration of upset. A permittee 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 that the permittee can identify the specific cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated.
 - (3) The permittee submitted notice of the upset as required by Part III.D.6.; and
 - (4) The permittee complied with any remedial measures required by Part III.B.3.
- c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ for land application only.

7. Power Failure

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

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

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

2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a

maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR forms signed and certified as required by Part III.D.11. and all other reports required by Part III.D., shall be submitted to the Director at the following address:

Permits Enforcement Branch
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6. Additional Monitoring by the Permittee

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

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records and monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- b. The individuals(s) who performed the sampling or measurements;
- c. The date(s) and time analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The measurements and results of such analyses.

9. Inspection and Entry

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

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

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

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

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. Compliance Schedule

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

6. Twenty-four Hour Report

- a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be

provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

- (1) a description of the noncompliance and its cause;
 - (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- b. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.
- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

7. Other Noncompliance

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

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

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

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or
- b. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

a. All **permit applications** shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) The chief executive officer of the agency, or
 - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above.
- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant

manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The written authorization is submitted to the Director.

- c. Certification. Any person signing a document under this section shall make the following certification:

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

12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

PART IV DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
3. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
5. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
Mass Calculations: For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
Concentration Calculations: For pollutants with limitations expressed in other units of measurement, determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day by using the following formula: where C= daily concentration, F=daily flow and n=number of daily samples

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

7. **"Monthly average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) report the monthly average (see 30-day average below).
8. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.

9. **"Department"** means the Arkansas Department of Environmental Quality (ADEQ).
10. **"Director"** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
11. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
12. **"Industrial User"** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
13. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
14. **"POTW"** means a Publicly Owned Treatment Works.
15. **"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 products.
16. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.
17. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a POTW.
18. **"7-day average"** discharge limitation, other than for Fecal Coliform Bacteria (FCB), is the highest allowable arithmetic mean of the values for all effluent samples collected during the calendar week. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The Discharge Monitoring Report should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.
19. **"30-day average"**, other than for Fecal Coliform Bacteria (FCB), is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values for all effluent samples collected during a calendar month. For Fecal Coliform Bacteria (FCB), report the monthly average as a 30-day geometric mean in colonies per 100 ml.
20. **"24-hour composite sample"** consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
21. **"12-hour composite sample"** consists of 12 effluent portions, collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.

22. **"6-hour composite sample"** consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
23. **"3-hour composite sample"** consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
24. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
25. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations.
26. **"For Fecal Coliform Bacteria (FCB)"**, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
27. **"Dissolved oxygen limit"**, shall be defined as follows:
 - a. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
 - b. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
28. **The term "MGD"** shall mean million gallons per day.
29. **The term "mg/l"** shall mean milligrams per liter or parts per million (ppm).
30. **The term "µg/l"** shall mean micrograms per liter or parts per billion (ppb).
31. **The term "cfs"** shall mean cubic feet per second.
32. **The term "ppm"** shall mean parts per million.
33. **The term "s.u."** shall mean standard units.
34. **The term "Instantaneous Maximum"** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
35. **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual,

or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

MONTHLY:

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

QUARTERLY:

(1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

(2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

SEMI-ANNUAL:

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

ANNUAL or YEARLY:

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

36. The term "Weekday" means Monday – Friday.

Final Fact Sheet

for renewal of discharge Permit Number AR0021776 to discharge to Waters of the State.

1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. APPLICANT.

The applicant's mailing address is:

City of Nashville
426 North Main Street
Nashville, AR 71852

The facility address is:

City of Nashville
743 Highway 27 South
Nashville, AR 71852

3. PREPARED BY.

The permit was prepared by:

Jennifer Harmon
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0627
E-mail: harmonj@adeq.state.ar.us

4. PREVIOUS PERMIT ACTIVITY.

Effective Date: 11/1/2003
Expiration Date: 10/31/2008

The permit application was received on 1/22/2008 and was deemed administratively complete on 1/24/2008. All additional information was received by 9/11/2008.

The current discharge permit is reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

The background flow has been reviewed based on the fact that the receiving water (Mine Creek) is on the 2004, 2006 and 2008 list of impaired water bodies (303 (d) list). When calculating the new background flow, the average flow from the upstream contributor, AR0041734, was used. The upstream contributor has a average flow of 1 MGD, which was converted to 1.54 cfs. The average flow was then added to the upstream 7Q10 of 0.5 cfs. A new value of 2.04 cfs has been used as the background flow of this section of Mine Creek.

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

- a. pH limits have changed from 6-9 s.u. to 6.0-9.0 s.u.
- b. Operator class III has been added to Part II.
- c. Parts II, III and IV have been revised.
- d. The background flow has been modified to include the upstream average flow from AR0041734 with the 7Q10. The new background flow is 2.04 cfs.
- e. Ammonia limits have changed for April and November-March due to new Ammonia toxicity requirements.
- f. Monitor and report requirements have been added for Total Phosphorus and Nitrite + Nitrate Nitrogen.
- g. Monitoring location has been modified.
- h. Stormwater language has been added to Part II.
- i. The TSS limit has been changed due to rounding issue in the last permit.
- j. Critical Dilution for WET testing was modified due to an update background flow.
- k. Sub-lethal WET limit added with a three year compliance schedule.
- l. A condition has been added to Part II.14 to allow for the removal of the effluent limit for Selenium after successful demonstration that Selenium is no longer in the discharge above the Minimum Quantification Level (MQL).
- m. Additional Pretreatment Requirements have been added to Part II.8.
- n. Facility coordinates have been updated per an inspection report.
- o. Fecal Coliform condition has been removed from Part II.
- p. D.O. monitoring has changed from Instantaneous Minimum to Monthly Average Minimum.
- q. Cyanide limits have changed due to new information for the background flow.
- r. Special Condition 12 was removed in the final permit.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates:

Latitude: 33° 54' 56" Longitude: 93° 51' 28"

with a monitoring location of:

Latitude: 33° 55' 5.3" Longitude: 93° 51' 35.45"

The receiving waters named:

Through an 18" pipe to Mine Creek, thence to Millwood Lake, thence to the Red River in Segment 1C of the Red River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11140109 and reach # 033 is a Water of the State classified for primary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

a. 303(d) LIST AND ENDANGERED SPECIES CONSIDERATIONS.

(1) 303(d) List:

The receiving stream is listed on the 2004 303(d) list for Copper, Zinc, and Sulfates. The contributor has been identified as an upstream industrial facility. Based on pre-treatment information, it was determined that the facility was not contributing Copper or Zinc in amounts that exceeded the water quality criteria as set forth in APCEC Regulation No. 2. Therefore, Copper and Zinc limits have not been placed in the permit. Based on the "TMDL investigation on Mine Creek" recommendations, Total Phosphorus and Nitrate Nitrogen reporting have been added to the permit.

(2) Endangered Species:

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Fact Sheet was sent to the USF&WS for their review.

7. OUTFALL AND TREATMENT PROCESS DESCRIPTION.

The following is a description of the facility described in the application:

- a. Design Flow: 2.3 MGD
- b. Type of Treatment: Two aerated lagoons in parallel, a two cell stabilization pond, two dissolved air floatation units (DAF), followed by chlorination then dechlorination.
- c. Discharge Description: treated municipal wastewater

8. ACTIVITY.

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

9. INDUSTRIAL WASTEWATER CONTRIBUTIONS.

INDUSTRIAL USERS

The permittee does receive process wastewater from significant industrial users. Standard Pretreatment Program implementation requirements are deemed necessary at this time. A written certification that existing technically based local limits are adequate to prevent pass through, inhibition, or interference is required within six (6) months of the effective date of the permit or; a written notification that a technical evaluation revising the current technically based limits will be submitted within twelve (12) months of the effective date of the permit.

Pretreatment requirements have been added to modify the permittee's Program to be current with the newly revised (10/05) Pretreatment Regulations under 40 CFR 403. Submittal of these modifications are due within twelve (12) of the effective date of the permit.

10. SEWAGE SLUDGE PRACTICES.

Sludge from the two DAF Units is returned to the existing 42 Acre Lagoon. Sludge is recirculated in the plant operation.

11. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

a. Interim Effluent Limitations

Outfall 001- treated municipal wastewater

(1) Conventional and/or Toxic Pollutants

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow (MGD)	N/A	report	report	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	192	10	15	three/week	6-hr composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified) Monthly Avg.	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	7-Day Avg.		
Total Suspended Solids (TSS)	288	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH ₃ -N)					
(April)	192	10	15	three/week	6-hr composite
(May-Oct)	38	2	3	three/week	6-hr composite
(Nov-March)	192	10	15	three/week	6-hr composite
Dissolved Oxygen					
(May-Oct)	N/A	5.0 (Monthly Avg. Min.)		three/week	grab
(Nov-Apr)	N/A	7.4 (Monthly Avg. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
(Apr-Sept)	N/A	200	400	three/week	grab
(Oct-Mar)	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Phosphorus, Total	report	report	report	three/week	grab
Nitrite + Nitrate Nitrogen (NO ₂ +NO ₃ -N)	report	report	report	three/week	grab
Cyanide, Total Recoverable	.154	8.03 µg/l	16.12 µg/l	once/quarter	grab
Selenium, Total Recoverable	report	report	report	once/quarter	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
WET 7-Day Chronic ¹	N/A	CD<73%		once/quarter	24-hr composite

1. Whole Effluent Toxicity limit for lethal endpoints.

(2) **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

b. **Final Effluent Limitations**

Outfall 001- treated municipal wastewater

(1) **Conventional and/or Toxic Pollutants**

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified) Monthly Avg.	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	7-Day Avg.		
Flow (MGD)	N/A	report	report	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	192	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	288	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(April)	45	2.35	7.5	three/week	6-hr composite
(May-Oct)	38	2	3	three/week	6-hr composite
(Nov-March)	96	5	7.5	three/week	6-hr composite
Dissolved Oxygen					
(May-Oct)	N/A	5.0 (Monthly Avg. Min.)		three/week	grab
(Nov-Apr)	N/A	7.4 (Monthly Avg. Min.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
(Apr-Sept)	N/A	200	400	three/week	grab
(Oct-Mar)	N/A	1000	2000	three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Phosphorus, Total	report	report	report	three/week	grab
Nitrite + Nitrate Nitrogen (NO2 + NO3-N)	report	report	report	three/week	grab
Cyanide, Total Recoverable	0.154	8.03 µg/l	16.12 µg/l	once/quarter	grab
Selenium, Total Recoverable	0.148	7.73 µg/l	15.5 µg/l	once/quarter	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
WET 7-Day Chronic ¹	N/A	CD<73%		once/quarter	24-hr composite

1. Whole Effluent Toxicity limit for lethal and sub-lethal endpoints.

- (2) **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

12. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7 (48 FR 1413, April 1, 1983).

Technology-Based Versus Water Quality-Based Effluent Limitations And Conditions

Following regulations promulgated at 40 CFR Part 122.44 (1)(2)(ii), the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	10	15	25	40	10	15	10	15
TSS	15	22.5	30	45	15	23	15	22.5
NH3-N								
(April)	2.35	7.5	N/A	N/A	10	15	2.35	7.5
(May-Oct)	2	3	N/A	N/A	2	3	2	3
(Nov-March)	5	7.5	N/A	N/A	10	15	5	7.5
Dissolved Oxygen								
(May-Oct)	5.0(Monthly Avg. Min.)		N/A		5.0(Inst. Min.)		5.0(Monthly Avg. Min.)	
(Nov-Apr)	7.4(Monthly Avg. Min.)		N/A		7.4(Inst. Min.)		7.4(Monthly Avg. Min.)	
FCB (col/100 ml)								
(Apr-Sept)	200	400	N/A	N/A	200	400	200	400
(Oct-Mar)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC (Inst. Max)	N/A		< 0.1 mg/l		<0.1 mg/l		<0.1 mg/l	
Phosphorus, Total	N/A	N/A	report	report	N/A	N/A	report	report
Nitrite + Nitrate Nitrogen (NO2 + NO3-N)	N/A	N/A	report	report	N/A	N/A	report	report
Cyanide, Total Recoverable	8.03 µg/l	16.12 µg/l	N/A	N/A	7.44 µg/l	14.93 µg/l	8.03 µg/l	16.12 µg/l
Selenium, Total Recoverable	7.73 µg/l	15.5 µg/l	N/A	N/A	N/A	N/A	7.73 µg/l	15.5 µg/l
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6-9 s.u.		6.0-9.0 s.u.	

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model dated 2/6/2008
TSS	Water Quality	MultiSMP Model dated 2/6/2008
NH3-N	Water Quality	Section 2.512 of Regulation No. 2/ MultiSMP Model dated 2/6/2008

Parameter	Water Quality or Technology	Justification
DO	Water Quality	Section 2.505 of Regulation No. 2
Fecal Coliform Bacteria	Water Quality	Section 2.507 of Regulation No. 2
pH	Water Quality	Section 2.504 of Regulation No. 2
Phosphorus, Total	Water Quality	Section 6.205 of Regulation No. 6/MultiSMP Model dated 2/6/2008, Total Phosphorus was added based on a TMDL investigation on Mine Creek (ADEQ, 2000) recommendations.
Nitrite + Nitrate Nitrogen	Water Quality	MultiSMP Model dated 2/6/2008, Nitrate Nitrogen was added on a TMDL investigation on Mine Creek (ADEQ, 2000) recommendations.
Cyanide	Water Quality	Section 2.508 of Regulation No. 2
Selenium	Water Quality	Section 2.508 of Regulation No. 2

a. **Anti-backsliding**

The permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44 (l) (2) (i).

The permit maintains the requirements of the previous permit with the exception of Cyanide and TSS. For TSS the 7-day average in the previous permit was carried out to one significant digit. Due to Department policy significant digits are no longer used when calculating 7-day averages. Explanation for the Cyanide limit increase is discussed in 12.d.6 of the fact sheet.

b. **Limits Calculations**

(1) Mass limits:

The calculation of the loadings (lbs per day) uses a design flow of 2.3 MGD and the following equation: lbs/day = Concentration (mg/l) X Flow (MGD) X 8.34

(2) Daily Maximum Limits:

Daily Maximum limits = Monthly average limits X 1.5

(3) Ammonia-Nitrogen (NH₃-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Chapter 5, Section 2.512 of APCEC Regulation No. 2 and an ADEQ internal memo dated March 28, 2005. The following formula has been used to calculate toxicity based Ammonia limits:

$$Cd = (IWC(Qd + Qb) - CbQb)/Qd,$$

Where:

Cd = effluent limit concentration

IWC = Ammonia toxicity standard for Ecoregion

Qd = design flow

Qb = Critical flow of the receiving stream. This flow is 67 percent of the 7-day, 10-year low-flow (7Q10) for the receiving stream.

Cb = background concentration

c. **208 Plan (Water Quality Management Plan)**

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to add an April Ammonia Nitrogen limit and to modify Ammonia Nitrogen limits for November-March to the existing water quality limitations:

May-October: CBOD5/TSS/NH3-N/DO = 10/15/2/5 mg/l

November-March: CBOD5/TSS/NH3-N/DO = 10/15/5/7.4 mg/l

April CBOD5/TSS/NH3-N/DO = 10/15/2.35/7.4 mg/l

Design flow (Q): 2.3 MGD

Background Flow of the receiving stream: 2.04 cfs (This value is the receiving stream background as well as the discharge from an upstream contributor, AR0041734)

d. **Toxics Pollutants**

(1) Post Third Round Policy and Strategy

Section 101 of the Clean Water Act (CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited...". To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations by Toxic Pollutants" (49 FR 9016-9019, 3/9/84). In support of the national policy, Region 6 adopted the "Policy for post Third Round Permitting" and the "Post Third Round Permit Implementation Strategy" on October 1, 1992. The Regional policy and strategy are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

(2) Implementation

The State of Arkansas is currently implementing EPA's Post Third-Round Policy in conformance with the EPA Regional strategy. The 5-year discharge permits contain

technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, or where there are no applicable technology-based limits, additional water quality-based effluent limitations and/or conditions are included in the discharge permits. State narrative and numerical water quality standards from Regulation No. 2 are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

(3) Priority Pollutant Scan (PPS)

In accordance with the regional policy ADEQ has reviewed and evaluated the effluent in evaluating the potential toxicity of each analyzed pollutant:

- (a) The results were evaluated and compared to EPA's Minimum Quantification Levels (MQLs) to determine the potential presence of a respective toxic pollutant. Those pollutants which are greater than or equal to the MQLs are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (b) Those pollutants with one datum shown as "non-detect" (ND), providing the level of detection is equal to or lower than MQL are determined to be not potentially present in the effluent and eliminated from further evaluation.
- (c) Those pollutants with a detectable value even if below the MQL are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (d) For those pollutants with multiple data values and all values are determined to be non-detect, therefore no further evaluation is necessary. However, where data set includes some detectable concentrations and some values as ND, one-half of the detection level is used for those values below the level of detection to calculate the geometric mean of the data set.

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards, Reg. No. 2 and with the aquatic toxicity, human health, and drinking water criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)". The following expression was used to calculate the pollutant instream waste concentration (IWC):

$$IWC = ((C_e \times Q_e) + (C_b \times Q_b)) / (Q_e + Q_b)$$

where:

IWC = instream concentration of pollutant after mixing with receiving stream ($\mu\text{g/l}$)
 C_e = pollutant concentration in effluent ($\mu\text{g/l}$)
 Q_e = effluent flow of facility (cfs)
 C_b = background concentration of pollutant in receiving stream ($\mu\text{g/l}$)
 Q_b = background flow of receiving stream (cfs)

The following values were used in the IWC calculations:

C_e = varies with pollutant. A single value from the Priority Pollutant Screen (PPS) submitted by the permittee as part of the discharge permit application or the geometric mean of a group of data points (less than 20 data points) is multiplied by a factor of 2.13. This factor is based on EPA's Region VI procedure (See attachment IV of Continuing Planning Process (CPP)) to extrapolate limited data sets to better evaluate the potential toxicity for higher effluent concentrations to exceed water quality standards. This procedure employs a statistical approach which yields an estimate of a selected upper percentile value (the 95th percentile) of an effluent data set which would be expected to exceed 95% of effluent concentrations in a discharge. If 20 or more data points during the last two years are available, do not multiply by 2.13, but instead use the maximum reported values.

Q_e = 2.3 MGD = 3.56 cfs

C_b = 0 $\mu\text{g/l}$ for all pollutants except Copper and Zinc. See Attachment 1 for Copper C_b and Zinc C_b . These values were calculated by calculating the average daily maximum from the upstream contributor, AR0041734.

Q_b = (See below):

(i) Aquatic Toxicity

Chronic Toxicity: Flow = 1.37 cfs, for comparison with chronic aquatic toxicity. This flow is 67 percent of the 7-day, 10-year low-flow (7Q10) for the receiving stream. The background flow of 2.04 cfs is based on the average flow from the Tyson plant that discharges upstream from the city (the stream without the Tyson flow of 0.5 cfs).

Acute Toxicity: Flow = 0.67 cfs, for comparison with acute aquatic toxicity. This flow is 33 percent of the 7Q10 for the receiving stream.

(ii) Bioaccumulation

Flow = 2.04 cfs, for comparison with bioaccumulation criteria

(iii) Drinking Water

Flow = 2.04 cfs, for comparison with drinking water criteria. This flow is the 7Q10 for the receiving stream and the average flow from the Tyson plant that discharges upstream from the city.

The following values were used to determine limits for the pollutants:

Hardness = 31 mg/l, based on attachment VI of CPP.

TSS = 5.5 mg/l, based on attachment V of CPP

pH = 6.93 s.u., based on compliance data from "Arkansas Water Quality Inventory Report"305(b), Water Quality Data Base System, utilizing ADEQ accumulated data for Station RED18B.

(4) Water Quality Standards for Metals and Cyanide

Standards for Chromium (VI), Mercury, Selenium, and Cyanide are expressed as a function of the pollutant's water-effect ratio (WER), while standards for cadmium, chromium (III), copper, lead, nickel, silver, and zinc are expressed as a function of the pollutant's water-effect ratio, and as a function of hardness.

The Water-effect ratio (WER) is assigned a value of 1.0 unless scientifically defensible study clearly demonstrates that a value less than 1.0 is necessary or a value greater than 1.0 is sufficient to fully protect the designated uses of the receiving stream from the toxic effects of the pollutant.

The WER approach compares bioavailability and toxicity of a specific pollutant in receiving water and in laboratory test water. It involves running toxicity tests for at least two species, measuring LC50 for the pollutant using the local receiving water collected from the site where the criterion is being implemented, and laboratory toxicity testing water made comparable to the site water in terms of chemical hardness. The ratio between site water and lab water LC50 is used to adjust the national acute and chronic criteria to site specific values.

(5) Conversion of Dissolved Metals Criteria for Aquatic Life to Total Recoverable Metal

Metals criteria established in APCEC Regulation No. 2, Section 2.508 for aquatic life protection are based on dissolved metals concentrations and hardness values. However, Federal Regulations cited at 40 CFR Part 122.45(c) require that effluent limitations for metals in discharge permits be expressed as total recoverable based on Attachment V of CPP. Therefore a dissolved to the total recoverable metal conversion must be implemented. This involves determining a linear partition coefficient for the metal of concern and using this coefficient to determine the fraction of metal dissolved, so that the dissolved metal ambient criteria may be translated to a total effluent limit. The formula for converting dissolved metals to total recoverable metals for streams and lakes are provided in Attachment V of CPP and Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.

(6) Comparison of the submitted information with the water quality standards and criteria

The following pollutants were determined to be present in the effluent for each pollutant as reported by the permittee.

Pollutant	Concentration Reported, $\mu\text{g/l}$	Number of Data Points from PPS and Pretreatment
Cadmium, total	1.38 ¹	23
Chromium, total	23.6	23
Copper, total	6.48	23
Nickel, total	143 ²	23
Selenium, total	9.5 ³	23
Zinc, total	35.1	23
Cyanide, total	14.2	23
Chloroform	1.29	23
Bis (2-ethylhexyl) phthalate	4.7	20

¹The high value of 3.57 $\mu\text{g/l}$ was discarded due to the abnormality of the data point. The next highest value 1.38 $\mu\text{g/l}$ was used during the Priority Pollutant Scan calculations.

²The high value of 174 $\mu\text{g/l}$ was discarded due to the abnormality of the data point. The next highest value 143 $\mu\text{g/l}$ was used during the Priority Pollutant Scan calculations.

³The high value of 32.3 $\mu\text{g/l}$ was discarded due to the abnormality of the data point. The next highest value 9.5 $\mu\text{g/l}$ was used during the Priority Pollutant Scan calculations.

However, ADEQ has determined from the information submitted by the permittee that no water quality standards or Gold Book criteria are exceeded with the exception of Cyanide and Selenium. Therefore, no permit action is necessary to maintain these standards or criteria (See Attachment 1.) with the exception of Cyanide and Selenium.

Aquatic Toxicity

(a) Pollutants with numerical water quality standards

ADEQ has determined from the information submitted by the permittee that there is a reasonable potential for the discharge to cause an instream excursion above the acute and/or chronic numeric standards as specified in the Arkansas Water Quality Standards, Reg. No. 2 (See Attachment 1.)

ADEQ has identified the following toxicants in the discharge in amounts which could potentially have a toxic impact on the receiving stream:

Chronic Aquatic Toxicity Results			
Pollutant	C _c , µg/l	IWC, µg/l	AWQS, µg/l
Cyanide	14.2	9.26	5.2
Selenium	9.5	20.96	5

IWC's have been calculated in the manner described on page 11 of the Fact Sheet.
 Permit Action

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Regulation No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed above have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the State's implementations procedures, and 40 CFR Part 122.45(c).

Permit Limit Determination

The instream waste load allocation (WLA), which is the level of effluent concentration that would comply with the water quality standard (WQS) of the receiving stream, is calculated for both chronic and acute WLA using the following equations:

$$WLA_c = (WQS \times (Q_d + Q_b) - Q_b \times C_b) / Q_d$$

where:

- WLA_c = chronic waste load allocation (µg/l)
- Q_d = discharge flow (cfs)
- Q_b = 0.67 X 7Q10 (cfs) or 0.67 X background flow (cfs)
- C_b = background concentration (µg/l)
- WQS = chronic aquatic toxicity standards (µg/l)

and;

$$WLA_a = (WQS \times (Q_d + Q_b) - Q_b \times C_b) / Q_d$$

where:

- WLA_a = acute waste load allocation (µg/l)
- Q_d = discharge flow (cfs)
- Q_b = 0.33 X 7Q10 (cfs) or 0.33 X background flow (cfs)
- C_b = background concentration (µg/l)
- WQS = acute aquatic toxicity standards (µg/l)

The long term average (LTA) effluent concentration is then calculated based on the chronic and acute WLA as follows:

$$LTA_c = 0.72 \times WLA_c$$

$$LTA_a = 0.57 \times WLA_a$$

The lowest of these two (2) values is selected as being the limiting LTA. The limiting LTA is then used to calculate the monthly average (AML) and daily maximum (DML) for the final limits. AML and DML are calculated as follows:

$$AML = 1.55 \times \text{Limiting LTA}$$

$$DML = 3.11 \times \text{Limiting LTA}$$

Limits included in the permit are as follows:

Arkansas Numerical Aquatic Toxicity Limits		
Parameter	AML* $\mu\text{g/l}$	DML* $\mu\text{g/l}$
Cyanide	8.03	16.12
Selenium	7.73	15.5
*See Attachment 1 for calculations		

NOTE: Due to new information about the background flow, the limits for Cyanide have increased from 7.44 $\mu\text{g/l}$ to 8.03 $\mu\text{g/l}$. The previous permit used a 7Q10 of 1.5 cfs. Based upon new information concerning the discharge from an upstream contributor, AR0041734-Tyson Foods-Nashville. The average flow from that facility is 1MGD or 1.54 cfs. The 7Q10 of the stream prior to the Tyson discharge is 0.5 cfs. This 7Q10 added to the discharge of Tyson is 2.04 cfs. The new background flow changed the amount of Cyanide that could be added to the receiving stream.

b. Pollutants without applicable water quality standards

ADEQ has determined from the information submitted by the permittee that there is not a reasonable potential for the discharge to cause an instream excursion above the acute and/or chronic criteria as specified in the Gold Book (See Attachment 1.)

13. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

No measurable which is defined as $<0.1 \text{ mg/l}$ is continued from the previous permit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured with fifteen (15) minutes of sampling

14. WHOLE EFFLUENT TOXICITY (WET).

a. Post Third Round Policy and Strategy

Section 101(a) (3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited....." To ensure that the

CWA's prohibitions for toxics are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 FR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act.

The Regional policy and strategy are designed to ensure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State Water Quality Standard (WQS) resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

Whole effluent toxicity (WET) testing has been establishing for assessing and protecting against impacts upon water quality and designated uses caused by the aggregate toxic effect of the discharge of pollutants. The stipulated test species, which are appropriate to measure whole effluent toxicity, are consistent with the requirements of the State Water Quality Standards. The WET testing frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

b. Implementation

Arkansas has established a narrative water quality standard under the authority of Section 303 of the CWA which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity testing conducted by the permittee has shown potential ambient toxicity to be the result of the permittee's discharge to receiving stream or water body, at the appropriate instream critical dilution. Pursuant to 40 CFR 122.44(d)(1)(v), ADEQ has determined from the permittee's self reporting that the discharge from this facility does have the reasonable potential to cause, or contribute to an instream excursion above the narrative standard within the applicable State Water Quality Standards, in violation of Section 101(a)(3) of the Clean Water Act. Therefore, the permit must establish both monthly average and 7-day minimum effluent limitations for toxicity following Regulations promulgated by 40 CFR 122.44(d) (1) (v). These effluent limitations for toxicity (7-day NOEC) are applied at outfall 001 effective the date of the permit. The daily average toxicity (7-day NOEC) and 7-day minimum toxicity (7-day NOEC) value shall not be less than 73% (Critical Dilution) effluent for outfall 001.

WET testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The WET testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS	FREQUENCY
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Chronic WET	once/quarter
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Since the background flow is less than 100 cfs (ft³/sec) and dilution ratio is less than 100:1, chronic WET requirements will be included in the permit.

The calculations for dilution used for chronic WET are as follows

$$\text{Critical dilution (CD)} = (Q_d / (Q_d + Q_b)) \times 100$$

$$Q_d = \text{Design flow} = 2.3 \text{ MGD} = 3.56 \text{ cfs}$$

$$7Q_{10} + \text{Average Flow of upstream contributor} = 2.04 \text{ cfs}$$

$$Q_b = \text{Background flow} = (0.67) \times (7Q_{10} + \text{Background flow}) = 1.37 \text{ cfs}$$

$$CD = (3.56 / (3.56 + 1.37)) \times 100 = 73\%$$

A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 31%, 41%, 55%, 73%, and 97% (Please see **Attachment I** of CPP). The low-flow effluent concentration (critical dilution) is defined as 73% effluent based on a 2.04 cfs background flow which included a 7Q₁₀ flow of the receiving stream and Tyson's upstream flow contribution. Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA/600/4-89/001 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

c. Administrative Records

The following information summarized toxicity test failures submitted by the permittee during the term of the current permit at outfall 001.

**WET FREQUENCY RECOMMENDATION
AND RATIONALE FOR ADDITIONAL REQUIREMENTS**

Permit Number: AR0021776

Facility Name: City of Nashville

Previous Critical Dilution: 78%

Date of Review: 1/25/08

Proposed Critical Dilution: 73%

Name of Reviewer: Barnett

Number of tests performed during previous 5 years by species:

Pimephales promelas (Fathead minnow): 28

Ceriodaphnia dubia (water flea): 33

Failed test dates during previous 5 years by species:

***Pimephales promelas* (Fathead minnow):**

<u>Lethal</u>	<u>Sub-lethal</u>
None	02-04
	04-04
	07-04
	01-05
	07-06
07-07	07-07

***Ceriodaphnia dubia* (water flea):**

<u>Lethal</u>	<u>Sub-lethal</u>
12-03	12-03
	03-04
	04-04
01-05	01-05
02-05	02-05
03-05	03-05
04-05	04-05
	10-05
	12-05
	10-06
01-07	01-07
02-07	02-07
	03-07
	04-07
05-07	05-07
06-07	06-07
	07-07
	09-07
	12-07

Previous TRE activities:

TRE required as part of CAO initiated January 5, 2006 (LIS No. 06-010). Due to a lack of toxicity during 2006 and based upon #9 of the Order and Agreement (LIS No. 06-010), completion of the TRE was not required.

However, the TRE process was once again initiated 09/04/07 due to multiple sub-lethal failures. The TRE plan was received on 11/5/07, and the revised TRE plan was received on 1/18/08. The revised TRE plan was approved 2/15/08 and the first three quarterly reports have been received.

Pimephales promelas (Fathead minnow): four/year
Ceriodaphnia dubia (water flea): four/year

Additional requirements (including WET Limits) rationale/comments concerning permitting: WET limits are appropriate.

Rationale: According to the EPA Region 6 Post-Third Round Whole Effluent Toxicity Testing Frequencies: "All major dischargers, and those minor dischargers specifically identified by EPA or the State permitting authority (based on available information on a case-by case basis) as posing a significant unaddressed toxic risk, will be required to perform Whole Effluent Toxicity testing at a frequency of once per quarter for the vertebrate and invertebrate tests species for the first year of a new or reissued permit."

The City of Nashville has shown a history of sporadic sub-lethal toxicity to *P. promelas*, sporadic lethal toxicity to *C. dubia*, and a history of sub-lethal toxicity to *C. dubia*, WET testing of four times per year is appropriate due to the ongoing TRE.

Upon the completion of the TRE, City of Nashville should have determined the source of toxicity, and effectively reduced it such that they are in compliance with permit requirements. If, within three years of the effective date of the permit, the Department determines that the City of Nashville has identified the toxicant and appropriate control(s), the permit may be modified to remove the sub-lethal WET limit and replace it with an appropriate chemical-specific limit.

A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity.

The City of Nashville will submit a Final Report on Toxicity Reduction Evaluation Activities which will provide information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism(s).

Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants.

15. SAMPLE TYPE AND FREQUENCY.

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i) (l)]

Requirements for sample type and sampling frequency have been based on the current discharge permit for all parameters except Total Phosphorus, Nitrite + Nitrate Nitrogen and Total Recoverable Selenium. The sample type and sample frequency for Total Phosphorus and Nitrite + Nitrate Nitrogen have been based upon similar parameters already in the permit. The sample type and sample frequency for Total Recoverable Selenium have been based upon other metals already in the permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
CBOD5	three/week	6-hr composite	three/week	6-hr composite
TSS	three/week	6-hr composite	three/week	6-hr composite
NH3-N				
(May-Oct)	three/week	6-hr composite	three/week	6-hr composite
(April)	three/week	6-hr composite	three/week	6-hr composite
(Nov-Mar)	three/week	6-hr composite	three/week	6-hr composite
Dissolved Oxygen				
(May-Oct)	three/week	grab	three/week	grab
(Nov-Apr)	three/week	grab	three/week	grab
FCB				
(Apr-Sept)	three/week	grab	three/week	grab
(Oct-Mar)	three/week	grab	three/week	grab
TRC	three/week	grab	three/week	grab
Phosphorus, total	N/A	N/A	three/week	grab
Nitrite + Nitrate Nitrogen (NO2 + NO3-N)	N/A	N/A	three/week	grab
Cyanide, total	once/quarter	grab	once/quarter	grab
Selenium, total	N/A	N/A	once/quarter	grab
pH	three/week	grab	three/week	grab

16. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS.

In lieu of storm water pollution prevention plan requirements in this permit, the permittee must obtain permit coverage under the Industrial Stormwater General Permit, ARR00000. The storm water pollution prevention plan requirements contained in special Condition No. 12 of Part II pertaining to storm water have been deleted from the final permit.

17. PERMIT COMPLIANCE.

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

- a. Compliance with the interim limits is required on the effective date of the permit.
- b. The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Total Recoverable Selenium and Ammonia Nitrogen for the months of April and November-March according to the following schedule:

<u>ACTIVITY</u>	<u>DUE DATE</u>
Submit Progress Report	One (1) year from effective date
Submit Progress Report	Two (2) years from effective date
Achieve Final Limits	Three (3) years from effective date

- c. Submit proposed Pretreatment Program modifications within 12 months of the permit effective date.
- d. An annual Pretreatment Status Report is due during the month of February each year.
- e. Submit certification/notification statement for technically based local limits (TBLL) within 60 days of the effective date.
OR: If the TBLLs are revised, submit a revised sewer use ordinance within 12 months of the effective date.
- f. The permittee shall continue to conduct the Toxicity Reduction Evaluation (TRE) to address *C. dubia* toxicity observed in the effluent from Outfall 001.
- g. The permittee shall continue to submit progress reports to the Technical Assistance Manager of the Water Quality Planning Section addressing the progress of the TRE and the progress towards attaining the final effluent limits for sub-lethal toxicity according to the following schedule as outlined in the TRE language in Part II:

<u>ACTIVITY</u>	<u>DUE DATE</u>
Quarterly Report	The last day of each January, April, July and October
Final Report	Twenty eight (28) months from confirming toxicity in the retests
Achieve Final Limits	Three (3) years from effective date

- h. If the TRE has led to the successful elimination of effluent toxicity at the critical dilution, the sub-lethal WET final effluent limits may be replaced by monitoring and reporting only requirement through a minor modification. Otherwise, the permittee must comply with the final sub-lethal WET effluent limits
- i. If the TRE has not led to the successful elimination of effluent toxicity at the critical dilution, but has indicated a causal parameter, the sub-lethal WET final effluent limit may be replaced by monitoring and reporting only requirement by a minor modification of the permit, with the addition of a limit for the causal constituent.

The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

18. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

19. SOURCES.

The following sources were used to draft the permit:

- a. Application No. AR0021776 received 1/22/2008.
- b. Additional information received 9/11/2008.
- c. Arkansas Water Quality Management Plan (WQMP).
- d. APCEC Regulation No. 2.
- e. APCEC Regulation No. 3.
- f. APCEC Regulation No. 6.
- g. APCEC Regulation No. 8.
- h. 40 CFR Parts 122, 125, 133 and 403.
- i. Discharge permit file AR0021776.
- j. Discharge Monitoring Reports (DMRs).
- k. "Arkansas Water Quality Inventory Report 2004 (305B)", ADEQ.
- l. Memo from Mo Shafii to Engineers dated March 28, 2005
- m. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- n. Continuing Planning Process (CPP).
- o. Technical Support Document For Water Quality-based Toxic Control.

- p. Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.
- q. Inspection Report dated 11/7/2007
- r. Site visit conducted on 2/6/2008
- s. Discharge Monitoring Reports from AR0041734
- t. TMDL recommendations on Mine Creek (ADEQ, 2000).
- u. Consent Administrative Order (ADEQ, 2006)

20. POINT OF CONTACT.

For additional information, contact:

Jennifer Harmon
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0627

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
83																
84	The following formulas are used to calculate water quality criteria based on Regulation No. 2 (Act 472 of Ark 1949)															
85	Cadmium			Acute			WER X CF1 X e(1.128ln(hardness))-3.828				1.04	Total WQC(ug/l)				
86				Chronic			WER X CF2 X e(0.7852ln(hardness))-3.490				0.43		CF1 = 1.136872 - (0.041838*ln(hardness))			
87													CF2 = 1.101672 - (0.041838*ln(hardness))			
88	Chromium Tr			Acute			WER X 0.316 X e(0.819ln(hardness))+3.688				210.28					
89				Chronic			WER X 0.86 X e(0.819ln(hardness))+1.561				68.21					
90																
91	Chromium Hex			Acute			WER X 0.982 X 16				15.71					
92				Chronic			WER X 11 X 0.962				10.58					
93																
94	Copper			Acute			WER X 0.96 X e(0.9422ln(hardness))-1.464				5.64					
95				Chronic			WER X 0.96 X e(0.8545ln(hardness))-1.465				4.17					
96																
97	Lead			Acute			WER X e(1.273ln(hardness))-1.460	CF3			17.68		CF3 = 1.46203 - (0.145712*ln(hardness))			
98				Chronic			WER X e(1.273ln(hardness))-4.705	CF3			0.69					
99																
100	Mercury			Acute			WER X 0.85 X 2.4				2.04					
101				Chronic			WER X 0.012				0.01					
102																
103	Nickel			Acute			WER X 0.998 X e(0.8460ln(hardness))+3.3612				525.50					
104				Chronic			WER X 0.997 X e(0.8460ln(hardness))+1.1645				58.36					
105																
106	Zinc			Acute			WER X 0.978 X e(0.8473ln(hardness))+0.8604				42.43					
107				Chronic			WER X 0.988 X e(0.8473ln(hardness))+0.7614				38.74					
108																
109	Silver			Acute			WER X 0.85 X e(1.72ln(hardness))-6.52				0.46					
110																
111	Cyanide			Acute			WER X 22.36				22.36					
112				Chronic			WER X 5.2				5.20					
113																
114	Arsenic			Acute			WER X 360				360.00					
115				Chronic			WER X 190				190.00					
116																
117	Beryllium			Acute			WER X 130				130.00					
118				Chronic			WER X 5.3				5.30					
119																
120	Selenium			Acute			WER X 20				20.00					
121				Chronic			WER X 5				5.00					
122																
123	The following formulas are applicable to the Jet Stream Model for lakes for calculating the Dilution Factor (DF):															
124							$DF = ((2.8 * D * 3.1416 * 0.5) / X)$ where DF is % of effluent at distance X, D is the diameter of the outfall pipe									
125							and X is aquatic life criteria-25 feet for ZID; 100 feet for mixing zone; human health criteria-200 feet for mixing zone.									
126							DF =	#VALUE!	Acute	#VALUE!	Chronic	#VALUE!	Bioacc.			
127																
128	The following formulas are used to calculate the instream waste concentration (IWC) for each pollutant:															
129																
130	Streams, Rivers & Lake						$IWC = [(Frac X Critical Flow X Cb) + (2.13 X Ce X Qd)] / [Frac X Critical Flow + Qd]$ where the critical flow is the 7Q10 except for lakes with the Jet Stream Model.									
131							IWC = (DF X Ce) + Cb for lakes with Jet Stream Model.									

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
132	POLUTANTS															
133		Background	Effluent	Domestic	Acute	Chronic						Domestic	Arkansas	Arkansas	Arkansas	
134	ug/l	Conc. CB ug/l	Conc. Ca ug/l	Supply IWC ug/l	Aquatic IWC ug/l	Aquatic IWC ug/l	Bioacc. IWC ug/l	Criteria ug/l	Aquatic ug/l	Aquatic ug/l	Bioacc. ug/l	Criteria ug/l	Aquatic ug/l	Aquatic ug/l	Bioacc. ug/l	
138	METALS AND CYANIDE															
139	1. Antimony Total	60	0	0	0.00	0.00	0.00	0.00	#####	9000.00	1600.00	4300				
140	2. Arsenic Total	0.5	0	0	0.00	0.00	0.00	0.00	50	633.81	334.51	1.4				
141	3. Beryllium Total	0.5	0	0	0.00	0.00	0.00	0.00	#####	130.00	5.30	0.078				
142	4. Cadmium Total	1	0	1.38	0.88	1.16	1.00	0.51	10	4.37	1.82	#####				
143	6. Chromium (Tr)	10	0	23.6	14.99	19.84	17.04	8.67	50	1006.35	326.45	#####				
144	7. Chromium (hex)	10	0	7.35	4.67	6.18	5.31	2.70	50	15.71	10.58	#####				
145	8. Copper Total	0.5	10.33	6.45	7.87	7.07	7.53	8.90	#####	14.79	10.93	#####				
146	9. Lead Total	0.5	0	0	0.00	0.00	0.00	0.00	50	87.29	3.40	#####				
147	10. Mercury Total	0.005	0	0	0.00	0.00	0.00	0.00	2	6.70	0.012	0.15				
148	12. Nickel Total	0.5	0	143	90.85	120.22	103.28	52.53	#####	1061.45	117.88	4600				
149	13. Selenium Total	5	0	32.3	20.52	27.16	23.33	11.87	10	20.00	5.00	#####				
150	14. Silver Total	0.5	0	0	0.00	0.00	0.00	0.00	50	1.51	#####	#####				
151	15. Thallium Total	0.5	0	0	0.00	0.00	0.00	0.00	#####	1400.00	#####	6.3				
152	16. Zinc Total	20	65.33	35.1	46.13	39.91	43.50	54.23	#####	130.87	119.50	#####				
153	129. Phenols Total	5	0	73.8	46.88	62.05	53.30	27.11	#####	9999999.00	#####	#####				
154	17. Cyanide Total	10	0	14.2	9.02	11.94	10.26	5.22	#####	22.36	5.2	220000				
157	DIOXIN															
158	18. 2-3-7-8-TCDD	0.00001	0	?	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#####	0.01	1.00E+07	1.00E-06				
160	VOLATILE COMPOUNDS															
161	19. Acrolein	50	0	0	0.00	0.00	0.00	0.00	#####	68	21	780				
162	20. Acrylonitrile	20	0	0	0.00	0.00	0.00	0.00	#####	7550	2600	6.6				
163	21. Benzene	10	0	0	0.00	0.00	0.00	0.00	5	5300	9999999	710				
164	22. Bromoform	10	0	0	0.00	0.00	0.00	0.00	#####	9999999	#####	3600				
165	23. Carbon Tetrach	2	0	0	0.00	0.00	0.00	0.00	5	35200	#####	44				
166	24. Chlorobenzene	10	0	0	0.00	0.00	0.00	0.00	#####	250	50	2.10E+04				
167	25. Chlorodibromomethane	10	0	0	0.00	0.00	0.00	0.00	#####	9999999	#####	340				
168	26. Chloroethane	50	0	0	0.00	0.00	0.00	0.00	#####	9999999	#####	1.00E-07				
169	27. 2-Chloroethylvinyl ether	10	0	0	0.00	0.00	0.00	0.00	#####	9999999	#####	1.00E+07				
170	28. Chloroform	10	0	1.29	0.82	1.08	0.93	0.47	#####	28900	1240	4700				
171	29. Dichlorobromomethane	10	0	0	0.00	0.00	0.00	0.00	#####	9999999	#####	220				
172	30. 1-1-Dichloroethane	10	0	0	0.00	0.00	0.00	0.00	#####	9999999.00	#####	#####				
173	31. 1-2-Dichloroethane	10	0	0	0.00	0.00	0.00	0.00	5	11800	20000	990				
174	32. 1-1-Dichloroethylene	10	0	0	0.00	0.00	0.00	0.00	#####	11600	#####	32				
175	33. 1,2-Dichloropropane	10	0	0	0.00	0.00	0.00	0.00	#####	23000	5700	#####				
176	34. 1,3-Dichloropropylene	10	0	0	0.00	0.00	0.00	0.00	#####	6080	244	1700				
177	35. Ethylbenzene	10	0	0	0.00	0.00	0.00	0.00	#####	32000	#####	29000				
178	37. Methyl Chloride	50	0	0	0.00	0.00	0.00	0.00	#####	9999999.00	#####	#####				
179	38. Methyl bromide	50	0	0	0.00	0.00	0.00	0.00	#####	9999999.00	#####	4000				
180	38. Methylene chloride	20	0	0	0.00	0.00	0.00	0.00	#####	9999999.00	#####	16000				
181	39. 1-1-2-2-Tetrachloroethane	10	0	0	0.00	0.00	0.00	0.00	#####	9320	2400	110				
182	40. Tetrachloroethylene	10	0	0	0.00	0.00	0.00	0.00	#####	5280	840	88.5				
183	41. Toluene	10	0	0	0.00	0.00	0.00	0.00	#####	17500	#####	2.00E+05				
184	42. 1,2-trans-dichloroethylene	10	0	0	0.00	0.00	0.00	0.00	#####	9999999.00	#####	#####				
185	44. 1-1-2-Trichloroethane	10	0	0	0.00	0.00	0.00	0.00	#####	18000	9400	420				
186	43. 1-1-1-Trichloroethane	10	0	0	0.00	0.00	0.00	0.00	200	18000	#####	#####				
187	45. Trichloroethylene	10	0	0	0.00	0.00	0.00	0.00	5	45000	21900	810				
188	46. Vinyl Chloride	10	0	0	0.00	0.00	0.00	0.00	2	9999999.00	#####	5250				

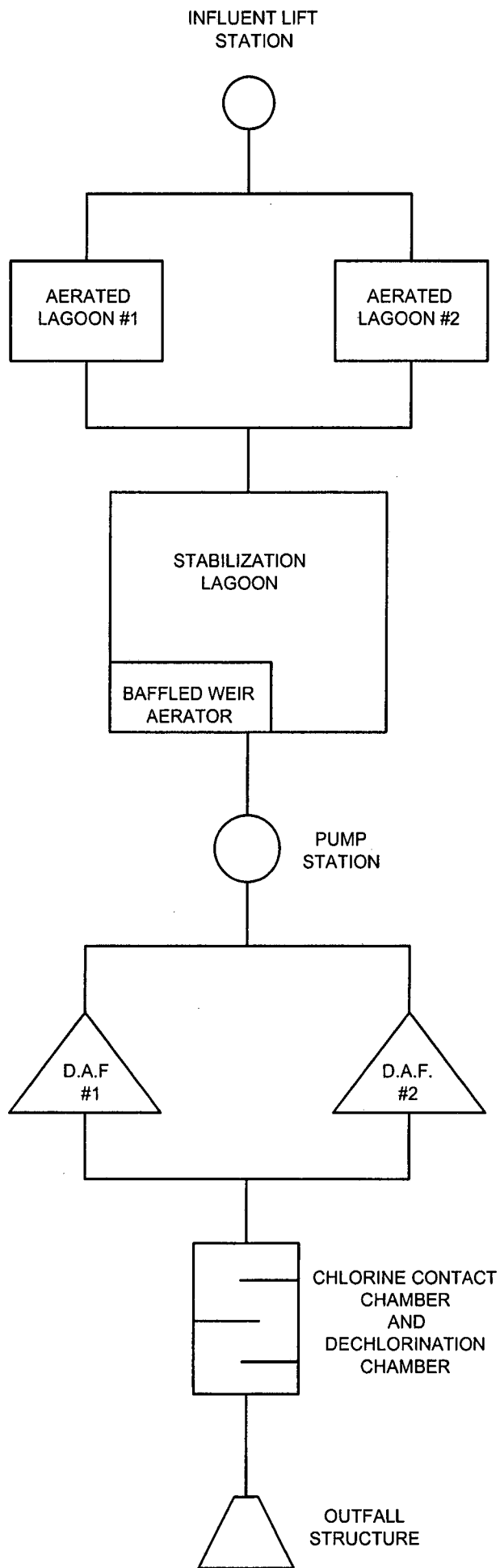
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
190	ACID/COMPOUNDS												999999.00				
191	47	2-Chlorophenol			10	0	0	0.00	0.00	0.00	0.00	#####	4380	#####	#####		
192	48	2,4-Dichlorophenol			10	0	0	0.00	0.00	0.00	0.00	#####	2620	365	#####		
193	49	2,4-Dimethylphenol			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
194	50	4,6-Dinitro-o-Cresol			50	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	765		
195	51	2,4-Dinitrophenol			50	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	14000		
196	52	5,3-Nitrophenols			20	0	0	0.00	0.00	0.00	0.00	#####	230	150	#####		
197	54	4-Chloro-3-methylphenol			10	0	0	0.00	0.00	0.00	0.00	#####	30	#####	#####		
198	55	Pentachlorophenol			5	0	0	0.00	0.00	0.00	0.00	#####	8.45	5.34	82		
199	56	Phenol			10	0	0	0.00	0.00	0.00	0.00	#####	10200	2560	4600000		
200	57	2,4,6-Trichlorophenol			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	65		
202																	
203	BASE/NEUTRAL COMPOUNDS																
204	58	Acenaphthene			10	0	0	0.00	0.00	0.00	0.00	#####	1700	520	#####		
205	59	Acenaphthylene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	110000		
206	60	Anthracene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
207	61	Benzidine			50	0	0	0.00	0.00	0.00	0.00	#####	2500	#####	5.40E-03		
208	62	Benzo(a)anthracene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
209	63	Benzo(a)pyrene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
210	64	3,4-Benzofluoranthene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
211	65	Benzo(g,h,i)perylene			20	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
212	66	Benzo(k)fluoranthene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
213	67	Bis(2-chloroethoxy)methane			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
214	68	Bis(2-chloroethyl) Ether			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	14		
215	69	Bis(2-Chloroisopropyl) eth			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	1.70E+05		
216	70	Bis(2-ethylhexyl)phthalate			10	0	0	2.99	3.95	3.39	1.73	#####	999999.00	#####	59		
217	71	4-Bromophenyl phenyl ether			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
218	72	Butylbenzyl phthalate			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
219	73	2-chloronaphthalene			10	0	0	0.00	0.00	0.00	0.00	#####	1600	#####	#####		
220	74	4-chlorophenyl phenyl ether			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
221	75	Chrysene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
222	76	Dibenzo(a,h)anthracene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
223	77-79	Dichlorobenzene (1,2-1,3-1,4)			10	0	0	0.00	0.00	0.00	0.00	#####	1120	763	2600		
224	80	3,3' Dichlorobenzidine			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.77		
225	81	Diethyl Phthalate			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	1.20E+05		
226	82	Dimethyl phthalate			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	2.90E+08		
227	83	Di-n-Butyl phthalate			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	1.20E+04		
228	84	2,4-Dinitrotoluene			10	0	0	0.00	0.00	0.00	0.00	#####	330	230	91		
229	85	2,6-Dinitrotoluene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
230	86	Di-n-octyl phthalate			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
231	87	1,2-diphenylhydrazine			20	0	0	0.00	0.00	0.00	0.00	#####	270	#####	5.4		
232	88	Fluoranthene			10	0	0	0.00	0.00	0.00	0.00	#####	3680	#####	370		
233	89	Fluorene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	14000		
234	90	Hexachlorobenzene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.0077		
235	91	Hexachlorobutadiene			10	0	0	0.00	0.00	0.00	0.00	#####	90	9.3	500		
236	92	Hexachlorocyclopentadiene			10	0	0	0.00	0.00	0.00	0.00	#####	7	5.2	1.74E+04		
237	93	Hexachloroethane			20	0	0	0.00	0.00	0.00	0.00	#####	980	540	89		
238		Hexachlorocyclohexane			0	0	0	0.00	0.00	0.00	0.00	#####	2	0.08	#####		
239	94	Indeno(1,2,3-cd)pyrene			5	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	0.31		
240	95	Isophorone			10	0	0	0.00	0.00	0.00	0.00	#####	117000	#####	6000		
241	96	Naphthalene			10	0	0	0.00	0.00	0.00	0.00	#####	2300	620	#####		
242	97	Nitrobenzene			10	0	0	0.00	0.00	0.00	0.00	#####	27000	#####	1900		
243	98	N-nitrosodimethylamine			50	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	81		
244	99	N-nitrosodi-n-propylamine			20	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
245	100	N-nitrosodiphenylamine			20	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	160		
246	101	Phenanthrene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
247	103	1,2,4-trichlorobenzene			10	0	0	0.00	0.00	0.00	0.00	#####	999999.00	#####	#####		
248																	
249	PESTICIDES																
250	104	Aldrin			0.01	0	0	0.00	0.00	0.00	0.00	#####	3.00	#####	0.0014		
251	105	Alpha-BHC			0.05	0	0	0.00	0.00	0.00	0.00	#####	2.00	0.08	0.0373		
252	106	Beta-BHC			0.05	0	0	0.00	0.00	0.00	0.00	#####	2.00	0.08	0.46		
253	107	Gamma-BHC			0.05	0	0	0.00	0.00	0.00	0.00	#####	2.00	0.08	0.63		
254	108	Delta-BHC			0.05	0	0	0.00	0.00	0.00	0.00	#####	2.00	0.08	#####		
255	109	Chlordane			0.2	0	0	0.00	0.00	0.00	0.00	#####	2.40	0.0043	0.005		
256	110	4,4'-DDT			0.02	0	0	0.00	0.00	0.00	0.00	#####	1.10	0.001	0.0059		
257	111	4,4'-DDE			0.1	0	0	0.00	0.00	0.00	0.00	#####	1.10	0.001	0.0059		
258	112	4,4'-DDD			0.1	0	0	0.00	0.00	0.00	0.00	#####	1.10	0.001	0.0084		
259	113	Dieldrin			0.02	0	0	0.00	0.00	0.00	0.00	#####	2.50	0.0019	0.0012		
260	114	Alpha-endosulfan			0.01	0	0	0.00	0.00	0.00	0.00	#####	0.22	0.056	2		
261	115	Beta-endosulfan			0.02	0	0	0.00	0.00	0.00	0.00	#####	0.22	0.056	2		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
279																
280	STEP 3: APPLICABLE WATER QUALITY-BASED LIMITS															
281																
282																
283																
284	POLLUTANTS	Permit Daily Maximum	Permit Monthly Average	Permit Daily Maximum	Permit Monthly Average						EPA Bioac Status					
285		ug/l	ug/l	lb/day	lb/day											
286	Alpha-BHC	N/A	N/A	N/A	N/A						N/A					
287	Beta-BHC	N/A	N/A	N/A	N/A						N/A					
288	Gamma-BHC	N/A	N/A	N/A	N/A						N/A					
289	Delta-BHC	N/A	N/A	N/A	N/A						N/A					
290	Pentachlorophenol	N/A	N/A	N/A	N/A						N/A					
291	Aldrin	N/A	N/A	N/A	N/A						N/A					
292	Chlordane	N/A	N/A	N/A	N/A						N/A					
293	4,4'-DDT	N/A	N/A	N/A	N/A						N/A					
294	4,4'-DDE	N/A	N/A	N/A	N/A						N/A					
295	4,4'-DDD	N/A	N/A	N/A	N/A						N/A					
296	Dieldrin	N/A	N/A	N/A	N/A						N/A					
297	Alpha-endosulfan	N/A	N/A	N/A	N/A						N/A					
298	Beta-endosulfan	N/A	N/A	N/A	N/A						N/A					
299	Endosulfan sulfate	N/A	N/A	N/A	N/A						N/A					
300	Endrin	N/A	N/A	N/A	N/A						N/A					
301	Endrin aldehyde	N/A	N/A	N/A	N/A						N/A					
302	Heptachlor	N/A	N/A	N/A	N/A						N/A					
303	Heptachlor epoxide	N/A	N/A	N/A	N/A						N/A					
304	Toxaphene	N/A	N/A	N/A	N/A						N/A					
305	Chlorpyrifos	N/A	N/A	N/A	N/A						N/A					
306	Cadmium Total	N/A	N/A	N/A	N/A						N/A					
307	Chromium (hex)	N/A	N/A	N/A	N/A						N/A					
308	Copper Total	N/A	N/A	N/A	N/A						N/A					
309	Lead Total	N/A	N/A	N/A	N/A						N/A					
310	Mercury Total	N/A	N/A	N/A	N/A						N/A					
311	Nickel Total	N/A	N/A	N/A	N/A						N/A					
312	Selenium Total	15.5024	7.7263	0.2973665	0.14820517						N/A					
313	Silver Total	N/A	N/A	N/A	N/A						N/A					
314	Zinc Total	N/A	N/A	N/A	N/A						N/A					
315	Chromium (Tri)	N/A	N/A	N/A	N/A						N/A					
316	Cyanide Total	16.1225	8.0353	0.3092612	0.15413338						N/A					
317	Beryllium Total	N/A	N/A	N/A	N/A						N/A					
318	PCB-1242	N/A	N/A	N/A	N/A						N/A					
319	PCB-1254	N/A	N/A	N/A	N/A						N/A					
320	PCB-1221	N/A	N/A	N/A	N/A						N/A					
321	PCB-1232	N/A	N/A	N/A	N/A						N/A					
322	PCB-1248	N/A	N/A	N/A	N/A						N/A					
323	PCB-1260	N/A	N/A	N/A	N/A						N/A					
324	PCB-1016	N/A	N/A	N/A	N/A						N/A					
325	2,3,7,8-TCDD	#VALUE!	#VALUE!	#VALUE!	#VALUE!						N/A					
326	Antimony										N/A					
327	Arsenic										N/A					
328	Thallium										N/A					
329	Acrolein										N/A					
330	Acrylonitrile										N/A					
331	Benzene										N/A					
332	Bromoform										N/A					
333	Carbon Tetrach										N/A					
334	Chlorodibromomethane										N/A					
335	Chloroform										N/A					
336	Dichlorobromomethane										N/A					

APPENDIX C

CITY OF NASHVILLE
SCHEMATIC OF WASTEWATER PLANT

SCHEMATIC OF WASTEWATER PLANT

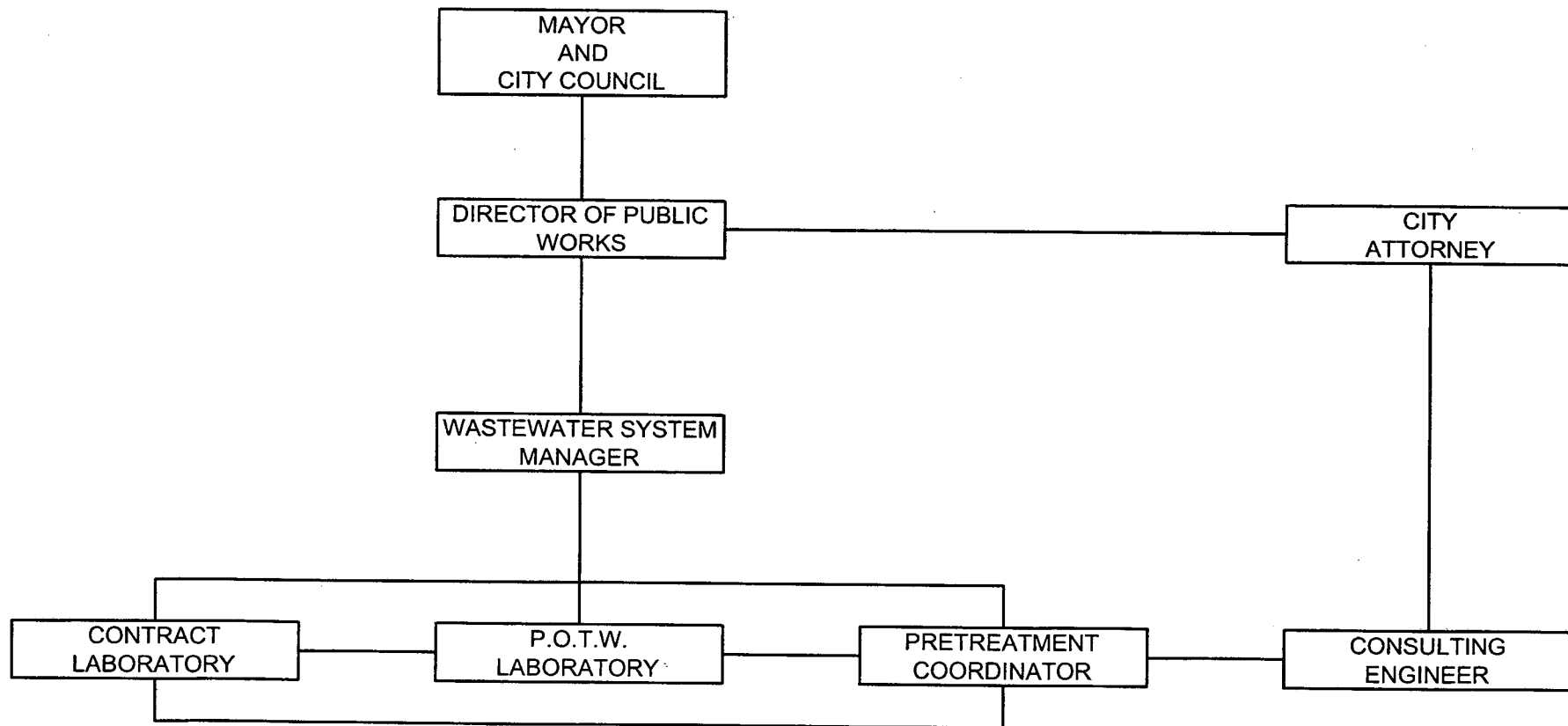


APPENDIX D

CITY OF NASHVILLE
PERSONNEL FLOW CHART

FIGURE 7.1

NASHVILLE PRETREATMENT ORGANIZATIONAL CHART



APPENDIX E

LIST OF CURRENT INDUSTRIAL USERS

CURRENT INDUSTRIAL USERS (2009)

INDUSTRY

PRINCIPAL ACTIVITY

AERO Industries

Manufactures process involving nickel plating

Jan-Eze

Manufacturing process involving chromium and nickel plating

APPENDIX F

CITY OF NASHVILLE
NON-RESIDENTIAL WASTEWATER USER SURVEY

June 05, 2009

To: ALL INDUSTRIAL WASTEWATER USERS

FROM: PRETREATMENT COORDINATOR

RE: INDUSTRIAL WASTE SURVEY

TO WHOM IT MAY CONCERN:

IN ORDER FOR THE CITY OF NASHVILLE TO STAY WITHIN COMPLIANCE OF THEIR NPDES PERMIT TO DISCHARGE WASTEWATER INTO MINE CREEK, THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIRES THE CITY OF NASHVILLE TO SURVEY THE INDUSTRIES THAT CONTRIBUTE WASTEWATER TO THE NASHVILLE WASTEWATER TREATMENT FACILITY.

WOULD YOU PLEASE TAKE THE TIME TO FILL OUT THIS QUESTIONNAIRE. I REALIZE THAT SOME OF THESE QUESTIONS DO NOT PERTAIN TO EVERY INDUSTRY, SO PLEASE ANSWER THE ONES THAT DO.

I CANNOT EXPRESS HOW IMPORTANT IT IS THAT THE CITY OF NASHVILLE HAVE THESE INDUSTRIAL WASTE SURVEY QUESTIONNAIRES ON FILE.

IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CALL.

THANK YOU FOR YOUR COOPERATION.

SINCERELY,

PRETREATMENT COORDINATOR

INDUSTRIAL WASTE SURVEY (IWS) QUESTIONNAIRE

Company Name _____

Mailing Address _____

Street Address _____

Authorized Official _____

Title _____

Address _____

Telephone Number _____

Contact Representative _____

Title _____

Address _____

Telephone Number _____

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

_____ Date

_____ Signature of Official

GENERAL INFORMATION

PAGE _____ OF _____

Company Name _____

Type of Business _____

SIC Code(s) _____

Production Description _____

OPERATION CHARACTERISTICS

Hours of operation _____ to _____ or _____ Continuous

Number of shifts per day _____

Employees per shift 1st _____ 2nd _____ 3rd _____

Time shift begins 1st _____ 2nd _____ 3rd _____

Time shift ends 1st _____ 2nd _____ 3rd _____

Work days 1st _____ 2nd _____ 3rd _____

Product produced for each product line _____

Raw materials and process additives used _____

Type of production processes:

_____ Batch

_____ Continuous

_____ Both _____ % Batch _____ % Continuous

_____ Average number of batches per day

Are there scheduled facility shutdowns? _____ Yes _____ No

If so, when? _____

Is production subject to seasonal variations? _____ Yes _____ No

If yes, briefly describe seasonal production cycle _____

DISCHARGE INFORMATION

Type(s) of Waste:

_____ Sanitary	_____ Avg Gal/Day
_____ Cooling Water, noncontact	_____ Avg Gal/Day
_____ Boiler/Tower Blowdown	_____ Avg Gal/Day
_____ Cooling Water, contact	_____ Avg Gal/Day
_____ Process	_____ Avg Gal/Day
_____ Equipment/Facility Washdown	_____ Avg Gal/Day
_____ Air Pollution Control Unit	_____ Avg Gal/Day
_____ Storm Water Runoff	_____ Avg Gal/Day
_____ Other (describe) _____	_____ Avg Gal/Day
_____	_____ Avg Gal/Day
Total	_____

Waste(s) discharged to:

_____ Sanitary Sewer	_____ Avg Gal/Day
_____ Storm Sewer	_____ Avg Gal/Day
_____ Surface Water	_____ Avg Gal/Day
_____ Groundwater	_____ Avg Gal/Day
_____ Waste Hauler	_____ Avg Gal/Day
_____ Evaporation	_____ Avg Gal/Day
_____ Other (describe) _____	_____ Avg Gal/Day
_____	_____ Avg Gal/Day
Total	_____

Name and Address of Waste Hauler, if used:

If discharged to Sanitary Sewer: _____ Intermittent _____ Steady

If intermittent, describe (holding tanks, sump pump, lift station, flow, etc.): _____

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

If yes, these wastes may best be described as:

- Acids and Alkalies _____ Gal or lbs/Yr
- Heavy Metal Sludges _____ Gal or lbs/Yr
- Inks/Dyes _____ Gal or lbs/Yr
- Oil and/or Grease _____ Gal or lbs/Yr
- Organic Compounds _____ Gal or lbs/Yr
- Paints _____ Gal or lbs/Yr
- Pesticides _____ Gal or lbs/Yr
- Plating Wastes _____ Gal or lbs/Yr
- Pretreatment Sludges _____ Gal or lbs/Yr
- Solvents/Thinners _____ Gal or lbs/Yr
- Other Hazardous Wastes (specify) _____ Gal or lbs/Yr
- _____ _____ Gal or lbs/Yr
- _____ _____ Gal or lbs/Yr
- Other Wastes (specify) _____ Gal or lbs/Yr
- _____ _____ Gal or lbs/Yr
- _____ _____ Gal or lbs/Yr

For the above checked wastes, does your facility practice:

- on-site storage on-site disposal
- off-site storage off-site disposal

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

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

INDUSTRY INFORMATION

PAGE _____ OF _____

List the industrial category or business activity of your facility:

- Aluminum Forming
- Battery Manufacturing
- Coil Coating I
- Coil Coating (Canmaking)
- Copper Forming
- Electrical and Electronic Components I
- Electrical and Electronic Components II
- Electroplating
- Inorganic Chemicals I & II
- Iron and Steel
- Leather Tanning and Finishing
- Metal Finishing
- Metal Molding and Casting (Foundries)
- Nonferrous Metals Forming
- Nonferrous Metals I
- Nonferrous Metals II
- Pesticide Chemicals
- Petroleum Refining
- Pharmaceuticals Manufacturing
- Porcelain Enameling
- Pulp, Paper, and Paperboard
- Steam Electric Power Generation
- Timber Products Processing
- Organic Chemicals

- Adhesives
- Auto Body Repair & Paint Shops
- Auto Parts & Supplies
- Auto Repair (Mechanical)
- Auto Wash
- Beverage
- Blueprinting and Photocopying
- Canned & Preserved Fruits and Vegetables

INDUSTRY INFORMATION (Continued)

PAGE _____ OF _____

- _____ Coal/Ore Mining
- _____ Dairy Industry
- _____ Food Products
- _____ Fiberglass Insulation
- _____ Fuel Oil Dealers
- _____ Funeral Services
- _____ Gasoline Service Stations
- _____ Hospitals
- _____ Laundries
- _____ Lumber & Building Materials
- _____ Machine & Sheet Metal Products
- _____ Meat Products/Poultry Products
- _____ Mechanical Products
- _____ Metal Heat Treating Shops
- _____ Nursing Care Facilities
- _____ Paint & Ink Formulating
- _____ Paving & Roofing
- _____ Photographic Processing
- _____ Plastic & Synthetic Materials Manufacturing
- _____ Printing
- _____ Retail Bakeries
- _____ Restaurants
- _____ Rubber Processing
- _____ Schools
- _____ Scrap & Waste Materials
- _____ Seafood Processing Industry
- _____ Soap & Detergent Manufacturing
- _____ Sugar Processing
- _____ Textile Mills
- _____ Universities
- _____ Veterinary Services
- _____ Woodworking Shops
- _____ Other _____

PRETREATMENT INFORMATION

PAGE _____ OF _____

Is this facility subject to Federal Pretreatment Standards? ____ Yes ____ No
If so, are Pretreatment Standards being met on a consistent basis?

Has a discharge permit been issued to this facility? ____ Yes ____ No
If yes, list permit number, date issued, and expiration date.

Are additional pretreatment facilities and/or operation and maintenance
required to meet applicable Pretreatment Standards? ____ Yes ____ No
If so, list the schedule under which they will be provided:

Pretreatment processes used for treating wastewater or sludge:

- | | |
|---|--|
| <input type="checkbox"/> Air Flotation | <input type="checkbox"/> Ion Exchange |
| <input type="checkbox"/> Centrifuge | <input type="checkbox"/> Neutralization, pH Correction |
| <input type="checkbox"/> Chemical Precipitation | <input type="checkbox"/> Ozonation |
| <input type="checkbox"/> Chlorination | <input type="checkbox"/> Reverse Osmosis |
| <input type="checkbox"/> Cyclone | <input type="checkbox"/> Screen |
| <input type="checkbox"/> Filtration | <input type="checkbox"/> Sedimentation |
| <input type="checkbox"/> Flow Equalization | <input type="checkbox"/> Septic Tank |
| <input type="checkbox"/> Grease or Oil Separation | <input type="checkbox"/> Solvent Separation |
| <input type="checkbox"/> Grease Trap | <input type="checkbox"/> Spill Protection |
| <input type="checkbox"/> Grit Removal | <input type="checkbox"/> Sump |
| <input type="checkbox"/> Biological Treatment, type _____ | |
| <input type="checkbox"/> Rainwater Diversion or Storage _____ | |
| <input type="checkbox"/> Other Chemical Treatment, type _____ | |
| <input type="checkbox"/> Other Physical Treatment, type _____ | |
| <input type="checkbox"/> Other, type _____ | |
| <input type="checkbox"/> No Pretreatment Provided | |

If your facility has a pretreatment process, describe in detail the system.
Include manufacturer, make, description of process, sketches, plans, etc.

PRIORITY POLLUTANT INFORMATION

PAGE _____ OF _____

List each chemical present in manufacturing activities or generated as a by-product:

- | | |
|---------------------------------|------------------------------------|
| _____ acenaphthene | _____ 2,4-dimethylphenol |
| _____ acrolein | _____ 2,4-dinitrotoluene |
| _____ acrylonitrile | _____ 2,6-dinitrotoluene |
| _____ benzene | _____ 1,2-diphenylhydrazine |
| _____ benzhidine | _____ ethylbenzene |
| _____ carbon tetrachloride | _____ fluoranthene |
| _____ chlorobenzene | _____ 4-chlorophenyl phenyl ether |
| _____ 1,2,4-trichlorobenzene | _____ 4-bromophenyl phenyl ether |
| _____ hexachlorobenzene | _____ bis (2-chlorisopropyl) ether |
| _____ 1,2-dichloroethane | _____ bis (2-chloroethoxy) methane |
| _____ 1,1,1-trichloroethane | _____ methylene chloride |
| _____ hexachloroethane | _____ chloromethane |
| _____ 1,1-dichloroethane | _____ bromomethane |
| _____ 1,1,2-trichloroethane | _____ bromoform |
| _____ 1,1,2,2-tetrachloroethane | _____ dichlorobromomethane |
| _____ chloroethane | _____ chlorodibromomethane |
| _____ bis (2-chloroethyl) ether | _____ hexachlorobutadiene |
| _____ 2-chloroethyl vinyl ether | _____ isophorone |
| _____ 2-chloronaphthalene | _____ naphthalene |
| _____ 2,4,6-trichlorophenol | _____ nitrobenzene |
| _____ 4-chloro-3-methylphenol | _____ 2-nitrophenol |
| _____ chloroform | _____ 4-nitrophenol |
| _____ 2-chlorophenol | _____ 2,4-dinitrophenol |
| _____ 1,2-dichlorobenzene | _____ 4,6-dinitro-2-methylphenol |
| _____ 1,3-dichlorobenzene | _____ N-nitrosodimethylamine |
| _____ 1,4-dichlorobenzene | _____ N-nitrosodiphenylamine |
| _____ 3,3-dichlorobenzidine | _____ N-nitrosodi-n-propylamine |
| _____ 1,1-dichloroethane | _____ pentachlorophenol |
| _____ 1,2-trans-dichloroethane | _____ phenol |
| _____ 2,4-dichlorophenol | _____ bis (2-ethylhexyl) phthalate |
| _____ 1,2-dichloropropane | _____ butyl benzyl phthalate |

PRIORITY POLLUTANT INFORMATION (Continued)

PAGE _____ OF _____

- | | |
|--------------------------------|---|
| _____ 1,3-dichloropropene | _____ hexachlorocyclopentadiene |
| _____ di-n-butyl phthalate | _____ endrin aldehyde |
| _____ di-n-ethyl phthalate | _____ heptachlor |
| _____ diethyl phthalate | _____ heptachlor epoxide |
| _____ dimethyl phthalate | _____ alpha-BHC |
| _____ 1,2-benzanthracene | _____ beta-BHC |
| _____ 3,4-benzopyrene | _____ gamma-BHC |
| _____ 3,4-benzofluoranthene | _____ delta-BHC |
| _____ 11,12-benzofluoranthene | _____ PCB-1242 |
| _____ chrysene | _____ PCB-1254 |
| _____ acenaphthylene | _____ PCB-1221 |
| _____ anthracene | _____ PCB-1232 |
| _____ 1,12-benzoperylene | _____ PCB-1248 |
| _____ fluorene | _____ PCB-1260 |
| _____ phenanthrene | _____ PCB-1016 |
| _____ 1,2,5,6-dibenzanthracene | _____ toxaphene |
| _____ 2,3-o-phenylenepylene | _____ antimony |
| _____ pyrene | _____ arsenic |
| _____ tetrachloroethylene | _____ asbestos |
| _____ toluene | _____ beryllium |
| _____ trichloroethylene | _____ cadmium |
| _____ vinyl chloride | _____ chromium |
| _____ aldrin | _____ copper |
| _____ dieldrin | _____ cyanide |
| _____ chlordane | _____ lead |
| _____ 4,4'-DDT | _____ mercury |
| _____ 4,4'-DDE | _____ nickel |
| _____ 4,4'-DDD | _____ selenium |
| _____ alpha-endosulfan | _____ silver |
| _____ beta-endosulfan | _____ thallium |
| _____ endosulfan sulfate | _____ zinc |
| _____ endrin | _____ 2,3,7,8-tetrachlorodibenzo-p-dioxin |

APPENDIX G

- 1) RESOLUTION OF CITY COUNCIL
- 2) CITY ORDINANCE

ORDINANCE NO. 897

AN ORDINANCE AMENDING CHAPTER 10.12 OF THE NASHVILLE MUNICIPAL CODE CONCERNING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF NASHVILLE, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NASHVILLE, ARKANSAS:

SECTION 1. That Chapter 10.12—Use of Sewer of the Nashville Municipal Code is hereby amended to read as follows:

10.12.00—SHORT TITLE

This Ordinance shall be known as the “Sewer Use—Pretreatment Ordinance.”

Sections:

- | | |
|----------|---|
| 10.12.01 | Purpose and Policy |
| 10.12.02 | Administration |
| 10.12.03 | Definitions |
| 10.12.04 | Abbreviations |
| 10.12.05 | General Sewer Use Requirements |
| 10.12.06 | Regulation of Discharges |
| 10.12.07 | Pretreatment of Wastewater |
| 10.12.08 | Wastewater Discharge Permit Eligibility |

10.12.09	Wastewater Discharge Permit Issuance Process
10.12.10	Reporting Requirements
10.12.11	Compliance Monitoring
10.12.12	Confidential Information
10.12.13	Publication of Industrial Users in Significant Noncompliance
10.12.14	Administrative Enforcement Remedies
10.12.15	Judicial Enforcement Remedies
10.12.16	Supplemental Enforcement Action
10.12.17	Affirmative Defenses to Discharge Violations
10.12.18	Surcharge Costs
10.12.19	Miscellaneous Provisions

10.12.01—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 Nashville, Arkansas (the City) and enables the City 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 objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW.
- (2) 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.

- (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.
- (4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public.
- (5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.
- (6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW.
- (7) To enable the City of Nashville to comply with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.
- (8) To encourage pollution prevention through waste minimization, source reduction, best management practices, water and energy conservation.

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.

10.12.02—ADMINISTRATION

- (1) The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The City Council shall, in compliance with Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103 (g) et seq., authorize any judicial enforcement remedy taken by the City of Nashville against any industrial user in violation of the Nashville Municipal Code.
- (2) Except as otherwise provided herein, the Director of Public Works of the City of Nashville shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City of Nashville personnel.

10.12.03—DEFINITIONS

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

- (1) Accessible Public Sewer. Shall mean an existing public sewer located so that it may be reached either by a building sewer constructed at the minimum grade recommended by the Arkansas Department of Health, or by a combination of the extension of the existing public sewer and the construction of a building sewer, both of which are constructed at the minimum grade recommended by the Arkansas Department of Health.
- (2) 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.
- (3) Approval Authority. Currently the Arkansas Department of Environmental Quality (ADEQ).
- (4) Authorized Representative of the Industrial User.
 - (A) If the industrial user is a corporation, authorized representative shall mean:
 - 1) 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;
 - 2) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (B) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.
 - (C) If the industrial user is a Federal, State or local government 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 his/her designee.
 - (D) The "Authorized Representatives" described 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 Director of Public Works.
- (5) Biochemical Oxygen Demand (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)].
 - (6) Best Management Practices (BMPs). Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 10.12.06 [40 CFR 403.5 (a)(1) and (b)]. BMPs include the treatment requirements, operating procedures, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (7) Building Drain. Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
 - (8) Building Sewer. Shall mean the extension from the building drain to the public sewer or other places of disposal.
 - (9) 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.

- (10) Categorical Industrial User. An Industrial user subject to a categorical Pretreatment Standard or categorical Standard.
- (11) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (12) City. The City of Nashville, County of Boone, in the State of Arkansas or the City Council of the City of Nashville.
- (13) Collector Building Sewer. Shall mean a sewer or private property, privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with pipe having a diameter of at least six (6) inches, and such sewers shall be located outside building walls and footings.
- (14) 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.
- (15) Combined Sewer. Shall mean a sewer receiving both surface runoff and sewage.
- (16) 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.
- (17) Control Authority. Under the provisions of 40 CFR 403.12 (a) the term "Control Authority" shall mean the Director of Public Works of the City of Nashville and who is charged with certain duties and responsibilities by this ordinance, or his duly appointed or authorized representative.
- (18) Control Manhole or Control Point. Shall mean a point of access to a building sewer mixes with other wastewater conveyed by the public sewer.
- (19) Council or City Council. Shall mean the duly elected or appointed governing body of the City of Nashville.
- (20) Director of Public Works or Public Works Director. The person appointed by the City Council to manage and supervise the Water and Sewer Departments of the City of Nashville, Arkansas, and who is charged with certain duties, responsibilities by this ordinance, or the duly appointed or authorized representative of such person.

- (21) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (22) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements take that day
- (23) 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.
- (24) Existing Source. Any source of discharge that in not a "New Source"
- (25) Garbage. Shall mean solid wastes from the domestic and commercial preparation, cooing, and dispensing of food, and from the handling, storage, and sale of produce.
- (26) Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (27) Indirect Discharge or Discharge. The introduction of (nondomestic) pollutants into the POTW from any nondomestic source.
- (28) Industrial User or User. A source of indirect discharge.
- (29) Industrial Wastes. Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (30) 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.
- (31) Interference. A discharge which alone or in conjunction with a discharge from other sources:
- (A) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

- (B) therefore is a cause of a violation of Nashville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): 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.[40 CFR 403.3(k)]
- (32) Local Limit. Specific discharge limits developed and enforced by the City of Nashville upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).
- (33) Mayor. Shall mean the Mayor of the City of Nashville, Arkansas.
- (34). Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (35) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (36) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month divided by the number of daily discharges measured during that month.
- (37) Milligrams per Liter (mg/l). The same as parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water.
- (38) National Pollution Discharge Elimination System or NPDES Permit. Shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (39) Natural Outlet. Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(40) New Source

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

- 1) the building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- 3) 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.

(B) 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 10.12.03, (32), (A), 2), or 3) above but otherwise alters, replaces, or adds to existing process or production equipment.

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

- 1) begun, or caused to begin as part of a continuous on-site construction program:
 - a) any placement, assembly, or installation of facilities or equipment, or
 - b) significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- 2) 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.
- (41) Noncontract Cooling Water. Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.
- (42) Normal Domestic Wastewater. Means wastewater, excluding that from non-residential uses, discharged by a person into the POTW in which the average concentration of BOD₅ is not more than 300 mg/l and TSS is not more than 300 mg/l.
- (43) Pass-Through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other surfaces, is a cause of a violation of any requirement of Nashville's NPDES permit (including an increase in the magnitude or duration of a violation).
- (44) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. This definition includes all Federal, State or local governmental entities.
- (45) pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.
- (46) 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 industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).
- (47) 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.

- (48) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
- (49) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and technically based local limits.
- (50) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.12.06 of this ordinance.
- (51) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (52) Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.
- (53) Public Sewer. Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the City of Nashville.
- (54) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (55) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (56) Sewer Surcharge or Surcharge. Shall a sewer service charge above the normal monthly sewer rate which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD₅ in excess of 300 mg/l or suspended solids content in excess of 300 mg/l.
- (57) Significant Industrial User. Shall apply to: 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 City of Nashville 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.

- (58) Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.12.06 of this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
- (59) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- (60) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.
- (61) Surface Water. Shall mean any watercourse, pond, stream, ditch, lake, or other body of water occurring on the earth's surface.
- (62) 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.
- (63) To Discharge. Includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.
- (64) Toxic Pollutant. One of 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- (65) Trap. Means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.
- (66) Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the State.
- (67) Unusual BOD. Is defined as BOD₅ in excess of 300 mg/l.
- (68) Unusual Suspended Solids. Is defined as total suspended solids in excess of 300 mg/l.

- (69) User. A source of indirect discharge
- (70) Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial building, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (71) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial wastes.
- (72) Watercourse. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

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.

10.12.04—ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- BOD - 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

10.12.05—GENERAL SEWER USE REQUIREMENTS

(1) Use of Public Sewers

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City of Nashville, Arkansas, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectional wastes.
- (B) It shall be unlawful to discharge to any natural outlet within the City of Nashville, Arkansas, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.
- (C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- (D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and located within three hundred (300) feet of an accessible public sewer shall, at his expense, install suitable toilet facilities therein, and connect said facilities to such accessible public sewer. The requirements of this section shall not apply to owner discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System permit.

- (E) Other than building sewers and collector building sewers, all sewer constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights of way and shall be constructed by such owner to the standards required by the City for public sewers. No sewer shall be constructed within any public easement or right of way or connected to an existing public sewer without approval by the Director of Public Works.
- (F) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage to the POTW.
- (G) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet.

(2) Private Sewage Disposal

- (A) Where a public sanitary sewer is not available under the provisions of Section 10.12.03 (1) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (B) Before commencement of construction of a private wastewater disposal system within the City of Nashville, Arkansas, or in any area under the jurisdiction of said City, all persons shall first obtain a permit for such construction from the City of Nashville. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by plans, specifications, and construction, permits approved by the Arkansas Department of Health and/or the Arkansas Department of Environmental Quality.
- (C) The type, capacities, locations and layout of private sewage disposal systems shall comply with all applicable requirements of the Arkansas Department of Health and/or the Arkansas Department of Environmental Quality.
- (D) Within twelve (12) months from the date on which a public sewer becomes available as defined in Section 10.12.03 (1) above, in those areas where service is not now available, all persons owning property on which structures are located having a point of water usage within three hundred (300) feet of an accessible public sewer shall connect the building sewer to the public sewer pursuant to the provisions of Section 10.12.03 (1) above. The requirements of this section shall not apply to persons discharging such sewage under the provisions of a valid National Pollution Discharge Elimination System permit.

(3) Building Sewers and Connections

- (A) No unauthorized person shall uncover, make any connection with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the City of Nashville. No permit shall be issued for a sewer connection until the then current tie-on fee prescribed by Section 10.04.03 of the Nashville Municipal Code has been paid.
- (B) There shall be two (2) classes of building sewer permits:
 - 1) For service to residential establishments; and
 - 2) For service to establishments producing industrial wastes.

In either case, the person shall make application on special forms furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent by the Director of Public Works.

- (C) Prior to the initiation of sewer service to potential new customers who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey no less than one hundred and twenty (120) days prior to date on which they plan to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 10.12.08 of the Nashville Municipal Code, complete an application for an Industrial Waste Discharge Permit no less than ninety (90) days prior to date on which they plan to discharge wastewater.
- (D) The Director of Public Works will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 10.12.08 of the Nashville Municipal Code, whether or not to issue the applicant an Industrial Waste Discharge Permit.
- (E) A separate and independent building sewer shall be provided for each individual building except:
 - 1) where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual building may be connected to a common building sewer provided that only one person is responsible for maintenance of the building sewer; or

- 2) temporary building, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provide that both the permanent and temporary building are located on a lot or tract and maintained in common ownership.
- (F) Pipe for building sewers for service to the City of Nashville public sewer may be of any approved material listed in the Sate of Arkansas Plumbing Code.

The Director of Public Works shall approve:

- 1) type of material and size of pipe to be used in the construction of building sewers; and
 - 2) methods of installation of building sewer pipe prior to and/or during construction of building sewers.
- (G) Persons possessing building sewer permits shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the POTW. The connection shall be accomplished only by the City of Nashville Sewer Department personnel.
- (H) Persons possessing building sewer permits shall indemnify the City of Nashville from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.
- (I) Persons possessing building sewer permits shall hold the City of Nashville harmless from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

10.12.06—REGULATION OF DISCHARGES

(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. These general prohibitions apply to all industrial users of the POTW whet4r or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement. Furthermore, no industrial user may 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 5.0 or more than 10.0, 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 (1/2) inch (1.27 centimeters) in any dimension.
- (D) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with 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 City of Nashville in accordance with Section 10.12.07 (5) of the Nashville Municipal Code.
- (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 Nashville's NPDES permit.

- (K) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director of Public Works in an Industrial Waste Discharge Permit 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 the Director of Public Works in an Industrial Waste Discharge Permit.
- (M) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (N) Any medical wastes, except as specifically authorized by the Director of Public Works in an Industrial Waste Discharge Permit.
- (O) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (P) Any wastes containing detergents, surface active agents, surfactants, or other substances which may cause excessive foaming or scum in the POTW.
- (Q) Any discharge of fats, oils, or greases of animal, vegetable or mineral origin is limited to one hundred (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 material storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

(2) Federal Categorical Pretreatment Standards

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 40-471 are hereby incorporated.

- (A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in

wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accord with 40 CFR 403.6 (c).

- (B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6 (e).
- (C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provision in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standards.
- (D) A user may obtain a net gross adjustment to a categorical standard in accord with 40 CFR 403.15.
- (E) Combined wastestream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority, as defined in §403.12 (a) , or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.
- (F) The term *Requester* means an Industrial User or a POTW or other interested person seeking a variance from the limits specified in a categorical Pretreatment Standard. In establishing categorical Pretreatment Standards for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding factors relevant to pretreatment standards under Section 307 (b). In some cases, information which may affect these Pretreatment Standards will not be available or, for other reasons, will not be considered during their development. As a result, it

may be necessary on a case-by-case basis to adjust the limits in categorical Pretreatment Standards, making them either more or less stringent, as they apply to a certain Industrial User within an industrial category or subcategory. This will only be done if data specific to that Industrial User indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interest person believing that factors relating to an Industrial User are fundamentally different from the factors considered during the development of a categorical Pretreatment Standard applicable to the User and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical Pretreatment Standard, may request a fundamentally different factor variance under this section or such variance request may be initiated by the EPA. A request for a variance based upon fundamentally different factors shall be approved only if: there is an applicable categorical Pretreatment Standard which specifically controls the pollutant for which alternative limits have been requested; and Factors relating to the discharge controlled by the categorical Pretreatment Standard are fundamentally different from the factors considered by the EPA in establishing the Standards; and the request for a variance is made in accordance with the procedural requirements in paragraphs (g) and (h) of 40 CFR 403.13. A variance request for the establishment of limits less stringent than required by the Standard shall be approved only if: The alternative limit requested is no less stringent than justified by the fundamental difference; The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under §403.5; The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the Pretreatment Standards; and Compliance with the Standards (either by using technologies upon which the Standards are based or by using other control alternatives) would result in either: A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards; or A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during the development of the Standards. A variance request for the establishment of the limits more stringent than required by the Standards shall be approved only if: the alternative limit request is no more stringent than justified by the fundamental difference; and Compliance with the alternative limit would not result in either: A removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the Standards;

or A non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during the development of the Standards.

- (G) Categorical Pretreatment standards may be adjusted to reflect the presence of pollutant in the Industrial User's intake water in accordance to this section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for pollutants in the intake water) in the requirements of paragraphs (b) and (c) of this section are met. The Industrial User must demonstrate that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s) up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result. The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis.

(3) State Requirements

The Arkansas Department of Environmental Quality may from time to time promulgate new pretreatment requirements, and in the event that a particular pretreatment requirement may be more stringent than that imposed by Federal Law or by the Nashville Municipal Code, such State requirement shall

immediately supersede the others and shall then become the applicable pretreatment requirement or pretreatment standard.

(4) Specific Pollutant Limitations

To protect against pass-through and interference, no Significant Industrial User may discharge or cause to be discharged into the POTW wastewater having concentrations of pollutants exceeding Technically Based Local Limits developed by the Director of Public Works as required by Part III (b) of the City of Nashville's NPDES Permit No. AR0034321 and adopted by Ordinance by the Nashville City Council if it reasonably appears to the Director of Public Works that such wastes can harm either the sewers, wastewater treatment processes or equipment, have an adverse effect on the receiving stream, overload the capacity of the treatment processes and or facilities or can otherwise endanger life, limb, public property, or constitute a nuisance. In determining whether such wastes reasonable appear harmful to the facilities, processes or receiving stream above mentioned, the Director of Public Works will give consideration to such factors as quantities of wastewater discharged by the IU, flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment processes, capacity of the sewage treatment plant, and other pertinent factors.

The following are technically based local limits which are developed as required by Nashville's NPDES permit issued with an effective date of February 1, 2009 and have been approved the Arkansas Department of Environmental Quality:

30 Days	Average
<u>Pollutant Parameter</u>	<u>mg/l</u>

XXXX

X.XX

The above technically based local concentration limits shall apply at the “monitoring point” described in individual Industrial Wastewater Discharge Permits. All concentrations for metals pollutants are for “total” metals unless otherwise indicated. At his discretion, the Director of Public Works may impose mass limitations in addition to or in place of the concentration based limitations above.

(5) City’s Right of Revision

The City of Nashville 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 10.12.01 of the Nashville Municipal Code or the general or specific prohibitions in Section 10.12.06 of the Nashville Municipal Code.

(6) Special Agreement

The City of Nashville 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.

(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 Director of Public Works 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.

10.12.07—PRETREATMENT OF WASTEWATER

(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 10.12.06 above within the time limitations specified by the EPA, the State, or the Director of Public Works—whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City of Nashville 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 Director of Public Works for review, and shall be acceptable to the Director of Public Works 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 an acceptable discharge to the City of Nashville under the provision of this ordinance.

(2) Additional Pretreatment Measures

- (A) Whenever deemed reasonably necessary for proper operation of the POTW, the Director of Public Works may require industrial users to restrict their discharge of wastewater during peak flow periods, designate that certain wastewater be discharge only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW

and determine the industrial user's compliance with the requirements of this ordinance.

- (B) Whenever deemed reasonably necessary for proper operation of the POTW the Director of Public Works may require industrial users to install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four (24) hour period. The Director of Public Works may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the Director of Public Works. A wastewater discharge permit may be issued solely for flow equalization.
- (C) Grease, oil and sand interceptor shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, flammable wastes, sand, or other objectionable wastes; except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall be of type approved by the Director of Public Works, provide a minimum detention time of 12 minutes, have a minimum capacity of 500 gallons and shall be so located to be easily accessible for cleaning and inspection.

All interceptors shall be continuously maintained in satisfactory and effective operation by the owner at his expense. Storage, handling, transportation, and disposal of all wastes generated from interceptors shall be performed in accordance with all applicable Federal, State, and local regulations that pertain to that type and/or class of waste.

- (D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental Discharge/Slug Control Plans

The Director of Public Works may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the Director of Public Works 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 Sections 10.12.06 of the Nashville Municipal Code; and
- (D) procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(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.

(5) Hauled Wastewater

- (A) Septic tank waste may be accepted into the POTW at a receiving structure designated by the Director of Public Works, and at such times as are established by the Director of Public Works, provided such wastes do not violate Section 10.12.06 of the Nashville Municipal Code or any other requirements established or adopted by the City of Nashville. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Director of Public Works.
- (B) The discharge of hauled industrial wastes as "industrial septage" requires prior approval and a wastewater discharge permit from the

City of Nashville. The Director of Public Works 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 applicable sections of the Nashville Municipal Code.

- (C) Fees for dumping septage will be established by the City of Nashville as part of the industrial user fee system as authorized in Section 10.12.19 (1).
- (D) Any POTW receiving wastes from an Industrial User to which a categorical Pretreatment Standard(s) applies may, at its discretion and subject to the conditions of this section, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical Pretreatment Standard(s). The POTW may grant a removal credit to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected Industrial Users shall calculate its revised discharge limits in accordance with paragraph (a) (4) of 40 CFR 403.7. Removal credits may only be given for indicator or surrogate pollutants regulated in a categorical Pretreatment Standard if the categorical Pretreatment Standard so specifies.

(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 10.12.14 through 10.12.16 of the Nashville Municipal Code.

10.12.08—WASTEWATER DISCHARGE PERMIT ELIGIBILITY

(1) Wastewater Survey

When requested by the Director of Public Works 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

Director of Public Works 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 Nashville Municipal Code.

(2) Wastewater Discharge Permit Requirement

- (A) It shall be unlawful for any significant industrial user to discharge wastewater into the Nashville POTW without first obtaining a wastewater discharge permit from the Director of Public Works. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Nashville Municipal Code and subjects the wastewater discharge permittee to the sanctions set out in Sections 10.12.13 through 10.12.16 of the Code. 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 Director of Public Works may require other industrial user, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(3) Wastewater Discharge Permitting Existing Connections

The City of Nashville may, within 30 days of determining that an existing industrial user is a significant industrial user as defined by Section 10.12.03 (49) of the Nashville Municipal Code, notify the significant industrial user of its status as a significant industrial user and of the requirement to obtain a wastewater discharge permit. The Director of Public Works will furnish the existing significant industrial user an appropriate permit application package. Any industrial user who, after notification of the requirement to obtain a wastewater discharge permit, wishes to continue such discharges in the future,

shall within ninety (90) days after notification, apply to the City of Nashville for a wastewater discharge permit in accordance with Section 10.12.06 (6) below. Existing significant industrial users shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after notification of the requirement to obtain a wastewater discharge permit except in accordance with a wastewater discharge permit issued by the Director of Public Works.

(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 filled at least ninety (90) days prior to the date upon which any discharge will begin.

(5) Wastewater Discharge Permitting Extrajurisdictional Industrial Users (Industrial Users Outside Corporate Limits of the City of Nashville)

- (A) Any existing significant industrial user located beyond the City of Nashville corporate limits shall submit a wastewater discharge permit application, in accordance with Section 10.12.08 (6) below, to the Director of Public Works within ninety (90) days of notification of the requirement. Such extrajurisdictional industrial users shall be subject to all the provisions of Section 10.12.03 (3) above. New (potential) significant industrial users located beyond the City of Nashville corporate limits shall submit such applications to the Director of Public Works ninety (90) days prior to any proposed discharge into the POTW.
- (B) Alternately, the City of Nashville may enter into an agreement with a neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of the Nashville Industrial Pretreatment Program requirements against said industrial user.
- (C) Nothing in the foregoing Sections 10.12.08 (A) and (B), or any provisions of the Nashville Municipal Code shall be construed as

requiring the City of Nashville to accept wastewater into the POTW from any industrial user or significant industrial user located outside the City of Nashville corporate limits.

(6) Wastewater Discharge Permit Application Contents

In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by Section 10.12.10 (1) (B) of the Nashville Municipal Code on an Industrial Wastewater Discharge Permit Application form provided by the Director of Public Works. In addition, 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 use 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 production and operation of pretreatment facilities, and proposed or actual hours of discharge to the POTW.
- (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.
- (F) Time and duration of the discharges.
- (G) Any other information as may be deemed necessary by the Director of Public Works 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.

(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 gathered and evaluated 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.”

(8) Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Director of Public Works will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Director of Public Works may deny any application for a wastewater discharge permit where it reasonably appears that the applicant's proposed wastewater, if discharged into the POTW, would interfere with the operation of the POTW, would otherwise be incompatible with the POTW, would interfere with reuse of sludge from the POTW, or would pass through the POTW, inadequately treated, into the receiving waters of the State.

10.12.09—WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

(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 discretions of the Director of Public Works. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director of Public Works 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 shall contain the following conditions:

- 1) a statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- 2) a statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the City of Nashville, 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; and

- 5) statement of applicable 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.
- 6) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedure, and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

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

- 1) limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- 2) limits on the instantaneous, daily and monthly average and/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 chargers 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; and
- 9) other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(3) Wastewater Discharge Permit Appeals

Any person, including the industrial user, may petition the City of Nashville 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 be deemed to be a waiver of the administrative appeal.
- (B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (D) If the City of Nashville fails to act within sixty (60) 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.

(4) Wastewater Discharge Permit Modification

The Director of Public Works 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, POTW 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 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 and/or operation to a new owner/operator.

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

(5) Wastewater Discharge Permit Transfer

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

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

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

(6) Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

- (A) Failure to notify the City of Nashville of significant changes to the wastewater prior to the changed discharge.
- (B) Failure to provide prior notification to the City of Nashville of changed condition pursuant to Section 10.12.10 (5) of the Nashville Municipal Code.
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (D) Falsifying self-monitoring reports.
- (E) Tampering with monitoring equipment.
- (F) Refusing to allow the City of Nashville 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.

(7) Wastewater Discharge Permit Reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, acceptable by the Director of Public Works, in accordance with Section 10.12.08 (6) of the Nashville Municipal Code a minimum of sixty (60) days prior to the expiration of the industrial user's existing wastewater discharge permit.

(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; and
 - 3) such other information as may be required by the Director of Public Works.
- (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 10.12.07 (4) of the Nashville Municipal Code;
 - 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) authorized the POTW to take or conduct such activities on its behalf;
 - 4) a requirement for the municipal user to provide the City of Nashville 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; and
 - 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 10.12.13 through 10.12.16 of the Nashville Municipal Code.

10.12.10—REPORTING REQUIREMENTS

(1) Baseline Monitoring Reports

- (A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR403.6 (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 City of Nashville 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 City of Nashville a report which contains the information listed in Section xx.xx.10 (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 estimate 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 points of discharge to the POTW from the regulated processes.
 - 3) Flow Management. 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 and/or mass, where required by the standard or by the City of Nashville 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 10.12.10 (10) below.
 - c) sampling must be performed in accordance with procedures set out in Section 10.12.10 (11) below.
- 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) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- 7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 10.12.08 (6) of the Nashville Municipal Code.
- 8) User Certification. All baseline monitoring reports must be signed and certified in accordance with Section 10.12.08 (7) of the Nashville Municipal Code.

(2) Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Section 10.12.10 (1) (B) (7) above. 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 Director of Public Works no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not in complied with the increment of progress, the reason for any delay, and, the steps being taken by the significant industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

(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 City of Nashville a report containing the information described in Section 10.12.10 (1) (B) (4-6) above. 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 10.12.08 (7) above.

(4) Periodic Compliance Reports

- (A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Director of Public Works but in no case less than twice per year [in June and December, as required by 40 CFR 403.12 (e) (1)], 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 10.12.08 (7) above. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the Pretreatment Standard necessary to determine the compliance status of the User.
- (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 xx.xx.10 (11) below, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions

Each industrial user is required to notify the Director of Public Works 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 sixty (60) days before the change.

- (A) The Director of Public Works 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 10.12.08 (6) above.
- (B) The Director of Public Works may issue a wastewater discharge permit under Section 10.12.08 (8) above, or modify an existing wastewater discharge permit under Section 10.12.09 (4) above.
- (C) No industrial user shall implement the planned changed condition(s) until and unless the Director of Public Works has responded to the industrial user's notice.
- (D) For purposes of this requirement flows in excess of the limitations set forth in the significant user's industrial wastes discharge permit, and/or the discharge of any previously unreported pollutants, shall be deemed significant.

(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 10.12.07 (1) and (4) of the Nashville Municipal Code], it is the responsibility of the industrial user to immediately telephone and notify the City of Nashville 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 Director of Public Works, 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 OTW, 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 the City of Nashville 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 Section 10.12.10 (6) (A) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(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 appropriate reports to the City of Nashville as the Director of Public Works may require.

(8) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority (the City of Nashville) 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 Control Authority within 30 days after becoming aware of the violation. The industrial user is not required to re-sample if the POTW performs compliance monitoring of the industrial user's wastewater discharge at least once a month, or if the POTW performs compliance monitoring which indicates compliance, between the industrial user's initial sampling and when the industrial user receives the results of initial sampling indicating a permit violation.

(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 a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 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 discharge during the following twelve (12) months. All notifications must take place no later than 180 days the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under Section 10.12.10 (1), (3) and (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 regulations.
- (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.

(10) Analytical Requirements

All pollutant analyses, including sapling 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.

(11) Sample Collection

- (A) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by [the Superintendent]. Where time-proportional composite sampling or grab sampling is authorized by [The City of Nashville], the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by The City of Nashville, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (B) For sampling required in support of baseline monitoring and 90-day compliance reports in [40 CFR 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which

historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by paragraphs 40 CFR 403.12 (e) and 403.12 (h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(12) Determination of Noncompliance

The Director of Public Works may use a grab sample(s) as a compliance screening tool. Where grab sample(s) suggest noncompliance, the Director of Public Works and/or the Industrial User should re-sample the user's effluent using composite techniques until consistent compliance is again demonstrated.

(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.

(14) Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These

records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or The City of Nashville or where the User has been specifically notified of a longer retention period by [the Superintendent].

10.12.11 – COMPLIANCE MONITORING

(1) Inspection and Sampling

The City of Nashville 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 Director of Public Works 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 require 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 the City of Nashville, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific requirements.
- (B) The City of Nashville, 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 and/or metering of the user's operations.
- (C) The City of Nashville 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 [regularly and periodically] to ensure their accuracy.

- (D) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- (E) Unreasonable delays in allowing authorized City of Nashville personnel access to the industrial user's premises shall be a violation of this ordinance.

(2) Search Warrants

If the Director of Public Works has been refused access to a building, structure or property or any part thereof, and if the Director of Public Works is able to demonstrate probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the City of Nashville designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works may, through the Nashville City Attorney, seek issuance of a search warrant from the Municipal Court of the City of Nashville. The Municipal Court of the City of Nashville may issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director of Public Works in the company of a uniformed police officer of the

City of Nashville. In the event of an emergency effecting public health and safety, inspections may be made without the issuance of a warrant.

10.12.12 – 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 City of Nashville inspection and sampling activities, shall be available to the public without restriction—unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City of Nashville, 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.

10.12.13 – PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT
NONCOMPLIANCE

The City of Nashville 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 pollutant measurements taken during a six-month period, as determined by EPA Region 6 criteria, exceed their Industrial User Permit 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 six-month period equals or exceeds the product of the Industrial User Permit daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD's TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
- (C) any other discharge violation that the City of Nashville believes has caused, alone or in combination with other discharges, interference or pass-through (including endangering 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 City of Nashville exercising 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; or

- (H) any other violation(s) which the City of Nashville determines will adversely affect the operation or implementation of the local pretreatment program.

10.12.14 – ADMINISTRATIVE ENFORCEMENT REMEDIES

(1) Notification of Violation

Whenever the Director of Public Works 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 Director of Public Works or his agent may serve upon said user a written Notice of Violation. Within twenty (20) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the Director of Public Works.

(2) Consent Orders

The Director of Public Works is hereby empowered to enter into Consent Order, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders may include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.12.14 (4) and (5) below and shall be judicially enforceable.

(3) Show Cause Hearing

The Director of Public Works may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Nashville City Council and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial 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 to it by the City of Nashville. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(4) Compliance Orders

When the Director of Public Works finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or 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 Director of Public Works' 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.

(5) Cease and Desist Orders

When the Director of Public Works 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 Director of Public Works 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 and/or terminating the discharge.

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

(6) Emergency Suspensions

The Director of Public Works may immediately suspend a user's discharge (after informal 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 Director of Public Works may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- (A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Public Works 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 Director of Public Works shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City of Nashville that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.12.14 (7) below 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 Director of Public Works, prior to the date of any show cause or termination hearing under Sections 10.12.14 (3) above and 10.12.14 (7) below.

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

(7) Termination of Discharge

In addition to those provisions in Section 10.12.09 (6) above, 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 10.12.06 (1) above.

Such user will be notified by the Director of Public Works of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.12.14 (3) of this ordinance why the proposed action should not be taken.

10.12.15 – JUDICIAL ENFORCEMENT REMEDIES

(1) Injunctive Relief

Whenever a use 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 Director of Public Works may petition a Court of competent jurisdiction through the Nashville City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement

imposed by Chapter 10.12 of the Nashville Municipal Code on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City of Nashville. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against an industrial user.

(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 City of Nashville for a maximum civil penalty of One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of 1991 Legislature. In the case of violation of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (B) Such civil penalties shall be recoverable in a Court of competent jurisdiction; but, as provided by Acts of Arkansas No. 884 of 1991 Legislature, such civil proceeding may be initiated only after a majority vote of the Nashville City Council resolving to pursue such civil penalties.
- (C) The City of Nashville may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Nashville.
- (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 (such economic benefit shall minimally be that determined in accord with EPA Guidance Manual for POTWs to Calculate the Economic Benefit of Noncompliance dated September 5, 1980), corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (E) Filing a suit seeking civil penalties shall not be a prerequisite for taking any other action against an industrial user.

(3) Criminal Prosecution

- (A) Any user that willfully or negligently violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of 1991 Legislature.
- (B) Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of 1991 Legislature.
- (C) As provided by Acts of Arkansas No. 884 of 1991 Legislature, no criminal prosecution under the foregoing subparagraphs, (A) and (B) above, may be initiated except upon a majority vote of the Nashville City Council resolving to pursue such criminal prosecution.
- (D) The criminal penalties provided in the foregoing subparagraphs, (A) and (B) 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 xx.xx.15 (2) above.

(4) Remedies Nonexclusive

The provisions in Sections 10.12.13, 10.12.14, 10.12.15, and 10.12.16 of the Nashville Municipal Code are not exclusive remedies. The City of Nashville 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 City of Nashville's enforcement response plan.

However, the City of Nashville reserves the right to take other action against any user when the circumstances warrant. Further, the City of Nashville is

empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

10.12.16 – SUPPLEMENTAL ENFORCEMENT ACTION

(1) Performance Bonds

The Director of Public Works 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 satisfactory bond, payable to the City of Nashville, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

(2) Liability Insurance

The Director of Public Works 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 submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(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.

(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 Director of Public Works or his designee. Any person(s) creating a public nuisance shall be required to reimburse the City of Nashville for any costs incurred in removing, abating or remedying said nuisance.

(5) Contractor Listing

Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Nashville. Existing contracts for the sale of goods or services to the City of Nashville held by a user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the City of Nashville.

10.12.17 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(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 Section 10.12.17 (C) below, 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 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; and
 - iii) steps being taken and/or 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.
- (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. The requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(2) General/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 10.12.06 above, if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- (A) a local limit exists for each pollutant discharged and the 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 the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(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 Sections 10.12.17 (3) (C) and (D) below.

- (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 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 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 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 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 Section 10.12.17 (3) (C) above.
- 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 Section 10.12.17 (3) (D) (1) above.

10.12.18 – SURCHARGE COSTS

The City of Nashville will charge POTW users a surcharge in addition to the normal metered charge for sewer service who discharge wastewater into the Nashville POTW having BOD₅ in excess of 300mg/L or suspended solids in excess of 300 mg/L. The sewer surcharge shall be based on the following formula:

$$S = V_{WW} \times 8.34 [C_{BOD} (BOD_5 - 300) + C_{SS} (SS - 300)]$$

Where:

S = Surcharge in dollars

V_{WW} = Wastewater in millions of gallons

8.34 = Weight of water in pounds per gallon

C_{BOD} = Unit charge for BOD₅ in dollars per pound (currently, \$0.40 per pound)

BOD₅ = Monthly average five-day BOD of IU's wastewater, in mg/L (300 mg/L or more)

C_{SS} = Unit charge for SS in dollars per pound (currently, \$0.40 per pound)

SS = Monthly average suspended solids content of IU's wastewater, in mg/L (300 mg/L or more)

The above unit charges per pound of BOD₅ and suspended solids used in determining industrial user (including commercial users), sewer surcharges shall be subject to periodic review by the Director of Public Works. The Public Works Director's review will provide a basis for adjustment of the surcharge rates necessitated by observed and/or predictable changes in the costs of transporting and treating wastewater.

10.12.19 – MISCELLANEOUS PROVISIONS

(1) Pretreatment Charges and Fees

The City of Nashville may adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the City of Nashville 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 City of Nashville may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City of Nashville.

(2) Severability

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

(3) Conflicts

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

Section 2. Effective Date

That the Nashville City Council hereby determines that the City sewer regulations shall be revised to enable effective operation of the City's sewage treatment plant and implementation of the City's industrial pretreatment program; that such passage of this ordinance is necessary to enable such operation. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

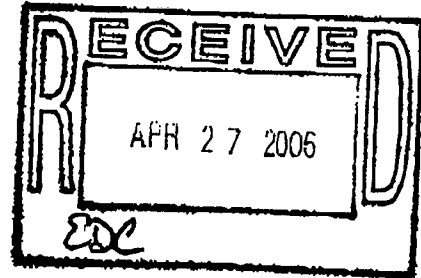
APPENDIX H

- 1) LETTER NOTIFYING INDUSTRIAL USER OF REQUIREMENT TO OBTAIN PERMIT
- 2) INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION
- 3) INDUSTRIAL WASTEWATER DISCHARGE PERMIT



100 Mission Drive • Nashville, Arkansas 71852 • (870) 845-5134 • Fax (870) 845-5168
e-mail: larry.jan-eze@totalnet.us

April 25, 2006



City of Nashville
426 North Main Street
Nashville, AR 71852

Attention: Ed Carlyle, Jr.

Dear Ed:

Enclosed is the Wastewater Discharge Permit Application that you requested. If you have any questions, please contact me at 845-5134.

Sincerely,

A handwritten signature in cursive script that reads "John Anderson".

John Anderson
Environmental Manager

WASTEWATER SURVEY FOR DISCHARGE PERMIT

SECTION A - GENERAL INFORMATION

A1. Company Name: _____

Mailing address: _____

City: _____ State: _____

Zip Code: _____

Telephone Number: Plant _____ Office _____

A2. Name, Title and phone number of person authorized to represent this firm in all official correspondences with the City of Nashville.

Name: _____

Title: _____

Phone Number: _____

A3. Alternate person to contact concerning information provided herein:

Name: _____

Title: _____

Phone Number: _____

A4. Identify the type of business conducted:

A5. Provide a brief narrative description of the manufacturing production, or service activities your company provides.

A6. Standard Industrial Classification Number(s) Sic Code for your company:

_____, _____, _____, _____, _____

A7. This facility generates the following types of wastes (check all that apply).

	Average (Mgd)	Estimated	Measured
1. <input checked="" type="checkbox"/> Domestic wastes Restrooms, showers	_____	_____	_____
2. <input type="checkbox"/> Cooling non-contact Water	_____	_____	_____
3. <input type="checkbox"/> Boiler/Tower blow Down	_____	_____	_____
4. <input checked="" type="checkbox"/> Process	_____	_____	_____
5. <input type="checkbox"/> Equipment/Facility Washdown	_____	_____	_____
6. <input type="checkbox"/> Other:	_____	_____	_____
Total: _____			

A8. Wastes are discharged to which of the following:

	Average	Estimated	Measured
<input type="checkbox"/> Sanitary Sewer	_____	_____	_____
<input type="checkbox"/> Storm Water	_____	_____	_____
<input type="checkbox"/> Waste Haulers	_____	_____	_____
<input type="checkbox"/> Evaporation	_____	_____	_____

A9. Is a Spill Prevention Control and Countermeasure Plan prepared for the facility: Yes () No ()

SECTION B - FACILITY OPERATION CHARACTERISTICS

B1. Number of employees: _____

Number of shifts worked and the times:

First: _____ to _____

Second: _____ to _____

Third: _____ to _____

B2. Principal product produced:

B3. Raw materials and process additives used:

B5. Production process is

Batch () Continuous () Both ()

Average number of batches per 24hour day _____

B6. Hours of operation _____ to _____

B7. Is production subject to seasonal variation: Yes () No ()
If yes, briefly describe seasonal production cycle:

SECTION C - WASTEWATER INFORMATION

C1. If your facility employs processes in any of the thirty-four Industrial categories or business activities listed below and any of these processes generate wastewater or waste sludge, place a check beside the category or business activity.

1. () Adhesives
2. () Aluminum Forming
3. () Auto and Other Laundries
4. () Battery Manufacturing
5. () Coal Mining

6. () Coil Coating
7. () Copper Forming
8. () Electric and Electronic Components
9. () Electroplating
10. () Explosives Manufacturing
11. () Iron and Steel
12. () Mechanical Products
13. () Inorganic Chemicals
14. () Gum and Wood Chemicals
15. () Foundries
16. () Leather Tanning and Finishing
17. () Nonferrous Metals
18. () Ore Mining
19. () Organic Chemicals
20. () Paint and Ink
21. () Pesticides
22. () Petroleum Refining
23. () Pharmaceuticals
24. () Photographic Supplies
25. () Plastic and Synthetic Materials
26. () Plastics Processing
27. () Porcelain Processing
28. () Printing and Publishing
29. () Pulp and Paper
30. () Rubber
31. () Soaps and Detergents
32. () Steam Electric
33. () Textile Mills
34. () Timber

C2. Other Business Activities

1. Dairy Products
2. Slaughter/Meat Packing/Rendering
3. Food/Edible Products Processor
4. Beverage Bottler

C3. Pretreatment devices or processes used for treating waste- Water or sludge, check if they apply:

1. Air Floating
2. Centrifuge
3. Chemical Precipitation
4. Chlorination
5. Cyclone
6. Filtration
7. Flow Equalization
8. Oil and Grease Separation
9. Grease Trap
10. Grit Removal
11. Ion Exchange
12. Neutralization, pH correction
13. Ozone
14. Reverse Osmosis
15. Screen
16. Sedimentation
17. Septic Tank
18. Solvent separation
19. Spill Protection

- 20. () Sump
- 21. () Biological treatment
- 22. () Rainwater diversion or storage
- 23. () No pretreatment
- 24. () Other, explain in comments.

C4. Attach most recent laboratory analyses to this report.

**C5. Attach schematic with location of sampling point and
Describe the location from where the samples are taken.**

**C6. Describe any changes performed with the operation since
Issuing the last permit five years ago. Attach any schematic
Detailing all changes in operations concerning wastewater
Discharge and pretreatment operations.**

SECTION D - OTHER WASTES OR DISCHARGES

D1. Are any liquid wastes or sludge from this firm disposed of by means other than discharge to the sewer system?

Yes No If yes, complete section 2 and 3,

D2. These wastes may best be described as:

	Estimated lbs/year
<input type="checkbox"/> Acids and Alkalies	
<input checked="" type="checkbox"/> Heavy Metal Sludge	_____
<input type="checkbox"/> Inks/Dyes	_____
<input checked="" type="checkbox"/> Oil and Grease	_____
<input type="checkbox"/> Organic Compounds	_____
<input type="checkbox"/> Pesticides	_____
<input checked="" type="checkbox"/> Plating Wastes	_____
<input type="checkbox"/> Pretreatment Wastes	_____
<input type="checkbox"/> Solvents/Thinners	_____
<input checked="" type="checkbox"/> Other Hazardous Wastes	_____

Specify Wastes:

D3. For the above checked wastes, does your company practice:

- on-site storage
- off-site storage
- on-site disposal
- off-site disposal

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

SECTION E - P2 PRETREATMENT

E1. Describe changes in operations which have allowed your company to benefit in quality treatment practices, upgrades to the system, best management practices.

===== MONTHLY DISTRIBUTION =====

TYPE	MONTH	COUNT	AMOUNT
APPLIED DEPOSIT	01/2009	11	123.97CR
	02/2009	24	285.71CR
	03/2009	19	219.87CR
	04/2009	26	284.43CR
	05/2009	20	234.30CR
	06/2009	26	308.69CR
	07/2009	30	384.18CR
	08/2009	16	144.62CR
	09/2009	19	207.19CR
	10/2009	15	165.10CR
	11/2009	25	344.09CR
	12/2009	14	130.81CR
APPLIED TOTAL			2,832.96CR
PAYMENT	01/2009	1,500	26,698.95CR
	02/2009	1,522	29,455.56CR
	03/2009	1,525	28,159.51CR
	04/2009	1,500	24,256.29CR
	05/2009	1,508	27,840.79CR
	06/2009	1,515	28,994.49CR
	07/2009	1,501	25,774.38CR
	08/2009	1,502	27,694.93CR
	09/2009	1,514	27,766.97CR
	10/2009	1,509	25,412.59CR
	11/2009	1,516	28,812.00CR
	12/2009	1,533	25,625.77CR
PAYMENT TOTAL			326,492.23CR
DRAFT	01/2009	309	6,330.57CR
	02/2009	307	5,548.54CR
	03/2009	305	5,539.68CR
	04/2009	304	5,094.51CR
	05/2009	305	5,023.66CR
	06/2009	303	5,213.66CR
	07/2009	306	5,031.06CR
	08/2009	304	5,432.91CR
	09/2009	308	5,661.72CR
	10/2009	308	4,805.67CR
	11/2009	307	5,199.59CR
	12/2009	308	4,980.74CR
DRAFT TOTAL			63,862.31CR
GRAND TOTAL FOR PERIOD			393,187.50CR

E2. Include with this report any changes made in operations by description in writing and by way of a schematic.

E3. Include also with this report any changes made in water usage, wastewater flows, treatment practices, etc.

E4. List any changes to your current permit that you would like to see incorporated into your new permit.

In accordance with Ordinance 639, Section IV, Chapter 10.12.23 of the Municipal Code of Nashville, and 40 CFR 403.12(b)(6) or the Federal Code, this wastewater discharge permit application must be signed by an authorized official of the industrial user after adequate completion of this form and review of the information by the signing official.

“I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to insure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge an 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.”

Signing Official (Print Name)

Title

Signing Official's Signature

Date

INDUSTRIAL USER SEMI-ANNUAL COMPLIANCE REPORT

The General Pretreatment Regulations require categorical industrial users to report the results of self-monitoring of their regulated waste discharges to the Control Authority at least semi-annually. Section [403.12(e)(1)] of the regulations requires the following information:

1. Facility Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____
2. Facility Contact: _____
Title: _____
Phone Number: _____
3. Reporting Period: January thru June ____
July thru December ____
4. Average Daily flow of Effluent: _____ mgpd
Maximum Daily flow of Effluent: _____ mgpd
5. Were the daily flows estimated: _____ or measured by meter _____
6. Give an explanation or show documentation containing information of how the industrial user arrived with the flow rates. _____

7. List effluent parameters within the wastewater discharge permit and their limits. List in mg/L.

Parameter	Permit limit
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____

8. List the six month averages on parameter permitted.

Parameter/Average	Parameter/Average
1. _____	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

9. List any parameters which were in non-compliance during the reporting period.

Parameter/Limit/Result	Parameter/Limit/Result
1. _____	2. _____
3. _____	4. _____
5. _____	6. _____

10. Give an explanation of what was done to correct the non-compliance (such as was it a resample, accidental spill, slug load, operator error, etc.)

11. Statement of Certification in lieu of monitoring for TTO must be included with this report in accordance with 40 CFR 433.12(a) if sampling for TTO is not to be completed by the industrial user.

In lieu of requiring monitoring for TTO, the permitting authority may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting city of Nashville, authority."

Authorized Signature

Title

Date

12. In accordance with pretreatment standards [403.6(a)(2)(ii)] an industrial user must submit a certification statement of all evidence supported by any documentation, application, and evidence in that application as follows:

"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."

Authorized Signature

Title

Date

All lab reports, semi-annual reports, self lab reports, permits, etc. , must include this certification statement.

This document was inspected and reviewed by the following pretreatment personnel.

Signature

Title

Date

CITY OF NASHVILLE

426 NORTH MAIN
NASHVILLE, AR 71852

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT
NUMBER NA003**

In accordance with the provisions of the City of Nashville Sewer Use Ordinance No. 639, Nashville Municipal Code, Title 10, Water and Sewer, Chapter 10.12,

**Jan-Eze Plating
100 Mission Drive
Nashville, AR 71852**

is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of Nashville sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permitted of its obligations to comply with any or all applicable pretreatment regulations, standards, or requirements under Local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Non-compliance with any term or condition of this permit shall constitute a violation of the City of Nashville Sewer Use Ordinance 639 of 1993.

This permit shall become effective May 6, 2006 and shall expire at midnight on May 5, 2011.

If the permitted wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with the requirements set forth in the City of Nashville Sewer Use Ordinance No. 639 of 1993, Section IV, 10.12.20, a minimum of ninety (90) days prior to the expiration date.

This permit shall not be re-assigned or transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Public Works Director.

By: _____
Public Works Director **Pretreatment Coordinator**

Issued this date: _____

PART 1 - EFFLUENT LIMITATIONS

A. During the period of May 6, 2006 and May 5, 2011, the permitted is authorized to discharge process wastewater to the City of Nashville sewer system from the outfall listed below:

Outfall	Description of Outfall
NA003	Wastewater discharge sampling to meet compliance with 40 CFR 433.17 PSNS shall be collected from a sampling point marked by a permit discharge number, NA003, painted in bright orange paint above the discharge line located below the settling tank and at the end of the shut off valve.

B. During the period of May 6, 2006 and May 5, 2011 the discharge from outfall NA003 shall not exceed the following effluent limitations. Effluent from this outfall shall consist of only process wastewater generated from the metal plating of pistons, cylinders, and honing of crankcases.

Parameter	CFR Daily Limit *	CFR Monthly Limit *	Daily CWF *	Monthly CWF *	Local Daily Limit *	Final Daily Limit *	Final Monthly Limit *
Flow	N/A	N/A	N/A	N/A	N/A	Report 1	N/A
pH	N/A	N/A	N/A	N/A	see note below	see note below 2	N/A
BOD5	N/A	N/A	N/A	N/A	250 **	250 **	N/A
TSS	N/A	N/A	N/A	N/A	250 **	250 **	N/A
Cadmium (T)	0.11	0.07	N/A	N/A	N/A	0.11	0.07
Chromium (T)	2.77	1.71	N/A	N/A	N/A	2.77	1.71
Copper (T)	3.38	2.07	N/A	N/A	N/A	3.38	2.07
Cyanide (T)	1.20	0.65	N/A	N/A	N/A	1.20	0.65
Lead (T)	0.69	0.43	N/A	N/A	N/A	0.69	0.43
Nickel (T)	3.98	2.38	N/A	N/A	N/A	3.98	2.38
Silver (T)	0.43	0.24	N/A	N/A	N/A	0.43	0.24
Zinc (T)	2.61	1.48	N/A	N/A	N/A	2.61	1.48
TTO	2.13	N/A	N/A	N/A	N/A	2.13	N/A
Oil and grease	N/A	N/A	N/A	N/A	100	100	N/A

* All concentrations are in mg/L unless otherwise noted

1 Please complete and submit a discharge flow report for each self-monitoring event performed. A copy of the discharge flow report is attached at the end of this permit.

2 Any wastewater having a pH less than 5.5 standards units or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the City of Nashville is a direct violation of this permit.

** The 250 mg/L limit for BOD5 and TSS are expressed as a surcharge limit. Surcharging for excessive BOD and TSS loadings shall be in accordance with City Ordinance 640 of 1993.

Part 2 - MONITORING REQUIREMENTS

A. From the period beginning on the effective date of the permit until May 5, 2011 the permittee shall monitor outfall NA003 for the following parameters, at the indicated frequency:

Sample Parameter	Measurement Location	Frequency	Sample Type
Flow	2" shut-off valve NA003	Each sampling event	NA
pH	2" shut-off valve NA003	daily	Individual Grab (3)
BOD5	2" shut-off valve NA003	Twice per year	Time Composite (3)
TSS	2" shut-off valve NA003	Twice per year	Time Composite (3)
Cadmium (T)	2" shut-off valve NA003	Twice per year	Time Composite (3)
Chromium (T)	2" shut-off valve NA003	Once per quarter	Time Composite (3)
Copper (T)	2" shut-off valve NA003	Twice per year	Time Composite (3)
Cyanide (T)	2" shut-off valve NA003	Twice per year	Individual Grab
Lead (T)	2" shut-off valve NA003	Twice per year	Time Composite (3)
Nickel (T)	2" shut-off valve NA003	Once per quarter	Time Composite (3)
Silver (T)	2" shut-off valve NA003	Twice per year	Time Composite (3)
Zinc (T)	2" shut-off valve NA003	Twice per year	Time Composite (3)
TTO(1)	2" shut-off valve NA003	Once per Year (2)	Time Composite (3)
Oil and Grease	2" shut-off valve NA003	Twice per year	Individual Grab

1 The permittee is required to test and sample for all TTO compounds listed under 40 CFR 433.11 (e)

2 at a frequency listed above, once per year, or if needed, at a frequency determined by the Pre-treatment Coordinator in the case of noncompliance. In lieu of required monitoring for TTO, Permittee may submit a Toxic Organic Management Plan for approval by the Permitting Authority. However, the permittee shall test for TTO once during the life of their wastewater discharge permit. Volatile Organics for TTO sampling shall consist of a minimum of four (4) individual grabs collected during the hours of operation. All other are to be collected using the time composite sampling method.

3 Time Composite sampling shall be based on hours of operation (e.g. 4, 8, 12, 16, etc.)

Note: Wastestream NA003 is considered a continuous discharge to the sanitary sewer system.

B. All handling and preservations of collected samples and laboratory analyses of samples shall be performed in accordance with 40 CFR 136 and amendments thereto unless specified otherwise in the monitoring conditions of this permit.

PART 3 – REPORTING REQUIREMENTS

A. Self-Monitoring Reports

The permittee shall be responsible for submitting copies of all self-monitoring report(s) and chain of custody records to the City of Nashville. These self-monitoring report(s) shall indicate the nature, concentration, and quality control of all pollutants in the effluent for which sampling and analysis were performed.

B. Self-Monitoring Report(s) Due Dates

All self-monitoring reports are to be submitted by the permit holder to the Controlling Authority (City of Nashville) within ten (10) days of receiving the report from the permit holders contract laboratory. This date may be monitored by the date of the analytical report.

C. Additional Self-Monitoring

If the permittee monitors any pollutant more frequency than required by this permit, using test procedures prescribed in 40 CFR 136 or amendments thereto, or otherwise approved by the State of Arkansas, or as specified in this permit, the results of such additional self-monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge. All additional self-monitoring reports shall be included with the permittee's monitoring reports described in paragraph (A) and (B) of this section.

D. Automatic Resampling

If sampling performed by the permittee indicates a violation, the permittee shall:

1. Inform the City of Nashville within 24 hours of becoming aware of the violation, and
2. Repeat the sampling and analysis and submit the results of the repeat analysis to the City of Nashville within (30) days after becoming aware of the violation.

E. Accidental Discharge Report

1. The permittee shall notify the City of Nashville immediately upon the occurrence of an accidental discharge of substances prohibited by Section II 10.12.08 of Ordinance 639 of 1993 or any slug loads or spills that may enter the public sewer. During normal business hours the

City of Nashville Industrial Pretreatment Coordinator should be notified by telephone at (870) 557-0812. The notification shall include location of the discharge, volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.

Within five days following an accidental discharge, the permittee shall submit to the City of Nashville, Pretreatment Division, a detailed written report. This report shall specify:

- a. Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is reasonably expected to occur.
- c. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

F. Submission of Reports

All reports required by this permit shall be submitted to the City of Nashville at the following address:

City of Nashville
Pretreatment Department
426 North Main
Nashville, AR 71852

G. Certification Statement/Signatory Requirement

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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.”

PART 4 – RIGHT OF ENTRY

A. The City of Nashville Pretreatment Department and any other duly authorized employees of the City of Nashville bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this permit and/or the City of Nashville Ordinance 639. Anyone acting under this authority shall observe the establishment’s rules and regulations concerning safety, internal security and fire protection. The Pretreatment Department and other duly authorized employees of the City of Nashville may enter all private and public properties for the purpose of:

- 1. Inspection, observation, measurement, independent sampling, repairs, or inspection and copying of records;**
- 2. Maintenance of any portion of the collection system laying within an easement;**
- 3. Conduction any other authorized activity**

B. Entry Denial

If the City of Nashville Pretreatment Department or other authorized employee of the City of Nashville has been refused access to a building, structure or property or any part thereof, and if the City of Nashville has demonstrated probable cause to believe that there may be a violation of this permit or of the Ordinance 639, or that there is need to inspect as part of a routine inspection program of the City of Nashville designed to verify compliance with this permit, Ordinance 639 or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the County Judge of the County of Howard, shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City of Nashville. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

PART 5 – CONFIDENTIAL INFORMATION

A. Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the

City that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the users.

- B. When requested by the person furnishing a report, 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 to governmental agencies for use related to this permit, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

PART 6 - SAMPLING/ INSPECTIONS

The City of Nashville Pretreatment Department, will conduct at the minimum of once per year, an inspection and sampling visit on each significant industrial user permitted by the City. The City of Nashville shall at its discretion, select or approve an independent firm or laboratory to analyze for effluent characteristics deemed necessary. The cost for the analysis shall be at the expense of the permittee.

Any sampling required to support the industrial waste pretreatment program, or discrete sampling done for investigative purpose of a specified discharge shall also be at the expense of the permittee. Sample collection shall be taken as required herein and shall be representative of the volume and nature of the effluent discharge. All samples shall be collected at the monitoring points(s) specified in this permit.

PART 7 - GENERAL DISCHARGE PROHIBITIONS

- A. The permittee shall not discharge wastewater containing any of the following substances from any outfall, unless authorized by the Director of Public Works:
1. No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or requirements. Furthermore, no industrial user may 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 closed-cup flashpoint

of less than 140.F (60.0C) using the test methods specified in 40 CFR 261.21.

- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to:

Grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shaving, grass clippings, rags, spent grains, spent hops, chemical residues, paint residues, septic tank solids, residues from oil, mud, glass grinding or polishing wastes, petroleum oil, non-bio-gradable cutting oil or products of mineral oil.

- c. Any wastewater having a pH less than 5.5 standard units or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set fourth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or interaction with other wastes are sufficient to create a public nuisance or hazard to life or sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge's, or scum's to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the ACT, or with any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the sludge management method being used.

- g.** Any substance which will cause the POTW to violate its NPDES and/or State "Discharge" system permit or the receiving water quality standards.
- h.** Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i.** Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW, which exceeds 65 C (150F), or in such quantities that the temperature at the treatment plant exceeds 40.0 C (140 F).
- j.** Any wastewater containing pollutants including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any treatment or sludge process; or which will constitute a hazard to humans or animals.
- k.** Any wastewater which causes a hazard to human life or creates a public nuisance.
- m.** Any wastewater which may contain strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- n.** Any waste containing garbage unless it is shredded to a degree that all particles can be readily transported by the flow conditions normally prevailing in public sewers. Particles greater than one half (1/2) inch in any dimension are prohibited.
- o.** The City Code Enforcement Inspector is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor greater than three-fourths (3/4) horse power (0.76 HP metric) except for residential installations.
- p.** No user shall discharge into the public sewer system any storm water, surface water, ground water, roof runoff, subsurface drainage, or any unpolluted industrial process water.
- q.** No user shall discharge into the public sewer system any petroleum oil, non-bio-gradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through and a prohibition of any trucked or hauled

pollutants, except at discharge points designated by the POTW.

B. Dilution of discharges prohibited

No user shall ever increase the use of process water or, in anyway, attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitation contained in the Federal Categorical Pretreatment Standards, or in any other pollutants specific limitation developed by the City or State.

The permittee shall comply with all other applicable laws, regulations, standards, and requirements contained in the City of Nashville Sewer Use Ordinance, and any applicable State and Federal Pretreatment laws that may become effective during the term of this permit.

PART 8 - SPECIAL CONDITIONS

A. Pretreatment Facilities

If pretreatment or control is required, the City of Nashville Pretreatment Department and the City Code Inspector shall review the design and installation of equipment and processes. The design and installation of equipment and processes must conform to all applicable Statues, Codes, Ordinances, and other laws. Any user responsible for discharges requiring pretreatment, flow equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

B. Report on changed conditions

The permittee is required to notify the Pretreatment Coordinator of any planned significant changes to their operation or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

C. Record Keeping

The permittee is required to retain for a minimum of three (3) years, any records of monitoring activities and results, and shall make such records available for inspection and copying by the Director of Public Works, the State and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the permittee when requested by the Director, State or EPA.

D. Re-opener Clause

This permit may be reopened and modified to incorporate any new or revised requirements resulting from the City of Nashville Re-evaluation of its local limits.

This permit may be reopened and modified to incorporate any new or revised requirements contained in a National Categorical Pretreatment Standard that may become promulgated.

E. Bypass

- a. Definitions: (1) Bypass means the intentional diversion of waste-streams 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. Bypass not violating applicable Pretreatment Standards or Requirements. Any Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.**
- c. Notice. (1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten days before the date of the bypass. (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case by case basis if the oral report has been received within 24 hours.**
- d. Prohibition of bypass. (1) Bypass is prohibited, and the Control Authority 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 or preventive maintenance; and (iii) The Industrial User submitted notices as required under paragraph (c) of this section. (2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.**

PART 9 -- ENFORCEMENT

A. Fines

Any user who is found to have violated an order of the City of Nashville City Council or who willfully or negligently failed to comply with any provision of the City Ordinance 639, the Orders, Rules, Regulations and Permits issued hereunder, may be fined up to a maximum of \$1,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court cost, and other expenses of litigation by appropriate suit at law against the person found to have violated the City Ordinance or the Orders, Rules, Regulations and Permits issued hereunder.

B. Suspension

1. **The Director of Public Works may suspend the wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threaten discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit.**
2. **Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent damage to the POTW system or endangerment to any individuals. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Director within five (5) days of the date of occurrence.**

C. Termination

Wastewater discharge permits may be terminated for the following reasons:

1. **Violation of permit conditions.**
2. **Failure to accurately report the wastewater constituents and characteristics of its discharge.**

3. Failure to report significant changes in operating or wastewater constituents and characteristics.
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

PART 10 – SURCHARGES AND FEES

A. Surcharges

The permittee shall be equitably charged by the City for wastewater services received. When the Biochemical Oxygen Demand (BOD) or Total Suspended Solids (TSS) exceed the range of concentration of pollutants in normal domestic sewage, as defined in Ordinance 640., a surcharge shall be levied.

B. Fees

It is the purpose of this Section to provide for recovery from the permittee the costs expended by the City in providing wastewater services. The City may adopt charges and fees for the following:

1. Fees for industrial user wastewater discharge permits.
2. Actual cost for monitoring, sampling, inspection, laboratory analysis and surveillance procedures in instances of willful or negligent violations.
3. Actual cost for cleanup and/or correcting POTW problems caused by violations and costs incurred by POTW damage to facilities and/or legal liabilities resulting from such violations.
4. Other fees as the City and the Director may deem necessary to carry out the requirements contained herein.
5. Surcharges for excessive strength discharges.
6. Fees for filing appeals.

CITY OF NASHVILLE
NASHVILLE PUBLIC WORKS
426 NORTH MAIN
NASHVILLE, AR 71852

On this date, _____, located at _____, Nashville,
Arkansas, was hand delivered the attached Wastewater Discharge Permit (NA003)
and Permit Invoice.

Name of Company Representative receiving document:

Title:

Date:

Name of City Representative delivering document:

Title:

Date:

xc: Jan-Eze Plating Pretreatment file

APPENDIX I

INDUSTRIAL INSPECTION REPORT

NW

NASHVILLE PUBLIC WORKS

INDUSTRIAL USER INSPECTION REPORT

Inspection Date: **Inspection Time: Start** **Finished**

I. TYPE OF INSPECTION

A. Scheduled: **Un-scheduled:** **Demand:**

II. GENERAL INFORMATION

A. Company Name:

B. Company Mailing Address:

C. Company Street Address:

D. Year Operations Began:

E. Name of Authorized Representative:

Title or Position:

Telephone Number:

F. Name of Pretreatment Contact:

Title or Position:

Telephone Number:

G. Company personnel present at Inspection:

Name:

Name:

Title:

Title:

Name:

Name:

Title:

Title:

H. Number of Employees:

Number of Shifts: Times.

Days per Week:

III. PRODUCT/SERVICE INFORMATION

A. Description of primary manufacturing or service activities:

B. Principal raw material used:

C. Principle products produced:

D. List all processes occurring at the facility:

IV. WATER SOURCE INFORMATION

A. Water Supply From Where?

Public Water Supply: Account Number:

Is there a water Meter? Yes No If yes, give the name or company which
is supplying the water:

Private Well – Location:

Surface Water – Location:

B. Average Monthly Water Usage:

C. How was water usage obtained:

V. WASTEWATER INFORMATION

A. Discharge Classification:

Categorical Waste Stream

Existing or New Source:

Other:

B. Is Industrial User on Production Based Standards? Yes No

If Yes, specify Annual Production Rates:

C. Sampling Information:

Number of Outfall(s):

Describe location of Outfall(s):

Are the outfall(s) representative of the operation? Yes No

Is the Combined Waste-Stream Formula Employed? Yes No

Are the Waste-Streams metered? Yes No _ If yes, describe flow metering device:

Is meter calibrated? Yes No If yes, are there records?

Are records available for the inspector? Yes No

D. Is a certified laboratory used for wastewater analyses? Yes No

If yes, give name and address:

VI. PRETREATMENT

A. Does IU have updated pretreatment technology? Yes No

B. Does the IU require a licensed operator for it's pretreatment system?
Yes No If yes, give classification and number:

C. Is the IU operating under a compliance schedule to install pretreatment technology or otherwise attain compliance with applicable standards?
Yes No If yes, describe:

D. Does the IU generate any sludge or residuals as a result of its operations? Yes _No If yes, describe:

F. Are waste manifest available? Yes No

VI. WASTE GENERATED/ACCIDENTAL SPILL PREVENTION

A. Does the IU generate waste process material such as spent solvents, acids, oils, etc? Yes No If yes, classification of the waste:

B. Does the IU have a designated or centralized area for the storage of hazardous waste? Yes No If yes, describe the location:

Is this area located near a sanitary sewer drain? Yes No

Is the material which is stored, protected by any type of containment structure? Yes No If yes, describe:

C. Does the IU generate any residuals, (scrap metal, paper products, etc) as a result of it's operation? Yes No If yes, describe:

How is the waste product disposed of?

D. Does the IU have an Accidental Spill Prevention Plan? Yes No

Date plan became effective: Date revised:

E. Does the IU have spill notification procedures posted? Yes No

Located where:

F. Does the IU follow ASP procedures during an accidental spill event? Yes No

G. Date of last accidental spill event?

Describe?

- H. Does the IU keep records of accidental spill events? Yes No
- I. Has the IU submitted MSDS on all products used within the facility?
Yes No
- J. Are these products identified within the ASP? Yes No

IX. SLUG CONTROL

- A. Does the IU have a Slug Control Plan? Yes No
- If yes, is a copy of the IU's slug control plan on file with the POTW?
Yes No
- B. Date slug control plan was submitted:
- C. Does the IU's slug control plan address the following:
1. Has the industrial user ever been responsible for accidental discharges that affected the POTW?
 - a. If so, what was the outcome?
 - b. What measures have been taken to prevent occurrence?
 - c. Were the discharges properly reported to the POTW?
Yes No
 2. Has the industry's treatment process been reliable? Yes No
 3. Are they able to maintain compliance on a consistent basis?
Yes No
 4. Is their treatment subject to frequent overloads due to inadequate sizing or highly variable production? Yes No

5. Have procedures at the industry made it necessary to bypass treatment at any time? Yes No

6. Procedures to prevent adverse impact from accidental spills, which include the following:

a. Are bulk chemicals stored in areas where they could possibly enter the collection system? Yes No

b. Are there open floor drains in the storage areas? Yes No

c. Do material handling and transfer procedures make an accidental discharge possible? Yes No

d. How are wastes conveyed to the treatment system?

e. Is it possible for foreign wastes to accidentally enter a treatment unit and upset the system? Yes No

f. For industries that have segregated waste-streams requiring separate treatment technology, what steps are taken to keep those waste-streams from accidentally commingling?

D. Inspection observations or process areas including pretreatment systems:

1. Cleanliness: Good Fair Poor

2. Containment structures: Good Fair Poor

3. Storage areas: Good Fair Poor

4. Chance of Slug Potential: Good Fair Poor

Comments:

E. Does the IU need a slug control plan? Yes No

F. Date of Last Slug Control Questionnaire:

X. POLLUTION PREVENTION

A. Have any changes been made to reduce or eliminate any wastewater discharge? Yes No If yes, describe:

B. List all operations that are currently considered closed looped systems?

- C. Have any operating procedures been improved? Yes No If yes, describe:
- D. Is the IU aware of the concept of Best Management Practices? Yes No
- E. Has the IU been given a Best Management Plan? Yes No
- F. Has your company inherited pollution prevention practice' such as production modifications, operational changes, material substitutions, water conservation and other such measures? Yes No If yes, describe them:
- G. Has the Pretreatment Inspector explain the concept of Best Management Plan and Preventive Maintenance to the company contact? Yes No

XI. INSPECTOR'S COMMENTS

- A. Describe all deficiencies noted during the inspection:
- B. Describe all recommendations made during the inspection:
- C. Inspectors Signature: _____
Ed Carlyle, Jr.
Title: Pretreatment Coordinator
Date:

APPENDIX J

CHAIN OF CUSTODY DOCUMENT

APPENDIX K

ASSESSMENT OF NEED FOR TECHNICALLY BASED LOCAL LIMITS



2114 East Matthews Avenue
Jonesboro, Arkansas 72401
870-972-5316
Fax 870-932-0432

April 6, 2010

Ed Carlyle, Pretreatment Coordinator
Nashville Public Works
426 North Main
Nashville, AR 71852

RE: Pretreatment Program
Technical Based Local Limits

Dear Mr. Carlyle

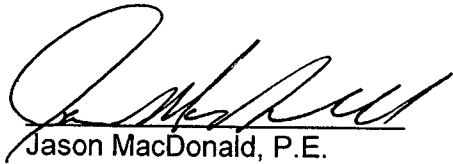
Enclosed are copies of tables that were used to evaluate the need for technical based local limits. The results from the calculations and the data received by the City are as follows:

- 1) Table 1, 2, and 3 show the influent, the effluent, and removal efficiencies of the plant. As shown in Table 3 the EPA default values were used for all parameters except Copper, Lead, Mercury, Nickel, and Zinc. Most pollutants of concern were below the detectable levels.
- 2) Table 4 shows the domestic loadings based on current average day flow for non industrial user. The domestic flow was found to be 1.65 MGD. EPA default values were not used.
- 3) Table 5 shows the summary and Maximum Allowable Head Load Calculations. Also, shown is the Maximum Allowable industrial Loading (MAIL) and the Maximum Allowable Head Load Concentrations. A 10% factor of Safety was used in determining the MAIL. The TBLL column shows the Technical Based Local Limits (TBLL) concentration level for the one industry remaining in the City of Nashville. The TBLL are based on a average day flow of 21,000 gallons.
- 4) By comparing the known SIU's aggregate loadings to the MAIL in Table 5 local limits may not be necessary at this time. However Copper, Mercury, Silver, and Zinc need further investigation to be proactive against future problems.
- 5) Mercury samples were above the detection levels for the newer data submitted by the City with the stricter testing from the lab. In the month of June 2008 there appears to be a spike in Mercury but all data submitted for the rest of 2008, 2009, and 2010 do not show another spike. This was treated as an outlier in data but should be closely monitored. All Mercury that showed up was found in the domestic samples. Further investigation may be needed by sampling non industrial commercial users to see what pollutants and processes they may be handling.
- 6) Copper exceeded the MAHC only in one short period of data in June 2008 and can be explained as an outlier. Zinc data showed a onetime high concentration level of the influent versus the MAHC from the three years worth of data provided and could be explained as an outlier or IU's may have

had a higher discharge than what was reported. Further investigation may be needed to ensure that the one IU that is still in operation is meeting their pretreatment permit.

If you have any questions please do not hesitate to call me at (870) 972-5316 or send any written correspondence to the above referenced address. Thank you for allowing us to assist with your Technical Based Local Limits.

Sincerely,



Jason MacDonald, P.E.
Civil Engineering Associates

TABLE 1. INFLUENT

Sample #	Date	Antimony	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molybdenum	Phenols	Beryllium	Thallium
1	6/3/2008	<0.0300	<0.0040	0.0330	0.0014	<0.0002	<0.0100	<0.0020	<0.0070	0.0670	<0.0070	<0.0100	0.0015	NA	0.0290	<0.0003	<0.0400
2	6/5/2008	<0.0300	<0.0040	0.0930	0.0073	<0.0002	<0.0100	<0.0020	<0.0070	0.1500	<0.0070	<0.0100	0.0018	NA	0.0094	<0.0003	<0.0400
3	6/6/2008	<0.0300	<0.0040	0.1300	0.0076	0.0049	<0.0100	<0.0020	<0.0070	0.1500	<0.0070	<0.0100	<0.0010	NA	0.0300	<0.0003	<0.0400
4	6/7/2008	<0.0300	<0.0040	0.1300	0.0220	0.00061	0.0340	<0.0020	<0.0070	0.3300	0.0080	<0.0100	0.0044	NA	0.0260	0.0003	<0.0400
5	6/8/2008	<0.0300	<0.0040	0.1600	0.0150	0.00033	<0.0100	<0.0020	<0.0070	0.1200	0.0085	<0.0100	0.0017	NA	0.1400	<0.0003	<0.0400
6	6/10/2008	<0.0300	<0.0040	0.0190	0.0055	<0.0002	<0.0400	<0.0020	<0.0070	0.0900	<0.0070	<0.0100	<0.0010	NA	0.0180	<0.0003	<0.0400
7	1/28/2008	<0.0010	<0.0010	0.0215	0.0011	<0.000015	0.0493	<0.0020	<0.0010	0.4590	0.0229	<0.0100	<0.0020	<0.003	0.0731	<0.001	<0.001
8	4/14/2008	<0.0020	<0.0010	0.0054	0.0011	<0.000015	0.1620	<0.0020	<0.0010	0.0738	0.0939	<0.0100	<0.0020	<0.003	0.0176	<0.001	<0.001
9	7/16/2018	<0.0020	<0.0005	0.0144	0.0005	0.00000153	0.0073	0.002115	0.00093	0.0498	0.00896	<0.0100	0.0016	<0.003	0.0418	<0.0005	0.0498
10	11/8/2008	<0.0020	<0.0005		0.0046	<0.00015	0.0120	<0.0020	0.00027	0.1910	0.0086	<0.0100	0.0054			<0.0005	<0.0005
11	2/10/2009	<0.0020	<0.0005	0.0190	0.0012	<0.00015	0.0121	<0.0020	0.00019	0.0987		<0.0100	<0.0005	<0.005	0.0232	0.00015	<0.0005
12	5/19/2009	<0.0020	<0.0010	0.0184	0.0019		0.0141	<0.0020	0.00025	0.0528	0.0224	<0.0100	0.00102	<0.0003	0.0341	<0.001	<0.001
13	1/4/2010	<0.0300	<0.0040	0.0180	0.0042	0.000019	<0.0100	<0.0020	<0.0070	0.0710	0.0200	<0.0100	0.0011	NA	0.0500	<0.00030	<0.0400
14	1/5/2010	<0.0300	<0.0040	0.0220	0.0036	0.000031	0.0200	<0.0020	<0.0070	0.0870	0.0180	<0.0100	0.0015	NA	0.0620	<0.00030	<0.0400
15	1/6/2010	<0.0300	<0.0040	0.0180	0.0030	0.000016	0.0140	<0.0020	<0.0070	0.0800	0.0210	<0.0100	0.0015	NA	0.0800	<0.00030	<0.0400
16	1/7/2010	<0.0300	<0.0040	0.0260	0.0022	0.000012	0.0300	<0.0020	<0.0070	0.1400	0.0170	<0.0100	<0.0010	NA	0.0220	<0.00030	<0.0400
17	1/8/2010	<0.0300	<0.0040	0.0240	0.0019	0.000011	0.0240	<0.0020	<0.0070	0.1100	0.0090	<0.0100	<0.0010	NA	0.0240	<0.00030	<0.0400
Detection Level		0.0300	0.0040	0.0060	0.0010	0.0002	0.0100	0.0020	0.0070	0.0020	0.0070	0.0100	0.0010	NA	0.0050	0.0003	0.0400
Average		0.0300	0.0040	0.0470	0.0049	0.0007	0.0344	0.0020	0.0003	0.1365	0.0209	0.0100	0.0021	NA	0.0425	0.0003	0.0400
Maximum		0.0300	0.0040	0.1600	0.0220	0.0049	0.1620	0.0020	0.0070	0.3300	0.0939	0.0100	0.0054	NA	0.1400	0.0003	0.0400
>Detection Level		no	no	yes	yes	yes	yes	no	no	yes	yes	no	yes	no	yes	no	no

TABLE 2. EFFLUENT

Sample #	Date	Antimony	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molybdenum	Phenols	Beryllium	Thallium
1	6/10/2008	<0.0300	<0.0040	<0.0060	<0.0050	<0.0002	<0.0400	<0.0020	<0.0070	0.0120	<0.0100	<0.0100	0.0013	NA	<0.0050	N/A	<0.04
2	6/12/2008	<0.0300	<0.0040	0.0070	<0.0010	<0.0002	0.0230	<0.0020	<0.0070	0.0280	<0.0070	<0.0100	0.0013	NA	0.0550	<0.0003	<0.04
3	6/12/2008	<0.0300	<0.0040	<0.0060	<0.0010	<0.0002	0.0200	<0.0020	<0.0070	0.0200	<0.0070	<0.0100	0.0014	NA	0.0370	<0.0003	<0.04
4	6/17/2008	<0.0300	<0.0040	<0.0060	<0.0010	<0.0002	0.0190	<0.0020	<0.0070	0.0200	<0.0070	<0.0100	0.0013	NA	<0.0050	<0.0003	<0.04
5	6/17/2008	<0.0300	<0.0040	<0.0060	<0.0010	<0.0002	0.0190	<0.0020	<0.0070	0.0190	<0.0070	<0.0100	0.0014	NA	0.0220	<0.0003	<0.04
6	6/17/2008	<0.0300	<0.0040	<0.0060	<0.0010	<0.0002	0.0180	<0.0020	<0.0070	0.0190	<0.0070	<0.0100	0.0014	NA	<0.0050	<0.0003	<0.04
7	1/29/2008	<0.0010	<0.0010	0.0043	<0.001	<0.00015	0.0304	<0.002	<0.001	0.0115	0.000312	<0.0100	<0.002	<0.003	0.0136	<0.001	<0.001
8	11/17/2008	<0.0020	<0.0005	0.0118	0.0007	0.000023		0.00309	0.0002	0.0246	0.00171	0.00805	0.00187	0.0178	<0.005	0.00019	0.00076
9	4/21/2008	<0.0020	<0.0005	0.0025	<0.0005	0.00000803	0.0157	<0.002	<0.0005	<0.005	0.00411	0.007	0.00104	<0.003	0.0738	<0.0005	<0.0005
10	8/1/2008	<0.0020	<0.0005	0.0021	<0.0005	0.0000295	0.0140	<0.002	<0.0005	0.0127	0.00056	<0.0100	0.00106	<0.003	0.0073	<0.0005	<0.0005
11	1/11/2010	<0.0300	<0.0040	<0.0060	<0.0010	0.000012	0.0160	<0.0020	<0.0070	0.0120	<0.0070	<0.0100	<0.0010	NA	<0.0050	<0.0003	<0.0400
12	1/12/2010	<0.0300	<0.0040	<0.0060	<0.0010	0.0000045	0.0150	<0.0020	<0.0070	0.0110	<0.0070	<0.0100	<0.0010	NA	<0.0050	<0.0003	<0.0400
13	1/14/2010	<0.0300	<0.0040	<0.0060	<0.0010	0.000014	0.0160	<0.0020	<0.0070	0.0073	<0.0070	<0.0100	<0.0010	NA	<0.0050	<0.0003	<0.0400
14	1/14/2010	<0.0300	<0.0040	<0.0060	<0.0010	0.0000056	0.0160	<0.0020	<0.0070	0.0080	<0.0070	<0.0100	<0.0010	NA	0.0082	<0.0003	<0.0400
15	1/19/2010	<0.0300	<0.0040	<0.0060	<0.0010	0.0000036	0.0140	<0.0020	<0.0070	0.0076	<0.0070	<0.0100	<0.0010	NA	0.012	<0.0003	<0.0400
16	1/25/2010	<0.0300	<0.0040	<0.0060	0.0015	0.0000029	0.0170	<0.0020	<0.0070	0.0150	<0.0070	<0.0100	<0.0010	NA	0.0082	<0.0003	<0.0400
Detection Level		0.0300	0.0040	0.0060	0.0010	0.0002	0.0100	0.0020	0.0070	0.0020	0.0070	0.0100	0.0010	NA	0.0050	0.0003	0.0400
Average		0.0300	0.0040	0.0055	0.0010	0.000011	0.0175	0.0020	0.0070	0.0152	0.0070	0.0100	0.0013	NA	0.0263	0.0003	0.0400
Maximum		0.0300	0.0040	0.0070	0.0015	0.0002	0.0304	0.0020	0.0070	0.0280	0.0070	0.0100	0.0018	NA	0.0738	0.0003	0.0400
>Detection Level		no	no	yes	yes	no		no	no	yes	no	no	yes	no	yes	no	no

TABLE 3. REMOVAL EFFICIENCY

	Antimony	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molybdenum	Phenols	Beryllium	Thallium
Calculated			88	80	98	49			89	67		37		38		
EPA %		67	86	61	60	42	50	75	79	82	69	45		90		
* Indicates EPA % used		*					*	*		*	*	*		*		

Table 4. Domestic Loading and Sampling Information.

	EPA, P3-59 mg/l	Avg Reported mg/l	Loading lbs/day
Antimony			
Cadmium	0.0030	0.0040	0.0550
Copper	0.0601	0.0280	0.3846
Lead	0.0490	0.0028	0.0385
Mercury	0.0003	0.0000	0.0002
Nickel	0.0210	0.0100	0.1376
Selenium		0.0000	0.0000
Silver	0.0050	0.0000	0.0000
Zinc	0.1750	0.1010	1.3899
Chromium	0.0050	0.0070	0.0963
Cyanide	0.0410	0.0500	0.6881
Arsenic	0.0030	0.0000	0.0000
Molybdenum			0.0000
Phenols		0.0347	0.4777
Beryllium		0.0003	0.0041
Thallium		0.0400	0.5504

Domestic Avg Flow = 1.65

Sample #	Date	Antimony	Cadmium	Copper	Lead	Mercury	Nickel	Selenium	Silver	Zinc	Chromium	Cyanide	Arsenic	Molybdenum	Phenols	Beryllium	Thallium
1	6/19/2008	<0.0300	<0.0040	0.0150	0.0011	<0.0002	<0.0100	<0.0020	<0.0070	0.0570	<0.0070	<0.0100	<0.0010	NA	0.0120	<0.0003	<0.0400
2	6/19/2008	<0.0300	<0.0040	0.0340	0.0043	<0.0002	<0.0100	<0.0020	<0.0070	0.2000	<0.0070	0.1700	<0.0010	NA	0.0830	<0.0003	<0.0400
3	6/25/2008	<0.0300	<0.0040	<0.0060	<0.0010	<0.0002	<0.0100	<0.0020	<0.0070	0.0360	<0.0070	<0.0100	<0.0010	NA	0.0280	<0.0003	<0.0400
4	6/25/2008	<0.0300	<0.0040	0.0097	<0.0010	<0.0002	<0.0100	<0.0020	<0.0070	0.0850	<0.0070	<0.0100	<0.0010	NA	0.0660	<0.0003	<0.0400
5	1/22/2010	<0.0300	<0.0040	0.0380	0.0028	0.000007	<0.0100	<0.0020	<0.0070	0.1700	<0.0070	<0.0100	<0.0010	NA	0.0220	<0.0003	<0.0400
6	1/25/2010	<0.0300	<0.0040	0.0620	0.003	0.000018	<0.0100	<0.0020	<0.0070	0.1400	<0.0070	<0.0100	<0.0010	NA	0.0220	<0.0003	<0.0400
7	1/20/2010	<0.0300	<0.0040	0.0500	<0.001	0.000012	<0.0100	<0.0020	<0.0070	0.0650	<0.0070	<0.0100	<0.0010	NA	0.0100	<0.0003	<0.0400
8	1/21/2010	<0.0300	<0.0040	0.0089	0.0028	0.00001	<0.0100	<0.0020	<0.0070	0.0550	<0.0070	<0.0100	<0.001	NA	<0.0050	<0.0003	<0.0400
Detection Level		0.0300	0.0040	0.0060	0.0010	0.0002	0.0100	0.0020	0.0070	0.0020	0.0070	0.0100	0.0010	NA	0.0050	0.0003	0.0400
Average		0.0300	0.0040	0.0280	0.0028	0.000012	0.0100			0.1010	0.0070	0.0500		NA	0.0347	0.0003	0.0400
Maximum				0.0620	0.0043	0.000018				0.2000	0.0700	0.1700		NA	0.0660		
>Detection Level		no	no	yes	yes	yes	yes	no	no	yes	yes	no	yes	no	yes	no	no

Table 5. Maximum Allowable Head Load Calculations

Pollutant	% REM	Water Quality mg/l	Water Quality * lbs/day	Sludge mg/kg	Sludge + lbs/day	Inhibitor ** mg/l	Inhibition ++ lbs/day	MAHL lbs/day	MAHC^^ mg/l	Domestic lbs/day	Allocation for % SF lbs/day^	MAIL lbs/day	MAIL mg/l	TBLL mg/l	Max Influent vs MAHC	Max Effluent vs WQS (mg/l)
Antimony	0		0				0.00	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	NO	NO
Cadmium	67	0.0026	0.1097	85	0	1.00	13.93	0.1097	0.0079	0.0550	0.0988	0.0437	0.0031	0.2496	NO	NO
Copper	88	0.0149	1.7294	4300	0	1.00	13.93	1.7294	0.1242	0.3846	1.5564	1.1718	0.0841	6.6907	0.0358	NO
Lead	80	0.0059	0.4109	840	0	1.00	13.93	0.4109	0.0295	0.0385	0.3698	0.3313	0.0238	1.8914	NO	NO
Mercury	98	0.0000	0.0139	57	0	0.10	1.39	0.0139	0.0010	0.0002	0.0125	0.0124	0.0009	0.0706	0.0039	0.0002
Nickel	49	0.1688	4.6098	420	0	1.00	13.93	4.6098	0.3310	0.1376	4.1488	4.0112	0.2880	22.9030	NO	NO
Selenium	50	0.0072	0.2006	100	0	0.20	2.79	0.2006	0.0144	0.0000	0.1805	0.1805	0.0130	1.0306	NO	NO
Silver	75	0.0015	0.0836			0.25	3.48	0.0836	0.0060	0.0000	0.0752	0.0752	0.0054	0.4294	0.001	YES
Zinc	89	0.1317	16.6754	7500	0	0.30	4.18	4.1800	0.3001	1.3899	3.7620	2.3721	0.1703	13.5442	0.1589	NO
Chromium	82	0.4674	36.1659	3000	0	1.00	13.93	13.9300	1.0002	0.0963	12.5370	12.4407	0.8932	71.0327	NO	NO
Cyanide	69	0.0074	0.3325			0.10	1.39	0.3325	0.0239	0.6881	0.2992	-0.3888	-0.0279	-2.2201	NO	NO
Arsenic	45	2.2400	56.7241	75	0	0.10	1.39	1.3900	0.0998	0.0000	1.2510	1.2510	0.0898	7.1429	NO	NO
Molybdenum			0.0000	75	0	0.20	2.79	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	NO	NO
Phenols	90		0.0000					0.0000	0.0000	0.4777	0.0000	-0.4777	-0.0343	-2.7276	NO	NO
Beryllium	0		0.0000					0.0000	0.0000	0.0041	0.0000	-0.0041	-0.0003	-0.0236	NO	NO
Thallium	0		0.0000					0.0000	0.0000	0.5504	0.0000	-0.5504	-0.0395	-3.1429	NO	NO

Dry tons/day of sludge Safety Factor 0.1
 MAHL= Maximum Allowable Head Load
 MAHC=Maximum Allowable Head Calculation
 MAIL= Maximum Allowable Industrial Loading

Avg Flow= 1.67 MGD
 IU Avg Flow= 0.021 MGD



Report Date: 11/28/2008 Printed: 02/05/2009 Page 1 of 3

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account **NASH-L** Project **421397**

Sample 051927

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Boite
051927	NASVTBIII4QEFF08	Comp: 11/17 0800 - 11/18 0800		Received: 11/19/2008			
	Liquid Aqueous Composite Stop 0800	11/18/08	Collected by: Ed Carlyle Jr	Affiliation: City of Nashville			0800
EPA 200.8, Rev. 5.4							
AN	Antimony	ND	ug/L	2.00		7440-36-0	297729
AN	Arsenic	1.87	ug/L	2.00	J	7440-38-2	02
AN	Beryllium	0.190	ug/L	1.00	J	7440-41-7	02
AN	Cadmium	ND	ug/L	0.500		7440-43-9	02
AN	Chromium	1.71	ug/L	1.00		7440-47-3	02
AN	Copper	11.8	ug/L	1.00		7440-50-8	02
AN	Lead	0.690	ug/L	1.00	J	7439-92-1	02
AN	Molybdenum	17.8	ug/L	3.00		7439-98-7	02
AN	Nickel	21.1	ug/L	1.00		7440-02-0	02
AN	Selenium	3.89	ug/L	2.00		7782-49-2	02
AN	Thallium	0.760	ug/L	1.00	J	7440-28-0	02
AN	Zinc	24.6	ug/L	5.00		7440-66-6	02
EPA 200.8, Rev. 5.4							
AN	Silver	0.200	ug/L	1.00	J	7440-22-4	03
EPA 245.7							
	Mercury (low level)	0.00223	ug/L	0.00500	J	7439-97-6	04

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation for Sample 051927

051927 NASVTBIII4QEFF08 Comp: 11/17 0800 - 11/18 0800 Received: 11/19/2008
11/18/08

NPDES REQUIREMENT

TABLE III EFFLUENT

EPA 200.2, Rev 2.8

FOURTH QUARTER

ISO-17025 # 0637-01



2007 Seal of Excellence



Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75642
 Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

Report Date: 11/28/2008 Printed: [unclear]

Ed Carlyle
 City of Nashville
 426 N. Main St.
 Nashville, AR 71852

Account
NASH-L

Results

Method	Parameter	Results	Units	RL	Flags	Lab
051928	NASVTBIHCN/PHE/EFF08(1,2,3,4)	4 Part Grab				
Liquid Aqueous						
Sample 1: Date 11/17/08 Time 0800 Tech EC CNa, Pms						
Sample 2: Date 11/17/08 Time 1500 Tech EC CNa, Pms						
Sample 3: Date 11/17/08 Time 2200 Tech EC CNa, Pms						
Sample 4: Date 11/18/08 Time 0600 Tech EC CNa, Pms						
Composite in lab						
AO Requirement						
EPA 420.1 (1978)						
AN	Phenols	ND	ug/L	5.00		QCgroup
SM 4500 CN E 20th Ed						
AN	Cyanide	8.05	ug/L	5.00		QCgroup
SM 4500-CN E, 20th Ed						
	Cyanide in ug/calculation	8.05	ug/L	5.00		QCgroup

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation for Sample 051928

Method	Parameter	Results	Units	RL	Flags	Lab
051928	NASVTBIHCN/PHE/EFF08(1,2,3,4)	4 Part Grab				
Received: 11/19/2008						
Composite Sample						
	Composite Sample	Composited	8 Bottles	1830		QCgroup 297575
EPA 420.1 (1978)						
AN	Phenol Distillation	50/50	ml	1400		QCgroup 298092
SM 4500-CN-C, 20th						
AN	Cyanide Distillation	25/50	ml	1120		QCgroup 297641
						07

Corporate Shipping: 2600 Dudley Rd. Kilgore, TX 75642

Ark-La-Miss Region: 3100 Knight Street #2 Shreveport LA 71105



NELAP-accredited #T104704201-08-TX

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LDSCHest v1.0.1.203

www.ana-lab.com

Form rptPROJRES Created 10/13/2004 v1.2

Report to:

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account
NASH-L

Project
407886

NPDES Permit - 3rd Quarter

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	QCgroup	Bottle
023129	NASHVTBIHAPD3Q08	Effluent PHE, CN						
	Liquid Aqueous	Composite Stop 02:00	7/29/08	Collected by: Client	Affiliation: City of Nashville			Received: 08/01/2008 02:00
EPA 420.1 (1978)								
AN	Phenols	7.30	ug/L	5.00	D	1130	QCgroup	283722 05
SM 4500 CN E 20th Ed								
AN	Cyanide	ND	ug/L	5.00		0305	QCgroup	283218 03

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	QCgroup	Bottle
023130	NASHVTBIHAPD3Q08	EFF MET						
	Liquid Aqueous	Composite Stop 08:00	7/29/08	Collected by: Client	Affiliation: City of Nashville			Received: 08/01/2008 08:00
EPA 200.8, Rev. 5.4								
AN	Antimony	ND	ug/L	2.00		7440-36-0	QCgroup	283088 02
AN	Arsenic	1.06	ug/L	2.00	J	7440-38-2		02
AN	Beryllium	ND	ug/L	0.500		7440-41-7		02
AN	Cadmium	ND	ug/L	0.500		7440-43-9		02
AN	Chromium	0.560	ug/L	1.00	J	7440-47-3		02
AN	Copper	2.14	ug/L	1.00		7440-50-8		02
AN	Lead	ND	ug/L	0.500		7439-92-1		02
AN	Molybdenum	ND	ug/L	3.00		7439-98-7		02
AN	Nickel	14.0	ug/L	1.00		7440-02-0		02
AN	Selenium	ND	ug/L	2.00		7782-49-2		02
AN	Silver	ND	ug/L	0.500		7440-22-4		02
AN	Thallium	ND	ug/L	0.500		7440-28-0		02
AN	Zinc	12.7	ug/L	5.00		7440-66-6		02
EPA 245.7								
	Mercury (low level)	0.0295	ug/L	0.00500		7439-97-6	QCgroup	283669 04

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

NPDES REQUIREMENT

TABLE III EFFLUENT

THIRD QUARTER 2008 MEMBER

ISO-17025 # 0637-01

NELAP-accredited #T104704201-08-TX

2007 Seal of Excellence



Ana-Lab WebLDS

Client NASH

City of Nashville
Ed Carlyle

Project 433285
Sample 080257

Default 433285
NASHVTBIIEFFMT1Q09

COMP: 03/02 0800 - 2300

3/2/2009

EFFLUENT

Email

All Results Open Prep No Prep

Filter

Parameter	Test Name	Results	Units	Flags	RL	Class	Method	Verified	Fee	History
*SbM	Antimony	ND	ug/L		2.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*AsM	Arsenic	1.39	ug/L	J	2.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*BeM	Beryllium	ND	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*CdM	Cadmium	ND	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*CrM	Chromium	5.70	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*CuM	Copper	12.1	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*PbM	Lead	0.700	ug/L	J	1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*Hg	Mercury	0.410	ug/L		0.150	M	EPA 245.1, Rev. 3.0	Y	20.00	EFFLUENT
*NiM	Nickel	41.4	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT

*SeM	Selenium	1.04	ug/L	J	2.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*AgM	Silver	0.110	ug/L	J	1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*TIM	Thallium	ND	ug/L		1.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
*ZnM	Zinc	50.0	ug/L		5.00	M	EPA 200.8, Rev. 5.4	Y	13.00	EFFLUENT
301L	Liquid Metals Digestion	50/50	ml			M	EPA 200.2, Rev 2.8	Y	16.00	EFFLUENT
747L	Mercury Liquid Metals Digestion	50/25	ml			M	EPA 245.1, Rev. 3.0	Y	16.00	EFFLUENT
pHB	Bottle pH	<2	SU			A		Y	0.00	EFFLUENT

Pending QC Review QC Verified

Thank you for choosing Ana-Lab Quality! Bill Peery





Ana-Lab WebLDS

Client NASH
Sample 080261

City of Nashville
Project 433285 Default 433285
NASHVTBIIIIEFF1Q09
3/4/2009 EFFLUENT
Email

Ed Carlyle
Comp: 3-2 0800 to 2300

All Results Open Prep No Prep

Filter

Parameter	Test Name	Results	Units	Flags	RL	Class	Method	Verified	Fee	History
CNa	Cyanide	ND	mg/L		0.00500	W	SM 4500 CNE 20th Ed	Y	36.00	EFFLUENT
mix	Composite Sample	composited	4 bottles			W	Composite Sample	Y	8.00	EFFLUENT
CNDL	Cyanide Distillation	25/50	ml			W	SM 4500- CN- C, 20th	Y	0.00	EFFLUENT

Pending QC Review QC Verified

Thank you for choosing Ana-Lab Quality! Bill Peery



Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

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NELAP-accredited #02008



Printed: 02/05/2008 Page 1 of 2

Project 386243

Report For

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852

Results for Client NASH

Parameter	Results	Units	RL	Flags	CAS	Bottle
NASHVTBIIPBE/CNINF Grab	4 Prt Grb: 1/28 0800-1/29 0200					Received: 01/31/2008
Liquid Aqueous	Collected by: Ed Carlyle Jr	Affiliator:	City of Nashville			01/29/2008 0200
Sample 1: Date 1/28/08 Time 0800 Tech EC CNa, Phna						
Sample 2: Date 1/28/08 Time 1400 Tech EC CNa, Phna						
Sample 3: Date 1/28/08 Time 2000 Tech EC CNa, Phna						
Sample 4: Date 1/29/08 Time 0200 Tech EC CNa, Phna						
Composite in lab						
EPA 420.1 (1978)			Analyzed: RSY 02/04/2008	1532	QCgroup	260639
AN Phenols	73.1	ug/L	5.00			12
SM 4500 CN E 20th Ed			Analyzed: RSY 02/04/2008	0518	QCgroup	260628
AN Cyanide	ND	ng/L	5.00			11
SM 4500-CN E, 20thEd			Analyzed: RSY 02/04/2008	0318	QCgroup	260628
Cyanide In ug/calculation	ND	ng/L	5.00			11

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

Parameter	Results	Units	RL	Flags	CAS	Bottle
NASHVTBIIPBE/CNINF Grab	4 Prt Grb: 1/28 0800-1/29 0200					Received: 01/31/2008
Composite Sample	Composited	8 Bottles	Analyzed: AAI 01/31/2008	2130	QCgroup	260295
EPA 420.1 (1978)			Analyzed: KLS 02/01/2008	1230	QCgroup	260404
AN Phenol Distillation	50/50	ml				01
SM 4500-CN-C, 20th			Analyzed: MDD 02/01/2008	1130	QCgroup	260395
AN Cyanide Distillation	25/50	ml				06

Corporate Shipping: 2600 Dudley Rd. Kilgore, TX 75662

Ark-La-Miss Region: 2400 Knight Street #2 Shreveport LA 71105



SO-17025 # 0637-01



NELAP-accredited #02008



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Ana-Lab Corp. P.O. Box 9000 Killebrew, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

NELAP-accredited #02008



Printed: 02/07/2008 Page 1 of 2

Project 386242

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results for Client NASH

Parameter	Results	Units	RL	Flags	CAS	Bottle
Influent Table III Comp Comp: 1/28 0800 - 1/29 0800 Received: 01/31/2008						
Liquid Aqueous	Composic Stop 0800	1/29/08	Collected by: Ed Carlyle Jr	Affiliation:	City of Nashville	
<i>EPA 200.8, Rev. 5.4</i> Analyzed: HVM 02/01/2008 1628 QCgroup 260484						
AN Antimony	ND	ug/L	1.00		7440-36-0	02
AN Arsenic	ND	ug/L	2.00		7440-38-2	02
AN Beryllium	ND	ug/L	1.00		7440-41-7	02
AN Cadmium	ND	ug/L	1.00		7440-43-9	02
AN Chromium	22.9	ug/L	1.00		7440-47-3	02
AN Copper	21.5	ug/L	1.00		7440-50-8	02
AN Lead	1.08	ug/L	1.00		7439-92-1	02
AN Molybdenum	ND	ug/L	3.00		7439-98-7	02
AN Nickel	49.3	ug/L	1.00		7440-02-0	02
AN Selenium	ND	ug/L	2.00		7782-49-2	02
AN Silver	ND	ug/L	1.00		7440-22-4	02
AN Thallium	ND	ug/L	1.00		7440-28-0	02
AN Zinc	459	ug/L	5.00		7440-66-6	02

<i>EPA 245.1, Rev. 3.0</i> Analyzed: HVM 02/01/2008 1347 QCgroup 260443						
AN Mercury	ND	ug/L	0.150		7439-97-6	03

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

Influent Table III Comp Comp: 1/28 0800 - 1/29 0800 Received: 01/31/2008						
1/29/08						
Bottle pH	<	SU		Analyzed: AAJ 01/31/2008	2159	01
Fax this report to client	FAXED			Analyzed: LLC 02/07/2008	09:20	
<i>EPA 200.2, Rev 2.8</i> Analyzed: WOB 02/01/2008 0746 QCgroup 260324						
AN Liquid Metals Digestion	50/50	ml				01
<i>EPA 245.1, Rev. 3.0</i> Analyzed: PJD 02/01/2008 0900 QCgroup 260357						
AN Mercury Liquid Metals Digestion	50/50	ml				01

TABLE III
FIRST QUARTER 2008
INFLUENT



SO-17025 # 0637-01

DSC Item v2.0.13 08/02/2007

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Form rprQJRES Created 10/13/2004 v1.2



Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663
Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

LELAP-accredited #02008

Report Date: 04/21/2008 Printed: 06/19/2008 Page 1 of 4

Account
NASH-L

Project
395180

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Ref
996124	NASHVAOAPRO8INF	Comp: 4/14 0800 - 4/15 0800		Received: 04/16/2008			
Liquid Aqueous	Composite Stop 08:00	4/15/08	Collected by: Ed Carlyle	Affiliation:	City of Nashville		
EPA 200.8, Rev. 5.4							
AN	Chromium	.151	mg/L	1.00		7440-47-3	02
AN	Nickel	20.4	mg/L	1.00		7440-02-0	02

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Ref
996127	NASHVCN2QE2FF	Grab (instant) NPDES PERMIT EFF		Received: 04/16/2008			
Liquid Aqueous	Composite Stop 08:00	4/15/08	Collected by: Ed Carlyle	Affiliation:	City of Nashville		
EPA 4500-CN E, 20th Ed							
AN	Cyanide	ND	mg/L	5.00			02
EPA 4600-CN E, 20th Ed							
AN	Cyanide in agriculture	ND	mg/L	5.00			02

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Ref
996131	NASHAFDTB00JNF2Q	Comp: 4/14 0800 - 4/15 0800		Received: 04/16/2008			
Liquid Aqueous	Composite Stop 08:00	4/15/08	Collected by: Ed Carlyle	Affiliation:	City of Nashville		
EPA 200.8, Rev. 5.4							
AN	Antimony	ND	mg/L	2.00		2440-36-0	03
AN	Arsenic	ND	mg/L	2.00		7440-38-2	03
AN	Beryllium	ND	mg/L	1.00		7440-41-7	03
AN	Cadmium	ND	mg/L	1.00		7440-43-9	03
AN	Chromium	93.0	mg/L	1.00		7440-47-3	03
AN	Copper	6.58	mg/L	1.00		7440-50-8	03
AN	Lead	1.09	mg/L	1.00		7439-97-1	03
AN	Molybdenum	ND	mg/L	3.00		7439-98-7	03
AN	Nickel	14.2	mg/L	1.00		7440-02-0	03
AN	Selenium	ND	mg/L	2.00		7782-49-2	03
AN	Silver	ND	mg/L	1.00		7440-22-4	03
AN	Thallium	ND	mg/L	1.00		7440-28-0	03
AN	Zinc	73.8	mg/L	5.00		7440-66-6	03

Accredited	Parameter	Results	Units	RL	Flags	CAS	Ref
AN	Mercury	ND	mg/L	0.150		7439-97-6	02

NPDES REQUIREMENT
TABLE INFLUENCE
SECOND QUARTER
2008



Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

LELAP-accredited #02008

Report Date: 04/21/2008 Printed: 06/18/2008 Page 2 of 4

Account **NASH-L** Project **395180**

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
------------	-----------	---------	-------	----	-------	-----	--------

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

996134 **NASHVTBIICN/PHEN2QINF 1,2,3 4** Received: 04/16/2008

Liquid Aqueous Collected by: Client Affiliation: City of Nashville Date: 04/15/2008 Time: 02:00
 Sample 1: 4/14 0800
 Sample 2: 4/14 1400
 Sample 3: 4/14 2000
 Sample 4: 4/15 0200
 4 bottles for CN
 4 bottles for Phen

AN	Parameter	Results	Units	RL	Flags	CAS	Bottle
	EPA 400.1 (1978) Phenols	17.6	mg/L	5.00		1435	QCgroup 269723 14
	SM 4500 CN E 2um iso Cyanide	ND	mg/L	5.00		1057	QCgroup 269303 13
	SM 4500 CN E, 20th ed Cyanide in upcalculation	ND	mg/L	5.00		1057	QCgroup 269508 13

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

996124 **NASHVAOAPRO6INF** Comp: 4/14 0800 - 4/15 0800 Received: 04/16/2008
 4/15/08

z	Parameter	Results	Units	RL	Flags	CAS	Bottle
	Bottle pH	<2				19.36	01
AN	EPA 200.2, Rev 2.8 Liquid Metals Digestion	25/30	ml			1100	OCgroup 269499 01

996127 **NASHVCN2Q6FR** Grab(instant) NPDES PERMIT EFF Received: 04/16/2008

AN	Parameter	Results	Units	RL	Flags	CAS	Bottle
	SM 4500 CN- C, 20th Cyanide Distillation	25/30	ml			0600	QCgroup 269437 01

Corporate Shipping: 2600 Dudley Rd. Kilgore, TX 75662

Ark-La-Miss Region: 2100 Knight Street #2 Shreveport LA 71105



17023 # 0637-01

NBLAP-accredited #T104704201-08-TX

2007 Seal of Excellence

Client v1.0.1.63

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Ana Lab Corp. P.O. Box 9000 Kilgore, TX 75663

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LELAP-accredited #02008

Printed: 07/30/2008 Page 1 of 3

Account: NASH-L Project: 406335

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
019899	NASHVTBIL3Q 08 INF MT	Comp: 7/16 0800 - 7/17 0800		Received: 07/18/2008			
Liquid Aqueous	Composite Stop 0800	7/17/08	Collected by: Ed Carlyle	Affiliation: City of Nashville			
EPA 200.8, Rev. 5.4		Analyzed: SAM 07/21/2008		175d	QCgroup	281377	
AN	Antimony	ND	ug/L	2.00		7440-36-0	02
AN	Beryllium	ND	ug/L	0.500	J	7440-41-7	02
AN	Cadmium	ND	ug/L	0.200		7440-42-9	02
AN	Chromium	8.96	ug/L	1.00		7440-47-3	02
AN	Copper	14.4	ug/L	1.00		7440-50-8	02
AN	Lead	ND	ug/L	0.500	J	7439-92-1	02
AN	Molybdenum	ND	ug/L	3.00		7439-98-7	02
AN	Nickel	7.28	ug/L	1.00		7440-02-0	02
AN	Selenium	2.15	ug/L	2.00		7782-49-2	02
AN	Thallium	ND	ug/L	0.500	J	7440-28-0	02
AN	Zinc	49.8	ug/L	5.00		7440-66-6	02
EPA 200.8, Rev. 5.4		Analyzed: WQB 07/23/2008		1411	QCgroup	281377	
AN	Arsenic	1.60	ug/L	2.00	J	7440-38-2	04
AN	Silver	0.930	ug/L	1.00	J	7440-22-4	04
EPA 245.7		Analyzed: SAM 07/25/2008		1157	QCgroup	281997	
	Mercury (low level)	0.0153	ug/L	0.00500		7439-97-6	05

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

019900	NASHVTBIL3Q 08 INF PHE	4 Ppt Grb: 7/16 0800-7/17 0200		Received: 07/18/2008			
Liquid Aqueous		7/17/08	Collected by: Ed Carlyle, Jr	Affiliation: City of Nashville	07/17/2008	0200	
Sample 1: Date 7/16/08 Time 0800 Tech E Carlyle PHEA Sample 2: Date 7/16/08 Time 1400 Tech E Carlyle PHEA Sample 3: Date 7/16/08 Time 2000 Tech E Carlyle PHEA Sample 4: Date 7/17/08 Time 0200 Tech E Carlyle PHEA							

EPA 420.1 (1978)		Analyzed: RSV 07/26/2008		1843	QCgroup	282087	
AN	Phenols	41.8	ug/L	5.00			02

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

019899	NASHVTBIL3Q 08 INF MT	Comp: 7/16 0800 - 7/17 0800		Received: 07/18/2008			
--------	-----------------------	-----------------------------	--	----------------------	--	--	--

NPDES REQUIREMENT

Corporate Shipping: 2600 Dudley Rd. Kilgore, TX 75662

Ark-La-Miss Region: 3100 Knight Street #2 Shreveport LA 71105

TABLE INFLUENT

ISO-17025 # 0637-01

NELAP-accredited #T104704201-08-TX

2007 Seal of Excellence

THIRD QUARTER 2008

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

LELAP-accredited #02008

Printed: 11/17/2006 Page 1 of 4

Account NASH-L

Project 420074

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71857

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
049210	NASHVTBIII4QINF1C-4C	4 Part Grab					Received: 11/07/2008
	Liquid Aqueous	Collected by: Ed Carlyle		Affiliation: City of Nashville		11/06/2008	0300
	4 Part Grab Times: 11/5(0800, 1500, 2200) 11/6(0300)						
	SM 4500 CN E 20th Ed			Analyzed: MDD 11/08/2008	0349	QCgroup	296103
AN	Cyanide	ND	mg/L	5.00			06

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
049211	NASHVTBIII4QINF Metals	Comp: 11/5 0800 - 11/6 0800					Received: 11/07/2008
	Liquid Aqueous	Composite stop 0800	11/06/08	Collected by: Ed Carlyle Jr	Affiliation: City of Nashville		0800
	EPA 200.8 Rev. 5.4			Analyzed: WOB 11/11/2008	147	QCgroup	296724
AN	Antimony	ND	ug/L	2.00		7440-26-0	02
AN	Arsenic	5.40	ug/L	2.00		7440-38-2	02
AN	Beryllium	ND	ug/L	0.500		7440-41-7	02
AN	Cadmium	ND	ug/L	0.500		7440-43-9	02
AN	Chromium	8.60	ug/L	1.00		7440-47-8	02
AN	Copper	69.8	ug/L	1.00		7440-50-8	02
AN	Lead	4.55	ug/L	1.00		7439-92-1	02
AN	Molybdenum	2.12	ug/L	3.00	J	7439-98-7	02
AN	Nickel	12.3	ug/L	1.00		7440-02-0	02
AN	Selenium	ND	ug/L	2.00		7782-49-2	02
AN	Silver	0.270	ug/L	1.00	J	7440-22-4	02
AN	Thallium	ND	ug/L	0.500		7440-29-0	02
AN	Zinc	191	ug/L	5.00		7440-66-6	02

AN	EPA 245.1, Rev. 3.0	Mercury	ND	ug/L	0.150	Analyzed: MHP 11/11/2008	0743	QCgroup	296401
							7439-97-6		03

NPDES REQUIREMENT

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
049212	NASHVTBIII4QINF1P-4P	4 Part Grab					Received: 11/07/2008
	Liquid Aqueous	Collected by: Ed Carlyle Jr		Affiliation: City of Nashville		11/06/2008	0300
	4 Part Grab Times: 11/5(0800, 1500, 2200) 11/6(0300)						
	EPA 426.1 (10/96)			Analyzed: KSV 11/13/2008	1431	QCgroup	296845
AN	Phenols	0.4	ug/L	5.00	X		09

TABLE III INFLUENT

FOURTH QUARTER

Corporate Shipping...
17025 # 0637-01
v1.0.1.192

2008
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Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

LELAP-accredited #02008

Results

Printed: 05/28/2009 Page 1 of 3

Report To

Ed Carfyle
City of Nashville
426 N. Main St.

Account
NASH-L

Project
443037

NPDES REQUIREMENT

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
102415	NASHCN/PHEZQ09YTBIII(Inf)	4 Part Grab					Received: 05/19/2009
	Liquid Aqueous	Collected by:		Affiliation:	City of Nashville		05/19/2009 02:00
	Sample 1: Date 5/18/09 Time 0800 Tech EC CNa, Pima						
	Sample 2: Date 5/18/09 Time 1400 Tech EC CNa, Pima						
	Sample 3: Date 5/18/09 Time 2000 Tech EC CNa, Pima						
	Sample 4: Date 5/19/09 Time 0200 Tech EC CNa, Pima						
	Composites in lab						
	AO Requirement						
	EPA 420.1 (1978)			Analyzed: RSP	05/22/2009	1325	QCgroup 318806
AN	Phenole	34.1	ug/L	5.00			12
	SM 4500 CN E 20th Ed			Analyzed: RSP	05/20/2009	0313	QCgroup 318490
AN	Cyanide	<5.00	ug/L	5.00			11
	SM 4500-CN E, 20th Ed			Analyzed: CAL	05/21/2009	1237	
	Cyanide in upcalculation	<5.00	ppb	5.00			

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
102416	NASHMET2Q09YTBIII(Inf)	Comp: 5/18 0800 - 5/19 0800					Received: 05/19/2009
	Liquid Aqueous	Composite Stop 08:00 5/19/09	Collected by: Client	Affiliation:	City of Nashville		08:00
	EPA 200.8, Rev. 5.4			Analyzed: WQ	05/20/2009	1320	QCgroup 318439
AN	Antimony	<2.00	ug/L	2.00		7440-36-0	02
AN	Arsenic	1.02	ug/L	2.00		7440-38-2	02
AN	Beryllium	<1.00	ug/L	1.00		7440-41-7	02
AN	Cadmium	<1.00	ug/L	1.00		7440-43-9	02
AN	Chromium	25.4	ug/L	1.00		7440-47-3	02
AN	Copper	18.4	ug/L	1.00		7440-50-8	02
AN	Lead	1.88	ug/L	1.00		7439-92-1	02
AN	Molybdenum	<2.00	ug/L	2.00		7439-98-7	02
AN	Nickel	14.1	ug/L	1.00		7440-02-0	02
AN	Selenium	<2.00	ug/L	2.00		7782-49-2	02
AN	Silver	0.250	ug/L	1.00		7440-22-4	02
AN	Thallium	<1.00	ug/L	1.00		7440-28-6	02
AN	Zinc	52.8	ug/L	5.00		7440-66-6	02

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
	EPA 248.7			Analyzed: WQ	05/27/2009	1342	QCgroup 319245
AN	Mercury (total)	2.6164	ug/L	0.0500		7489-95-6	02

TABLE III INFLUENT SECOND QUARTER

MEMBER

ISO-17020

LDSC (rev) 10/1/206

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PROJRES Created 10/1/2004-1/3

2009

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

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LEIAP-accredited #02008

Printed: 02/20/2009 Page 1 of 3

Report To

Ed Carlysle
City of Nashville
426 N. Main St
Nashville, AR 71852-

Account
NASH-L

Project
430647

Results

Accredited	Parameter	Results	Units	UL	Flags	CAS	Bottle
074058	NASHVTB111091Q1-4	4 Ppt Grb					Received: 02/10/2009
	Liquid Aqueous	Collected by: E Carlysle		Affiliation: City of Nashville		02/07/2009	06:00
	4 Part Grb Times: 2/5(0800, 1300, 2000) 2/7 0600						
	EPA 420.1 (1978)			Analyzed: RSY 02/12/2009	1348	QCgroup	307014
AN	Phenols	23.2	ug/L	5.00			11
	SM 4500 CN E 20th Ed			Analyzed: RSY 02/17/2009	0311	QCgroup	307594
AN	Cyanide	<3.00	ug/L	5.00			12

The above methods that we listed are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	UL	Flags	CAS	Bottle
074062	NASHVTB111091QM&T	Comp: 2-6 0800 TO 2-7 0800					Received: 02/10/2009
	Liquid Aqueous	Composite Stop 08:00 2/7/09		Collected by: E Carlysle	Affiliation: City of Nashville		0
	EPA 200.8, Rev. 5.4			Analyzed: WQB 02/12/2009	1648	QCgroup	308916
AN	Antimony	<2.00	ug/L	2.00		7440-36-0	02
AN	Arsenic	<0.500	ug/L	0.500		7440-39-2	02
AN	Beryllium	0.250	ug/L	1.00		7440-41-7	02
AN	Cadmium	<0.500	ug/L	0.500		7440-43-9	02
AN	Chromium	4.94	ug/L	1.00		7440-47-3	02
AN	Copper	19.8	ug/L	1.00		7440-50-8	02
AN	Lead	1.24	ug/L	1.00		7439-92-1	02
AN	Molybdenum	<3.00	ug/L	3.00		7439-98-2	02
AN	Nickel	12.1	ug/L	1.00		7440-02-0	02
AN	Selenium	<2.00	ug/L	2.00		7782-49-2	02
AN	Silver	0.190	ug/L	1.00		7440-22-4	02
AN	Thallium	<0.500	ug/L	0.500		7440-28-0	02
	EPA 200.8, Rev. 5.4			Analyzed: HYM 02/13/2009	1754	QCgroup	307318
AN	Zinc	98.7	ug/L	5.00		7440-66-6	04
	EPA 245.1, Rev. 3.0			Analyzed: LAB 02/11/2009	1548	QCgroup	306836
AN	Mercury	<0.150	ug/L	0.150		7439-97-6	03
	EPA 245.7			Analyzed: WQB 02/19/2009	1519	QCgroup	307877
	Mercury (low level)	0.0157	ug/L	0.00500		7439-97-6	05

NPDES REQUIREMENT

TABLE III INFLUENT

FIRST QUARTER

2009



007 Seal of Excellence

ISO-17025 0637-D

LDSchem v1.0.1.271

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Form 1717 NPDES Revised 10/15/2004 v1.2

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NELAP-accredited #02008



Printed: 02/07/2008 Page 1 of 2

Project 386244

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results for Client NASH

Table with columns: Accredited, Parameter, Results, Units, RL, Flags, CAS, Bottle. Row 1: 977341 NASHVTBIIIMETALS EFF, Comp: 1/29 0800 - 1/30 0800, Received: 01/31/2008.

Table with columns: AN, Parameter, Results, Units, RL, Flags, CAS, Bottle. EPA 200.8, Rev. 5.4 section listing Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Molybdenum, Nickel, Selenium, Silver, Thallium, Zinc.

Table with columns: AN, Parameter, Results, Units, RL, Flags, CAS, Bottle. EPA 245.1, Rev. 3.0 section listing Mercury.

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

Table with columns: 977341, NASHVTBIIIMETALS EFF, Comp: 1/29 0800 - 1/30 0800, Received: 01/31/2008.

Table with columns: Bottle pH, Fax this report to client, Analyzed: AAJ 01/31/2008, Analyzed: LLC 02/07/2008.

Table with columns: EPA 200.2, Rev 2.8, Liquid Metals Digestion, Analyzed: WOB 02/01/2008.

Table with columns: EPA 245.1, Rev. 3.0, Mercury Liquid Metals Digestion, Analyzed: PJ 02/01/2008.

TABLE III

FIRST QUARTER 2008 EFFLUENT ACIL 2007 Seal of Excellence. Includes logos for ISO-17025 # 0637-01 and LDSCient v2.0.15 08/02/2007.

Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5914 e-Mail corp@ana-lab.com

NELAP-accredited #02008



Printed: 02/05/2008 Page 1 of 2

Project 386245

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Results for Client NASH

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
977342	NASHVTBIIIPH/CN 1,2,3,4 Grab	4 Prt Grb: 1/29 0800-1/30 0200					Received: 01/31/2008
	Liquid Aqueous	Collected by: Ed Carlyle Jr		Affiliation: City of Nashville		01/30/2008	0200
	Sample 1: Date 1/29/08 Time 0800 CNa, Phna						
	Sample 2: Date 1/29/08 Time 1400 CNa, Phna						
	Sample 3: Date 1/29/08 Time 2000 CNa, Phna						
	Sample 4: Date 1/30/08 Time 0200 CNa, Phna						
	Composite in lab						
EPA 420.1 (1978)							
AN	Phenols	13.6	ug/L	5.00		2152 QCgroup	260639 12
SM 4500 CN E 20th Ed							
AN	Cyanide	ND	ug/L	5.00		0320 QCgroup	260628 11
SM 4500-CN E, 20th Ed							
	Cyanide in ug/calculation	ND	ug/L	5.00		0320 QCgroup	260628 11

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

977342	NASHVTBIIIPH/CN 1,2,3,4 Grab	4 Prt Grb: 1/29 0800-1/30 0200					Received: 01/31/2008
Composite Sample							
	Composite Sample	Composited	8 Bottles			Analyzed: AAJ 01/31/2008 2145 QCgroup	260296
EPA 420.1 (1978)							
AN	Phenol Distillation	50/50	ml			Analyzed: KLS 02/01/2008 1230 QCgroup	260404 02
SM 4500-CN- C, 20th							
AN	Cyanide Distillation	25/50	ml			Analyzed: MDD 02/01/2008 1130 QCgroup	260395 06

Corporate Shipping: 2600 Dudley Rd. Kilgore, TX 75662

Ark-La-Miss Region: 3100 Knight Street #2 Shreveport LA 71105



SO-17025 # 0637-01



NELAP-accredited #02008



2006 Seal of Excellence



Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

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CELAP-accredited #02008

Report Date: 11/28/2008

Printed: 02/05/2009

Page 1 of 2

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account
NASH-L

Project
421397

Sample 051928

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
051928	NASVTBIIICN/PHE/EFF08(1,2,3,4)	4 Part Grab					Received: 11/19/2008
	Liquid Aqueous	Collected by: Ed Carlyle Jr		Affiliation: City of Nashville			11/18/2008 0600
	Sample 1: Date 11/17/08 Time 0800 Tech EC	CNA, Pma					
	Sample 2: Date 11/17/08 Time 1500 Tech EC	CNA, Pma					
	Sample 3: Date 11/17/08 Time 2200 Tech EC	CNA, Pma					
	Sample 4: Date 11/18/08 Time 0600 Tech EC	CNA, Pma					
	Composite in lab						
	AO Requirement						
AN	EPA 420.1 (1978)	Phenols	ND	ug/L	Analyzed: RSV 11/25/2008	2016	QCgroup 298321
							12
AN	SM 4500-CN E 20th Ed	Cyanide	8.05	ug/L	Analyzed: RSV 11/21/2008	0457	QCgroup 297941
							11
2	SM 4500-CN E, 20th Ed	Cyanide in ug/calculation	8.05	ug/L	Analyzed: RSV 11/21/2008	0457	QCgroup 297941
							11

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation for Sample 051928

051928	NASVTBIIICN/PHE/EFF08(1,2,3,4)	4 Part Grab					Received: 11/19/2008
	Composite Sample	Composited	8 Bottles		Analyzed: AAJ 11/19/2008	1850	QCgroup 297573
AN	EPA 420.1 (1978)	Phenol Distillation	50/50	ml	Analyzed: MDD 11/24/2008	1400	QCgroup 298092
							03
AN	SM 4500-CN-C, 20th	Cyanide Distillation	25/30	ml	Analyzed: MKV 11/20/2008	1120	QCgroup 297641
							07

14000 Shreveport, 2600 Dudley Rd., Kilgore, TX 75662

Ark-La-Miss Region: 3200 Knight Street 92 Shreveport LA 71105



0-17025 # 0637-01



NELAP-accredited #T104704201-08-TX



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LDSCLient v1.0.1.203

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Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

Phone 903/984-0551 FAX 903/984-5014 e-Mail corp@ana-lab.com

LAP accredited #02008

Report Date: 11/28/2008

Printed: 02/05/2009

Page 1 of 3



Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account

NASHVILLE

Project

421397

Sample 051927

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
051927	NASVTBIH4QEFF08	Comp: 11/17 0800 - 11/18 0800					Received: 11/19/2008
Liquid Aqueous	Composite Strip (R00)	11/18/08	Collected by: Ed Carlyle Jr	Affiliation: City of Nashville			0800

EPA 200.8, Rev. 5.4

AN	Element	Results	Units	RL	Flags	CAS	QCgroup	297729
	Antimony	ND	ug/L	2.00		7440-36-0		02
	Arsenic	1.87	ug/L	2.00	J	7440-38-2		02
	Beryllium	0.190	ug/l.	1.00	J	7440-41-7		02
	Cadmium	ND	ug/L	0.500		7440-43-9		02
	Chromium	1.71	ug/L	1.00		7440-47-3		02
	Copper	11.8	ug/L	1.00		7440-50-8		02
	Lead	0.650	ug/L	1.00	J	7439-92-1		02
	Molybdenum	17.8	ng/L	3.00		7439-98-7		02
	Nickel	21.1	ug/L	1.00		7440-02-0		02
	Selenium	3.89	ug/L	2.00		7782-49-2		02
	Thallium	0.760	ug/L	1.00	J	7440-28-0		02
	Zinc	24.6	ug/L	5.00		1440-66-6		02
	Silver	0.200	ug/L	1.00	J	7440-22-4		03

EPA 200.8, Rev. 5.4

	Mercury (low level)	0.00223	ug/L	0.00500	J	7439-97-6		04
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The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation for Sample 051927

051927	NASVTBIH4QEFF08	Comp: 11/17 0800 - 11/18 0800	Received: 11/19/2008
		11/18/08	

NPDES REQUIREMENT

TABLE III EFFLUENT

EPA 200.2, Rev 2.8

Liquid Metals Digestion

50/50 ml

AN

Composite Sample: 00 Days

City of Nashville, TN 37262

ACCREDITED

0-17025 # 0637-01

LDSClient v1.0.1.203

Analyzed: AAJ 11/19/2008 1914

Analyzed: BRJ 11/26/2008 13:54

Analyzed: TES 11/20/2008 09:09

Analyzed: TES 11/21/2008 1045



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Ana-Lab Corp. P.O. Box 9000 Kilgore, TX 75663

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LELAP-accredited #02008

Report Date: 05/08/2008

Printed: 06/18/2008

Page 5 of 8

Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account
NASH-L

Project
396296

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
998609	NASHVTBIIIEFF082Q	COMP: 04-21 0800 - 04-22 0800					Received: 04/25/2008
	Liquid Aqueous Composite Stop 08 00	4/22/08		Collected by: Ed Carlyle	Affiliation: City of Nashville		
EPA 245.7	Mercury (low level)	0.00803	ug/L		Analyzed: HVM 03/07/2008 0.00526 D	1400 QCgroup 7439-97-6	272095 07

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

998610	NASVTBII2OPHEN/Cn08EM/2/3/4	4 Part Grab					Received: 04/25/2008
	Liquid Aqueous	Collected by: Ed Carlyle		Affiliation: City of Nashville			04/22/2008 0200
	Sample 1: Date 4-21-08 Time 0800						
	Sample 2: Date 4-21-08 Time 1400						
	Sample 3: Date 4-21-08 Time 2000						
	Sample 4: Date 4-21-08 Time 0200						
	Composite in lab						
	AO Requirement						
EPA 420.1 (1978)	Phenols	73.8	ug/L		Analyzed: RSV 03/01/2008 5.00	1822 QCgroup	271487 12
SM 4500 CN E 20th Ed	Cyanide	7.00	ug/L		Analyzed: RSV 04/28/2008 5.00	0324 QCgroup	270924 11
SM 4500-CN E, 20th Ed	Cyanide in ug/calculation	7.00	ug/L		Analyzed: RSV 04/28/2008 5.00	0324 QCgroup	270924 11

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

998607	NASHVTBII08EFF1/2/3/4	COMP: 04-21 0800 - 04-22 0800					Received: 04/25/2008
		4/22/08					
	Fax this report to client	FAXED			Analyzed: BRJ 05/07/2008 16:03		
EPA 608	Liquid-Liquid Extr. W/Hex Ex	10/1000	mL/mL		Analyzed: JNP 04/28/2008 1330	QCgroup	270919 02
EPA 808	Polychlorinated Biphenyls	Entered			Analyzed: LCT 04/29/2008 1933		05
EPA Method 608					Analyzed: LCT 04/29/2008 1933		

Separate shipping: 2600 Dudley Rd. Kilgore, TX 75662

Ark-La-Miss Region: 3100 Knight Street #2 Shreveport LA 71105



D-17025 # 0637-01



NELAP-accredited #1104704201-08-TX



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LELAP-accredited #02008



Report Date: 05/08/2008

Printed: 06/18/2008

Page 4 of 8

Report To:

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account
NASH-L

Project
396296

Results

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
998607	NASHVTB108EFF1/2/3/4	COMP: 04-21 0800 - 04-22 0800				Received: 04/25/2008	
	Liquid Aqueous Composite Stop 08 00	4/22/08	Collected by: Ed Carlyle	Affiliation: City of Nashville			
EPA Method 625-scan							
AN	2,3,7,8-TCDD Scan	ND	ug/L	0.000010		QC group 271524	04
					Analyzed: LCY 05 01 2008	1743	

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
998608	NASHVADAPR08EFF/1/2	COMP: 04-21 0800 - 04-22 0800				Received: 04/25/2008	
	Liquid Aqueous Composite Stop 08 00	4/22/08	Collected by: Ed Carlyle	Affiliation: City of Nashville			
EPA 200.8, Rev. 5.4							
AN	Dissolved Chromium	1.17	ug/L	1.00		7440-47-3	04
AN	Dissolved Copper	2.15	ug/L	1.00		7440-50-8	04
AN	Dissolved Nickel	14.6	ug/L	1.00		7440-02-0	04
EPA 200.8, Rev. 5.4							
AN	Chromium	4.19	ug/L	1.00		7440-47-3	07
AN	Copper	2.96	ug/L	1.00		7440-50-8	07
AN	Nickel	15.8	ug/L	1.00		7440-02-0	07

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Accredited	Parameter	Results	Units	RL	Flags	CAS	Bottle
998609	NASHVTB110EFF082Q	COMP: 04-21 0800 - 04-22 0800				Received: 04/25/2008	
	Liquid Aqueous Composite Stop 08 00	4/22/08	Collected by: Ed Carlyle	Affiliation: City of Nashville			
EPA 200.8, Rev. 5.4							
AN	Antimony	ND	ug/L	2.00		7440-36-0	03
AN	Arsenic	1.04	ug/L	0.500		7440-38-2	03
AN	Beryllium	ND	ug/L	0.500		7440-41-7	03
AN	Cadmium	ND	ug/L	0.500		7440-43-9	03
AN	Chromium	4.11	ug/L	1.00		7440-47-3	03
AN	Copper	2.46	ug/L	1.00		7440-50-8	03
AN	Lead	ND	ug/L	0.500		7439-92-1	03
AN	Molybdenum	ND	ug/L	3.00		7439-98-7	03
AN	Nickel	15.7	ug/L	1.00		7440-02-0	03
AN	Selenium	ND	ug/L	2.00		7782-49-2	03
AN	Silver	ND	ug/L	0.500		7440-22-4	03
AN	Thallium	ND	ug/L	0.500		7440-28-0	03
AN	Zinc	ND	ug/L	5.00		7440-66-6	03

NPDES REQUIREMENT TABLE III EFFLUENT SECOND QUARTER 2008

ISO-17025
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ACCREDITED
04/20/08

2007
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13/20 v1.2

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LAB Accredited #02008

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Report To

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account
NASH-L

Project
07886

NPDES Permit - 3rd Quarter

Sample Preparation

Sample ID	Account	Sample Name	Received
023129	NASHVTBIIIAPD3Q08	Effluent PHE, CN	08/01/2008
7/29/08			
Return Cooler/No bottles Require			
		Returned	Analyzed: LWH 08/04/2008 1700
EPA 420.1 (1978)			
AN	Phenol Distillation	50/50 ml	Analyzed: MDD 08/06/2008 1100 QCgroup 283300 01
EPA 420.1 (1978)			
AN	Phenol Distillation	50/50 ml	Analyzed: KLS 08/07/2008 1830 QCgroup 283604 01
SM 4500-CN- C, 20th			
AN	Cyanide Distillation	25/50 ml	Analyzed: KLS 08/03/2008 1030 QCgroup 283143 02
023130	NASHVTBIIIAPD3Q08	EFF MET	Received: 08/01/2008
7/29/08			
Bottle pH			
		<2 SU	Analyzed: JKI 08/01/2008 19:50 01
EPA 200.2, Rev 2.8			
AN	Liquid Metals Digestion	50/50 ml	Analyzed: IAS 08/04/2008 1030 QCgroup 282998 01
EPA 245.1, Rev. 3.0			
AN	Mercury Liquid Metals Digestion	50/25 ml	Analyzed: PJD 08/04/2008 1245 QCgroup 283070 01
EPA 245.7			
		Low Level Mercury Liquid Metals	Analyzed: SAM 08/08/2008 0745 QCgroup 283624 01

Corporate Headquarters: 2600 Dudley Rd. Kilgore, TX 75662

Arkansas Regional Office: 1000 S. Greenway, Fayetteville, AR 72705



ISO-17025 # 0637-01



NELAP-accredited #T104704201-08-TX



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LJSC Item v1.0.1.92

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Lab Permit #02008

Printed: 08/11/2008 Page 1 of 3

Report To:

Ed Carlyle
City of Nashville
426 N. Main St.
Nashville, AR 71852-

Account

Project

NPDES Permit - 3rd Quarter

Results

Table with columns: Accredited, Parameter, Results, Units, RI, Flags, CAS, Bottle. Includes data for NASHVTBHHAPD3Q08 Effluent PHE, CN and NASHVTBHHAPD3Q08 EFF MET.

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Table with columns: Accredited, Parameter, Results, Units, RI, Flags, CAS, Bottle. Includes data for NASHVTBHHAPD3Q08 EFF MET and EPA 200.8, Rev. 5.4.

The above methods that we used are approved for NPDES reporting as listed in 40 CFR 136 Table 1B or Ana-Lab has specific approval from EPA to use these methods for NPDES reporting.

Sample Preparation

NPDES REQUIREMENT TABLE III EFFLUENT

THIRD QUARTER 2008 MEMBER 2007 Seal of Excellence