



## WEST MEMPHIS UTILITY COMMISSION

604 East Cooper P O Box 1868

West Memphis, AR 72301

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May 4, 2012

Rufus J. Torrence  
Water Division Engineer  
Arkansas Department of  
Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317

Re: City of West Memphis Pretreatment Program Narrative and Attachments

Dear Mr. Torrence,

Enclosed is the City of West Memphis (Utility) Pretreatment Program Narrative and Appendices. There is on Appendix that is not included at this time. I'm still working on the letter from the City Attorney (Appendix F). As soon as that is finishing I will forward it to you.

Sincerely,

A handwritten signature in cursive script that reads 'Denise Bosnick'.

Denise Bosnick  
Director Environmental Quality

Industrial Wastewater Pretreatment  
Program For The  
West Memphis Utility Commission

West Memphis, Arkansas

May 2012

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## 1.0 Introduction

The Federal Water Pollution Control Act (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 92-217) established responsibilities of Federal, State, and Local governments, 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 (POTW's) or which may contaminate sewage sludge.

General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403) were promulgated by the U.S. Environmental Protection Agency (EPA) on June 26, 1978 and have been amended. The basic objectives of the Pretreatment Program were defined as follows:

1. Prevent the introduction of pollutants into a POTW which will interfere with the treatment operations and the use or disposal of digested sludge.
2. Prevent the introduction of pollutants into a POTW which would pass through untreated and remain in unacceptably high concentrations in the plant effluent.
3. Improve the feasibility of recycling and reclaiming the industrial wastewaters and sludges.
4. Enforce applicable EPA Categorical Standards.
5. Generally, to reduce the health and environmental risk of pollution caused by discharges to POTW'S.

The Pretreatment Regulations (40 CFR, Part 403) require any POTW with a total design Flow greater than five (5) million gallons per day (MGD) and receiving Industrial Users pollutants which could pass through or interfere with the operation of the POTW, or are otherwise subject to Categorical Pretreatment Standards, to establish a POTW Pretreatment Program. The Regional Administrator or Director may require a POTW with a design flow of five (5) MGD or less to develop a Pretreatment Program if he or she finds that the nature or volume of the industrial effluent causes: treatment plant upsets, violations of POTW effluent limitations, contamination of municipal sludge, or passes through untreated.

The Environmental Protection Agency (EPA) has determined that the City of West Memphis must develop a Pretreatment Program under the direction of the governing board of the West Memphis Utility Commission. This document outlines

various Pretreatment Program requirements and serves as an instrument to develop, implement and carry on an Industrial Pretreatment Program for the West Memphis Utility Commission.

## **2.0 POTW Pretreatment Program Requirements**

The Environmental Protection Agency (EPA) has defined five (5) essential components of any Pretreatment Program. They are:

1. Technical Information Support
2. Legal Authority
3. Program Implementation
4. Staffing and Organization
5. Funding

The following paragraphs provide a summary of the regulatory requirements of each of the five (5) components.

### **2.1 Technical Information Support**

The component of a Pretreatment Program requires a POTW to adequately identify the pollutants entering its system for its Industrial Users. This information is normally obtained by conducting an Industrial Waste Survey. From the results of the survey, types of pollutants can be identified and appropriate sampling and analysis can then be conducted in order to quantify and qualify the volume and type of pollutants being discharged into the POTW system. The technical information component provides the necessary background to determine the extent and magnitude of the Pretreatment Program.

### **2.2 Legal Authority**

One of the most significant components of a Pretreatment Program is the provision of adequate legal authority to develop, administer, and enforce the program. At a minimum, the POTW should have the legal authority to perform the following functions:

1. Deny or condition new or increased contributions.
2. Require compliance with applicable Pretreatment Standards.
3. Control industrial discharges to the POTW to insure compliance.
4. Require development of compliance schedules for installation of technology.
5. Require submission of notices and self-monitoring reports.

6. Carry out inspections, surveillance, and monitoring reports.
7. Obtain remedies for noncompliance.
8. Authority to immediately and effectively halt or prevent any discharge.

A required part of any Pretreatment Program is a letter from the Utility's attorney. The attorney's letter should specifically refer to the basic statutory authority for the Pretreatment Program, and summarize a review of the City's existing ordinances and whether the POTW (West Memphis Utility Commission) has the necessary authority to implement a Pretreatment Program.

### **2.3 Program Implementation**

The success of a local Pretreatment Program largely depends upon the existence of procedures which are well thought out and easy to follow. A POTW Pretreatment Program should be flexible enough to allow adjustments to day-to-day operating situations. At a minimum, a Pretreatment Program should provide procedures that will enable the POTW to:

1. Identify and locate industrial users subject to discharge controls.
2. Identify the character and volume of pollutants discharged to the POTW system.
3. Notify industrial users of applicable standards and requirements.
4. Receive and analyze self-monitoring reports and other notices from industrial users subject to National Categorical Standards.
5. Randomly sample and analyze industrial effluents and conduct surveillance and inspection to identify noncompliance.
6. Investigate instance of noncompliance.
7. Provide for public participation and publish annually in the largest local newspaper a list of industrial users that were significantly not in compliance with pretreatment standards that year.

### **2.4 Staffing and Organization**

The POTW must have sufficient qualified personnel to carry out the authorities and procedures required by a Pretreatment Program. The Program includes a description of the POTW organization that will administer the Program, including organization charts. See Appendix A and B.

## **2.5 Funding**

Pretreatment Program regulatory requirements simply specify that the POTW have sufficient resources to carry out the responsibilities and procedures required in the Program. A description of the POTW's funding levels is part of this document.

## **3.0 Existing Wastewater Treatment Facility**

The West Memphis Wastewater Treatment facility has a design flow of 6.3 million gallons per day. The average daily flow is 5.0 million gallons per day of which .5 million gallons is total flow for industrial users. The plant consist of an equalization basin, bar screening, grit removal, flow measurement, oxidation ditches, clarifiers, UV disinfection and sludge belt filter press. The sludge is dewatered then hauled off site to an approved landfill.

Treated effluent is discharge under the authority of NPDES AR0022039 to the Mississippi River in Segment 6C of the Mississippi River Basin at Latitude 35o 07' 13", Longitude 90o 10' 25". The 7Q10 of the receiving stream is 64,700 MGD providing a dilution factor of 10,273:1.

A schematic plan is included Appendix C.

## **4.0 Industrial Users Survey**

Since the program was implemented in 1985, periodic update of the vital information for each user has been received. The format of this update is given in Appendix. The current list of users regulated under West Memphis Industrial Pretreatment Program is given in Appendix B. The list is included in the annual POTW Pretreatment report, as required under 40 CFR 403.12(i).

Since the population of industries is a dynamic, rather than static, factor, a system of periodically updating the industrial user's survey will be necessary. Updating is accomplished by review of utility records showing new accounts and commercial and industrial accounts as well. Also other departments within the City and through the daily newspaper. New industry will be subject to permit application procedures as outline in the Sewer Use Ordinance and existing industries must update its information every two years. The form used is included Appendix D.

## **5.0 Technical Information**

When the Industrial Pretreatment Program was initially conceived, the Utility had to determine the extent to which prohibited pollutants were being discharged to the wastewater treatment plant. Twenty-four hour composite samples were collection in March 1989 at the head of the existing treatment facility. The sample results indicated that the quality of wastewater entering the treatment facility at the time did not contain any grossly excessive concentrations of pollutants. The Utility conducts an annual scan for the priority pollutants in the wastewater treatment plant influent, effluent and sludge. The source(s) of the pollutants will be determined if present in the scans. All sludge is analyzed and disposed of in accordance with 40 CFR 503. A copy of the latest priority pollutant scan conducted at West Memphis Wastewater Treatment Plant is included in Appendix E.

## **6.0 Slug Control Evaluation**

All users are required to be evaluated for the need to implement a Slug Control Plan. All existing users were evaluated during the permit process. Any new user will be evaluated when apply for a permit as well. The users are required to notify the Director of Environmental Quality immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the Director to reevaluate the need for a Slug Control Plan, or other actions to prevent such discharges. Legal authority for these requirements is found in the City of West Memphis Sewer Use Ordinance 2187.

## **7.0 Best Management Practices**

Users that are subject to BMP-based categorical Pretreatment Standards will be required in the Industrial Waste Discharge Permits to maintain and submit to the Director adequate documentation of their compliance with the BMP-based standard. Some users will be required to maintain compliance with a BMP in lieu of numerical limits, or may be required to maintain compliance in addition to having numerical limits. In either case, the user's individual permit will dictate what is required. Legal authority for these requirements is found in the City of West Memphis Sewer Use Ordinance 2187.

## **8.0 Legal Authority for Implementation of Pretreatment Program**

An evaluation of the legal authority required by the City of West Memphis and the West Memphis Utility Commission to enact, implement, operate and enforce a pretreatment program was conducted by the West Memphis Utility Commission

attorney. A letter from the City Attorney addressing these various aspects is contained in Appendix F. City ordinances relating to the City's wastewater treatment and collection system is included in Appendix G.

The opinions drawn from the legal authority review by the West Memphis Utility Commission attorney are summarized as follows:

The West Memphis Utility Commission does have all of the necessary legal authority and powers as set forth in 40 CFR 403.8(f) of the General Pretreatment Regulations for Existing and New Source of Pollution. The Arkansas Legislature has vested the authority in the cities of the State to construct, operate and maintain their sewer systems, delegating the requisite authority to establish a Pretreatment Program as required by the above referenced section of the General Pretreatment Regulations.

The manners in which the West Memphis Utility Commission will implement the Pretreatment Program requirements and enforce them are set forth in the ordinances and their amendments.

## **9.0 Specific Limitations for Discharge of Prohibited Pollutants**

National Pretreatment Standards for Prohibited Discharges are specified in 40 CFR 403.5. These general standards specify that pollutants discharged into the POTW by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the POTW nor cause pass-through. These general and specific prohibitions apply to all users of a POTW whether or not the user is subject to other National Pretreatment Standards or any National, State or local pretreatment requirements. The following are classified as specific prohibitions and may not be introduced into the POTW;

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with closed-cup flashpoint of less than 140 degrees F (60 degrees C) using test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which cause obstruction of the flow in the POTW resulting in Interference.
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly

or by interaction with other pollutants, will cause Interference with the POTW;

5. Wastewater which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater which will cause the temperature at introduction into the POTW to exceed 104 degrees F (40 degrees C);
6. Petroleum oil, non-biodegraded cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 3.4 of Sewer Use Ordinance 2187.

### **10.0 Organization and Staffing**

The Director of Environmental Quality will have the day to day responsibility of implementation and carrying out the Pretreatment Program.

The Utility operates its pretreatment program by sharing various program tasks among its existing staff (refer to the organizational chart). As stated above, the Director of Environmental Quality is responsible for the day to day operation of the program and is the authorized representative of the West Memphis Utility Commission and the General Manager that administers, implements and enforces the provisions of the Pretreatment Program and the City's Sewer Use Ordinance.

#### **West Memphis Utility Commission**

The Governing Board that set overall goals and objectives and provides support both financially and legislatively. The Governing Board may act through the General Manager, his deputy, agent or representatives possessing written evidence of authority to so act.

#### **General Manager**

The General Manager of the West Memphis Utility Commission is the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by Sewer Use Ordinance 2187 or his duly authorized representative referred to as the Director of Environmental Quality.

#### **Director Environmental Quality**

Authorized representative of the West Memphis Utility Commission and the

General Manager of the West Memphis Utility Commission that administers implements and enforces the provisions of the Pretreatment Program and of this Ordinance.

#### Laboratory Supervisor/Technician

Laboratory supervisor/technician performs laboratory functions and record keeping.

#### Field Technician

Field Technician performs all outside duties and some laboratory functions.

#### City Attorney

Provides assistance in the development and adoption of required ordinances and revisions of existing ordinances necessary to implement and maintain the pretreatment program. Provides legal consultation to the Director of Environmental Quality, the General Manager and the West Memphis Utility Commission in administration of the pretreatment program. Represents the Commission at the show cause hearings. Administer enforcement or legal action as directed by the Director of Environmental Quality.

An Organizational Chart is included in the Appendices.

### **11.0 Monitoring and Reporting Requirements**

#### **403.12 REPORTING REQUIREMENTS FOR POTW'S AND INDUSTRIAL USERS**

The initial industrial user survey identified the potential contributors to the West Memphis Sewer System. Now there are nine (9) industries on the City's Industrial Pretreatment Program. Of these industries, four (4) are Categorical Industries, one (1) Significant Non-Categorical and four (4) that are Non-Significant.

Reporting requirements for the POTW's and Industrial Users are described in 40 CFR 403.12 with paragraph (b) of that section discussing reporting requirements for Industrial Users upon effective date of applicable Categorical Pretreatment Standards; paragraph (e) describing periodic reports on continued compliance; paragraph (g) discussing monitoring and analysis requirements to demonstrate compliance; paragraph (h) describing minimum reporting requirements for Industrial Users not subject to Categorical Pretreatment Standards; and paragraph (p) outlining hazardous waste notification requirements under 40 CFR 261, and RCRA.



After submittal and review of all information from the Industrial User on their wastewater discharges; specific pollutant limits, pretreatment requirements and any required compliance schedule will be proposed. The frequency of monitoring shall be specified by the Director of Environmental Quality, or in the case of Categorical Industries, monitoring must be monthly at a minimum. All other Industrial Users will be determined by the Director, with most being on monthly bases. Necessary requirements will be specified in the Industrial Waste Discharge Permit to be issued to the Industrial User.

Industrial Waste Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual Wastewater Discharge Permits must contain:

1. A statement that indicates the permit issuance date, expiration date and effective date;
2. A statement that the permit is nontransferable without prior notification to the Director in accordance with Section 5.5 of Sewer User Ordinance 2187, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
3. Effluent limits, including Best management Practices, based on applicable Pretreatment Standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law;
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law;
6. Requirements to control slug discharge, if determined by the Director to be necessary.

Individual 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. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the developments and implementation of spill control plan or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual Wastewater Discharge Permit; and
8. Other conditions as deemed appropriate by the Director to ensure compliance with the Sewer User Ordinance and State and Federal laws, rule and regulations.

The Director shall submit annually to the Arkansas Department of Environmental Quality a report summarizing the monitoring activity from each Industrial User. The contents of this report are outlined in Section II of the City's NPDES Permit.

Also once a year the Director will publish in the local newspaper (The Evening Times) the names of the Industrial Users which are significantly noncompliant with their established discharge limits, and any other pretreatment standards. The Sewer User Ordinance 2187, Section 9, defines significant noncompliance as established by the latest 40 CFR Part 403. The Pretreatment Annual Report is included in Appendix H.

### **11.1 Industrial User Site Inspections**

The Utility shall retain the right of entry into the Industrial Users premises for the purpose of sampling, inspection, or wastewater records examination. All Categorical and Significant Industrial Users shall be inspected annually.

An Industrial Inspection report form is included in Appendix I.

## **11.2 Procedures for Follow up of Instances on Noncompliance**

### **Noncompliance Detected from Random Sampling**

Should a noncompliance instance be detected from a random sampling and should the Utility suspect or have reason to suspect that noncompliance is occurring frequently the Utility shall perform a representative sample collection and analysis of the wastewater discharge from the industrial user in question. Should the analysis verify that the industry is in noncompliance, the Utility shall notify the industrial user in writing of such noncompliance requesting a written response from the industrial user within fifteen (15) days noting the reason for noncompliance and stating a plan of action to get into compliance and to prevent future violations of noncompliance.

### **Noncompliance Detected from Sampling of POTW Influent**

Should analysis of the influent to the POTW indicate the specific limits of prohibited pollutants are exceeded the Utility shall perform a follow up investigation to determine cause and probable source of the pollutant. The investigation shall include contacting the suspected industrial user(s), either by telephone or correspondence, inquiring about the release or discharge of non-normal waste loadings. Additional sample collection and analysis of the POTW influent shall take place and the industrial user shall be notified in writing of the results of the investigation requesting written response within a specified time noting reason for noncompliance and stating a plan of action to get into compliance and to prevent future violation of noncompliance.

### **Emergency/Quick Response Sampling**

Due to the nature of industrial wastes being discharged and the type of waste treatment employed at the City's POTW, a quick response for sampling and investigation for possible acute treatment plant disturbances is not likely to be required. Should it appear that an emergency situation exists, however, the staff of the Utility will be able to perform sample collection and analysis of discharges from suspected industrial user(s). Should an industrial user be identified as the cause for the treatment plant disturbance, they shall be notified in writing of any violations requesting written response within a specified time noting reason for the violations and requesting a plan of action to get into compliance and to prevent future violations of noncompliance.

### Enforcement Procedures

In cases involving emergencies or where the involved industrial user(s) have failed to promptly respond and correct the problem, enforcement procedures and remedies set forth in West Memphis Sewer Use Ordinance 2187, and any new ordinance shall be utilized, as outlined in the Enforcement Response Plan (See Appendices). The options include immediate suspension of discharge, revocation of permit, administrative orders, imposition of fines and surcharges and legal suits by the Utility for injunctive relief and/or damage cause to the wastewater system. All remedies are authorized by ordinances and can be utilized singly or in combination. These remedies, as appropriate, shall be promptly south in cases of improper discharge.

### Enforcement Hierarchy and Steps

Specific steps to be used in enforcement are listed below. These procedures can be used singly or in conjunction with each other to bring about compliance. The steps are listed in the order of increasing severity. It should be noted that the first step listed may or may not necessarily be the first step due to the severity of the violation. For example, a late report might bring about a step one (1) Notice of Violation (NOV). A chemical spill, on the other hand may force and immediate step ten (10) Termination of Service.

Informal notices (verbal or written)

Notice of Violation (NOV)

Consent Order

Show Cause Order

Compliance Order

Cease and Desist Order

Administrative Fines

Emergency Suspensions

Termination of Discharge

Civil and Criminal Penalties

Although the Utility has had to rectify several violations in the past by escalated enforcement steps, it is the majority that is rectified by issuance of a single Notice of Violation. Refer to the Enforcement Response Plan in the Appendices.

40 CFR 403.8 (f)(5) describes the responsibility of the POTW to develop and set up an Enforcement Response Plan. This plan is included in Appendix J.

### **11.3 Chain of Custody Provisions**

The Utility will perform all permitted sampling with analytical work to be done by Utility Environmental Quality personnel and a contract lab. In the past as well as the present the contract lab in use is Environmental Testing and Consulting, Inc. The Utility lab and field personnel shall be trained in EPA approved methods of sample collection and analysis. The Director of Environmental Quality shall be responsible for developing any required documentation that documents and/or provides a series of signed receipts from the time of sample collection through laboratory analysis. The Chain of Custody documentation is included in Appendix K.

### **11.4 Sampling and Analysis Methods and Procedures**

As noted in the City's Sewer Use Ordinance 2187 Section 6, all analysis shall be performed in accordance with procedures established by the EPA Administrator pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR Part 136, and amendments thereto or with any other test procedure approved by the Director or the Approval Authority (ADEQ).

Where 40 CFR Part 136, does not include sampling and analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with approved procedures by the EPA or ADEQ.

### **11.5 Safety**

Whether sampling and monitoring activities are conducted by West Memphis Utility personnel or contract personnel, appropriate safety equipment must be provided and maintained by the staff and/or contractor. The implementation of a sampling program involving personnel working in or under hazardous conditions must follow proper safety considerations. The Director of Environmental Quality should fully investigate each monitoring point for safety considerations prior to monitoring and sampling at this location.

## **12.0 Pretreatment Program Development and Operating Cost**

The original pretreatment program for West Memphis Utility Commission was approved in 1985, and has been modified on at least two occasions. The Industrial User survey is an ongoing process. The legal authority review has been completed and updated. Sampling and analysis of the wastewater treatment plant influent is an ongoing process. A method of monitoring and reporting are outlined, and the pretreatment program is properly staffed and organized. All of the above are

necessary in order to gain basic information on the extent of industrial pollutants being discharged to the Utility's wastewater system and to maintain an appropriate pretreatment program. Since the program has already been developed, the only costs still being incurred by the Utility are the daily operating costs. The current estimated pretreatment program operating cost is included in Appendix L.

The handling of the permit application from the Industrial Users and program administration will be handled by the Utility's personnel. Legal assistance will be provided by the City Attorney. Sampling is performed by the Utility's personnel and analyses of those samples are through the Utility's personnel and a contract lab. Monitoring equipment has been purchased and is maintained through the Utility's normal purchasing procedures.

The pretreatment program operating cost as note in the Appendices is estimated at \$198,778.00. The cost associated with the pretreatment program will be funded for the Utility's Department Operating budget. A copy of the Utility's most recent financial statement is included in Appendix M. The Sewer Use Ordinance allows the Utility to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the pretreatment program.

### **13.0 Pretreatment Program Implementation**

As noted, the major elements in implementing the pretreatment program is the development and adoption of a sewer use ordinance that follow the EPA and ADEQ guidelines. An ordinance patterned after the EPA model ordinance has been passed by the West Memphis City Council and approved by ADEQ.

West Memphis Utility recognizes the fact that federal regulations are constantly changing. Since original program approval, new federal pretreatment regulations haven been brought to the forefront. An attempt has been made to incorporate the pertinent changes outlined in these regulatory revisions into this document.

As the Director of Environmental Quality continues to attend environmental conferences and review pending regulatory changes, it can be expected that this program will again be revised to meet the changes that come about.

### **14.0 Confidential Information**

Information and data on an Industrial User obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be

available to the public or other governmental agency without restrictions unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Utility that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industry.

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 upon written request to governmental agencies for uses related to this program, and the National Pollutant Discharge Elimination System (NPDES) permit; 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.

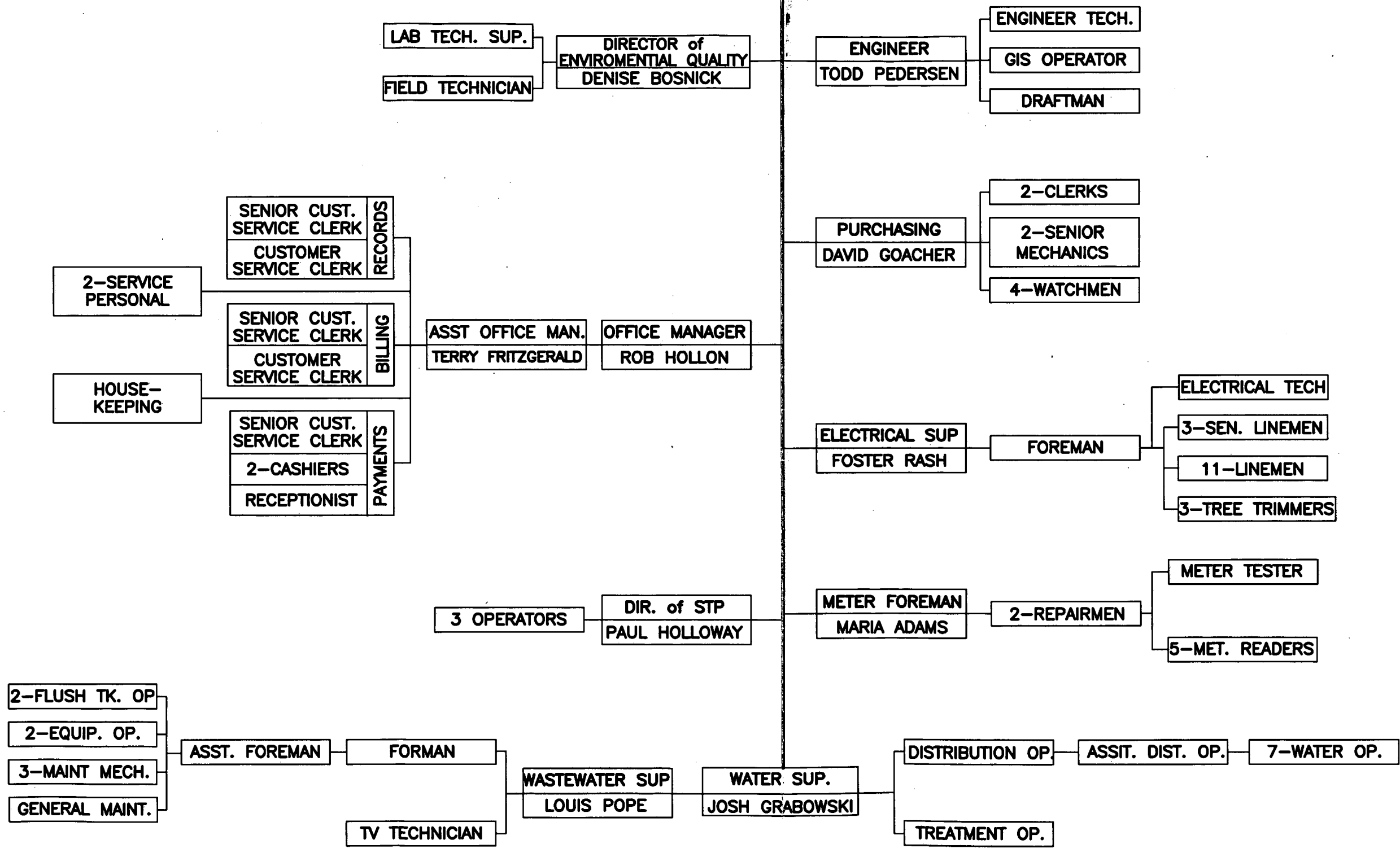
Information accepted by the Utility as confidential, shall not be transmitted to any governmental agency or to the general public by the Utility until and unless a ten (10) day notification is given to the Industrial user.

All public information concerning this program will be available for inspection and review, Monday through Friday during the hours of 7:00 am to 4:00 pm at the office of West Memphis Utility Commission, 604 East Cooper, P.O. Box 1868, West Memphis, Arkansas 72301.

# WEST MEMPHIS UTILITY COMMISSION ORGANIZATIONAL CHART

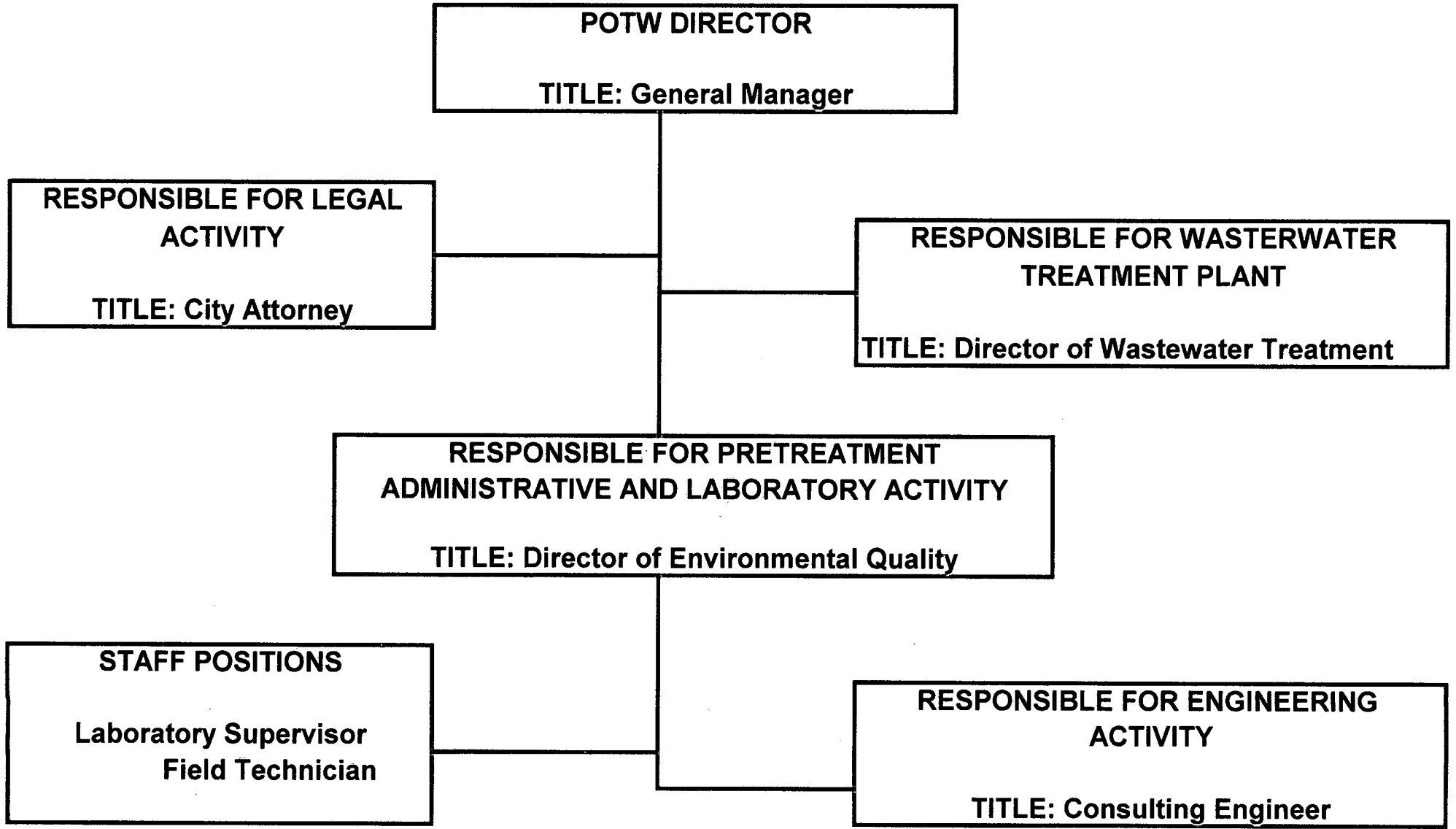
## UTILITY COMMISSION

**GENERAL MANAGER**  
 JOHN RIMMER
 
**ADMIN. ASSISTANT**  
 LISA MILLER





# ORGANIZATIONAL CHART







Anna Ln

Recycle Ln

Firing Range Pk

Firing Range Pk

Equalization Basin

Aeration Basin Number 4 Future  
Aeration Basin Number 3  
Aeration Basin Number 2  
Aeration Basin Number 1

Controls Building

Intlet Structure

Outlet Structure

Head Works

Sludge Drying Beds

Aerated Sludge Storage

Sludge Storage Tank

Belt Press Building

Shop

Effluent Pump Station

UV Treatment

No longer exists

Administration Building

South Loop

Mississippi River Levee Pk





**APPLICATION FOR PERMIT  
FOR DISCHARGE OF INDUSTRIAL WASTES TO  
CITY OF WEST MEMPHIS**

DATE: \_\_\_\_\_

1. FIRM NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

2. CORPORATE HEADQUARTERS/REGISTERED AGENT:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

3. STANDARD INDUSTRIAL CLASSIFICATION (SIC) AND/OR NORTH AMERICAN  
INDUSTRIAL CLASSIFICATION (NAIC) CODE NUMBERS:

\_\_\_\_\_

4. LIST OF OTHER ENVIRONMENTAL CONTROL PERMITS HELD AT THIS TIME:

\_\_\_\_\_

\_\_\_\_\_

5. NUMBER OF EMPLOYEES: \_\_\_\_\_

6. QUANTITY OF WASTEWATER:

PROJECTED FOR NEXT THREE (3)  
YEARS (IN GALLONS)

DISCHARGE TO WEST MEMPHIS SEWER	AVERAGE DAILY (30 DAY)	MAXIMUM DAILY (1 DAY)
A. PROCESS WASTEWATER FROM OPERATION	_____	_____
B. PROCESS WASTEWATER FROM OPERATION	_____	_____
C. DOMESTIC WASTEWATER FROM SANITARY SEWER	_____	_____
D. NON-CONTACT COOLING WATER	_____	_____
E. TOTAL WASTEWATER DISCHARGE TO PUBLIC SEWAGE WORKS	_____	_____

LIST PERIODIC OR SEASONAL VARIATIONS:

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7. WASTEWATER POLLUTANT PARAMETERS AND CONCENTRATIONS:

A. *CONVENTIONAL POLLUTANT* - IN THE SPACES BELOW, INDICATE THE MEASURED (OR PROJECTED FOR NEW INDUSTRY) AVERAGE AND MAXIMUM VALUE FOR EACH OF THE LISTED WASTEWATER POLLUTANTS.

PARAMETER	CONCENTRATION	
	AVERAGE DAILY (30 DAY)	MAXIMUM DAILY (1 DAY)
BIOCHEMICAL OXYGEN DEMAND (5 DAY), MG/L	_____	_____
SOLIDS, MG/L	_____	_____
pH, UNITS <sup>(1)</sup>	_____	_____
OIL AND GREASE, MG/L <sup>(2)</sup>	_____	_____
TEMPERATURE, DEGREES F	_____	_____

(1) 5.5 TO 10.0

(2) MAXIMUM 100 MG/L FOR ONE (1) DAY.

B. **PRIORITY POLLUTANTS** - INDUSTRIES DISCHARGING ANY OF THE POLLUTANTS LISTED ON ATTACHMENT NO. 1 MUST PERFORM SAMPLING AND ANALYSES NECESSARY TO DEVELOP INFORMATION REQUIRED TO COMPLETE THE SECTION. IN THE SPACES BELOW, INDICATE THE RESULTS OF SAMPLING AND ANALYSES FOR PRIORITY POLLUTANTS FOUND IN YOUR WASTEWATER.

INDUSTRIES REGULATED BY FEDERAL CATEGORICAL STANDARDS MUST PERFORM (OR FOR NEW INDUSTRIES, HAVE PERFORMED ON A LIKE FACILITY) SAMPLING AND ANALYSES IN ACCORD WITH 40 CFR 403.12. ADDITIONALLY, THE FOLLOWING INFORMATION MUST BE RECORDED AND MAINTAINED AT AND BY THE INDUSTRY: PERSON COLLECTING THE SAMPLE, THE TIME, DATE AND PLACE OF SAMPLE COLLECTION, THE TYPE OF SAMPLE (GRAB, TIME WEIGHTED COMPOSITE, FLOW WEIGHTED COMPOSITE, ETC.) THE METHOD OF COLLECTION, AND THE PERSON PERFORMING THE ANALYSES, THE EPA APPROVED METHOD OF ANALYSIS, AND ALL QUALITY CONTROL DATA PERTINENT TO THE ANALYSIS. THE STATEMENT AT THE BOTTOM OF THIS SECTION MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE COMPANY FAMILIAR WITH THE MANUFACTURING OR REGULATED PROCESS.

PRIORITY POLLUTANT NUMBER	AVERAGE DAILY PARAMETER	CONCENTRATION MG/L	
		MAXIMUM DAILY (30 DAY)	(1 DAY)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(USE ADDITIONAL SHEETS IF NECESSARY)

I HEREBY CERTIFY THAT THE ABOVE CHEMICAL ANALYSIS IS REPRESENTATIVE OF DAILY OPERATIONS AND THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE.

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

8. ATTACH SKETCH(ES) OF GENERAL PLANT PROCESS AND WASTE LINE LAYOUTS, INCLUDING LOCATION OF FLOOR DRAINS. INCLUDE ANY EXISTING OR PROPOSED PRETREATMENT SYSTEMS AND LOCATION AND SIZE OF ALL EXISTING AND PROPOSED CONNECTIONS TO THE WEST MEMPHIS SEWER

SYSTEM. ALSO INCLUDE DETAILS OF PROPOSED MONITORING FACILITIES. \_\_\_\_\_

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9. (A) BRIEF DESCRIPTION OF THE NATURE OF MANUFACTURING PROCESS OR COMMERCIAL ACTIVITIES AT THE PLANT: \_\_\_\_\_

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(B) GENERAL DESCRIPTION OF PRODUCTS PRODUCED BY TYPE AND AMOUNT: \_\_\_\_\_

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(C) GENERAL DESCRIPTION OF TYPE AND AMOUNT OF RAW MATERIALS PROCESSED: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. BRIEF DESCRIPTION OF BEST MANAGEMENT PRACTICES/ POLLUTION PREVENTION TECHNIQUES BEING IMPLEMENTED BY THIS FACILITY. IF NOT AT THE CURRENT TIME, ARE ANY PLANNED FOR THE FUTURE? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. HOURS OF OPERATION OF PLANT AND ACTUAL OR PROPOSED HOURS OF OPERATION OF PRETREATMENT SYSTEM:

12. IS YOUR MANUFACTURING OR COMMERCIAL OPERATION(S) SUBJECT TO NATIONAL CATEGORICAL PRETREATMENT STANDARDS ESTABLISHED UNDER 40 CFR 403.?

YES \_\_\_\_\_ NO \_\_\_\_\_

APPLICABLE NATIONAL CATEGORICAL STANDARD(S): \_\_\_\_\_  
\_\_\_\_\_

13. ARE THE APPLICABLE NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND THE WEST MEMPHIS LOCAL DISCHARGE LIMITATIONS BEING MET ON A CONSISTENT BASIS?

YES \_\_\_\_\_ NO \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_

14. IF THE APPLICABLE WASTEWATER DISCHARGE LIMITATIONS ARE NOT BEING MET CONSISTENTLY, IS ADDITIONAL PRETREATMENT AND/OR ALTERATION OF CURRENT OPERATION AND MAINTENANCE (O & M) REQUIRED BY YOUR FIRM TO MEET THE LIMITATIONS?



YES \_\_\_\_\_ NO \_\_\_\_\_

REMARKS: \_\_\_\_\_

15. IF ADDITIONAL PRETREATMENT AND/OR O & M ARE REQUIRED TO MEET NATIONAL CATEGORICAL APPLICABLE DISCHARGE LIMITATIONS, SUBMIT THE SHORTEST SCHEDULE BY WHICH YOUR FIRM WILL PROVIDE SUCH ADDITIONAL PRETREATMENT.

(A) THE SCHEDULE SHALL CONTAIN A LIST OF MAJOR EVENTS LEADING TO COMPLIANCE. THE EXPECTED DATES OF COMPLETION OF SUCH EVENTS SHALL ALSO BE GIVEN. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) THE COMPLETION DATES OF ANY TWO SUCCESSIVE EVENTS SHALL NOT EXCEED NINE MONTHS.

(C) WITHIN 14 DAYS AFTER THE COMPLETION OF EACH EVENT, THE INDUSTRIAL USER SHALL SUBMIT A PROGRESS REPORT TO THE DIRECTOR OF ENVIRONMENTAL QUALITY INDICATING: (1) DATE THE EVENT WAS COMPLETED, (2) IF THE EVENT IS NOT COMPLETED AS SCHEDULED, THE REASON FOR THE DELAY, (3) THE EXPECTED DATE OF COMPLETION, AND STEPS TAKEN BY THE INDUSTRIAL USER TO RETURN TO THE ESTABLISHED SCHEDULE.

I, THE UNDERSIGNED APPLICANT, BEING THE AUTHORIZED REPRESENTATIVE OF THE HEREIN NAMED COMPANY, DO HEREBY REQUEST A PERMIT TO USE OR TO CONTINUE TO USE AN INDUSTRIAL SEWER CONNECTION AT THE LOCATION INDICATED HEREIN AND DO AGREE TO COMPLY WITH APPLICABLE PROVISIONS OF WEST MEMPHIS CITY CODE REGULATION THE USE OF PUBLIC SEWAGE WORKS.

SIGNATURE APPLICANT \_\_\_\_\_

DATE \_\_\_\_\_

NAME OF SIGNEE \_\_\_\_\_

TITLE OF SIGNEE \_\_\_\_\_

NAME AND TELEPHONE OF PERSON TO CONTACT REGARDING PERMIT INFORMATION \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_

OF \_\_\_\_\_

A CORPORATION, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, IN THE CAPACITY THEREIN STATED AND AS THE ACT DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

NOTARY PUBLIC IN AND FOR \_\_\_\_\_  
COUNTY, \_\_\_\_\_ (State)

**PRIORITY POLLUTANTS**  
**VOLATILE COMPOUNDS**

02 ACROLEIN  
004 BENZENE  
006 CARBON TETRACHLORIDE  
051 CHLORODIBROMOMETHANE  
019 2-CHLOROETHYLVINLY ETHER  
048 DICHLOROBROMOMETHANE  
010 1,2-DICHLOROETHANE  
032 1,2-DICHLOROPROPANE  
038 ETHYLBENZENE  
045 METHYL CHLORIDE  
015 1,1,2,2-TETRACHLOROETHANE  
086 TOLUENE  
011 1,1,1-TRICHLOROETHANE  
087 TRICHLOROETHYLENE

088 VINYL CHLORIDE  
003 ACRYLONITRILE  
047 BROMOFORM  
007 CHLOROBENZENE  
016 CHLOROETHANE  
023 CHLOROFORM  
013 1,1-DICHLOROETHANE  
029 1,1-DICHLOROETHYLENE  
033 1,3-DICHLOROPROPYLENE  
046 METHYL BROMIDE  
044 METHYLENE CHLORIDE  
085 TETRACHLOROETHYLENE  
030 1,2-TRANS-DICHLOROETHYLENE  
014 1,1,2-TRICHLOROETHANE

**ACID COMPOUNDS**

024 CHLOROPHENOL  
034 2,4-DIMETHYLPHENOL  
059 2,4-DINITROPHENOL  
058 4-NITROPHENOL  
064 PENTACHLOROPHENOL  
021 2,4,6-TRICHLOROPHENOL

031 2,4-DICHLOROPHENOL  
060 4,6-DINITRO-O-CRESOL  
057 2-NITROPHENOL  
022 P-CHLORO-M-CRESOL  
065 PHENOL

**BASE/NEUTRAL COMPOUNDS**

001 ACENAPHTHENE  
078 ANTHRACENE  
072 BENZO(A)ANTHRACENE  
074 BENZO(B)FLUORANTHENE  
075 BENZO(K)FLUORANTHENE  
018 BIS(2-CHLOROETHYL)ETHER  
017 BIS(CHLOROMETHYL)ETHER  
066 BIS(2-ETHYLHEZYL)PHTHALATE  
067 BUTYL BENZYL PHTHALATE  
025 1,2-DICHLOROBENZENE  
082 DIBENZO(A,H)ANTHRACENE  
026 1,3-DICHLOROBENZENE  
028 3,3-DICHLOROBENZIDINE  
071 DIMETHYL PHTHALATE  
035 2,4-DINITROTOLUENE  
069 DI-N-OCTYL PHTHALATE  
039 FLUORANTHENE

077 ACENAPHTYLENE  
005 BENZIDINE  
073 BENZO(A)PYRENE  
079 BENZO(GHI)PERYLENE  
043 BIS(2-CHLOROETHOXY)METHANE  
042 BIS(2-CHLOROISOPROPYL)ETHER  
041 4-BROMOPHENYL PHENYL ETHER  
020 2-CHLORONAPHTHALENE  
076 CHRYSENE  
040 4-CHLOROPHENYL PHENYL ETHER  
027 1,4-DICHLOROBENZENE  
070 DIETHYL PHTHALATE  
068 DI-N-BUTYL PHTHALATE  
036 2,6-DINITROTOLUENE  
081 PHENANTHRENE  
009 HEXACHLOROBENZENE  
053 HEXACHLOROCYCLOPENTADIEN

080 FLUORENE  
052 HEZACHLOROBUTADIENE  
012 HEXACHLOROETHANE  
054 ISOPHORONE  
056 NITROBENZENE  
008 1,2,4-TRICHLOROBENZENE  
037 1,2-DIPHENYLHYDRAZINE (AS AZOBENZENE)  
083 INDENO(1,2,3-CD)PYRENE  
055 NAPHTHALENE  
061 N-NITROSODIMETHYLAMINE  
062 N-NITROSODIPHENYLAMINE  
084 PYRENE  
063 N-NITROSODI-N-PROPYLAMINE

PESTICIDES AND PCB'S

089 ALDRINE  
102 ALPHA-BHC  
103 BETA-BHC  
092 4,4'DDT  
094 4,4'DDD  
095 ALPHA-ENDOSULFAN  
097 ENDOSULFAN SULFATE  
099 ENDRIN ALDEHYDE  
106 PCB-1242  
107 PCB-1254  
100 HEPTACHLOR  
104 GAMMA-BHC  
105 DELTA-BHC  
091 CHLORDANE  
093 4,4'DDE  
090 DIELDRIN  
096 DETA-ENDOSULFAN  
098 ENDRIN  
113 TOXAPHENE  
109 PCB-1232  
111 PCB-1260  
101 HEPTACHLOR EPOXIDE

METALS AND CYANIDE

114 ANTIMONY  
117 BERYLLIUM  
119 CHROMIUM  
122 LEAD  
124 NICKEL  
126 SILVER  
128 ZINC  
115 ARSENIC  
118 CADMIUM  
120 COPPER  
123 MERCURY  
125 SELENIUM  
127 THALLIUM  
121 CYANIDE

MISCELLANEOUS

129 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN (TCDD)  
116 ASBESTOS



# ENVIRONMENTAL TESTING & CONSULTING, INC.

www.etcmemphis.com

2790 Whitten Road

Memphis, Tennessee 38133

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Fax (901) 213-2440

"A Laboratory Management Partner"

3/13/2012

West Memphis Utilities- Industries  
Ms. Denise Bosnick  
PO Box 1868  
West Memphis, AR, 72301

Ref: Analytical Testing  
ETC Report Number: 12-059-0220  
Client Project Description: Wastewater Treatment Plant  
Influent/Effluent

Dear Ms. Denise Bosnick:

Environmental Testing and Consulting, Inc. received 7 sample(s) on 2/28/2012 for the analyses presented in the following report.

The above referenced project has been analyzed per your instructions. The analyses were performed in accordance with the applicable analytical method.

The analytical data has been validated using standard quality control measures performed as required by the analytical method. Quality Assurance, instrumentation maintenance and calibration were performed in accordance with guidelines established by the analytical method(s) and NELAC. All results provided are in compliance with NELAC requirements unless otherwise indicated and/or narrated.

The results are shown on the attached Report of Analysis(s). Results for solid matrices are reported on an as-received basis unless otherwise indicated. This report shall not be reproduced except in full and relates only to the samples included in this report.

Please do not hesitate to contact me or client services if you have any questions or need additional information.

Sincerely,

Randy Thomas  
Project Manager

*Laboratory's liability in any claim relating to analyses performed shall be limited to, at laboratory's option, repeating the analysis in question at laboratory's expense, or the refund of the charges paid for performance of said analysis.*

Alabama #40750	Louisiana #04015	VA NELAP #460181	Texas #T104704180-11-6	Arkansas #88-0650
Mississippi	California #09267CA	NC #415	Oklahoma #9311	Virginia #00106
Kentucky #90047	Tennessee #TN02027	EPA #TN00012	Kentucky UST #41	Kansas #E-10396





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"A Laboratory Management Partner"

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Client: West Memphis Utilities- Industries  
Project: Wastewater Treatment Plant  
Lab Report Number: 12-059-0220  
Date: 3/13/2012

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## CASE NARRATIVE

### **Pesticides by Method 608**

Sample 91064 (Influent 2/27-28/12)

#### Confirmation Analyses

The associated project sample contained compounds which were detected in both the primary and confirmatory analyses, with a relative percent difference of greater than 40%. The data qualifier Q, is used to flag the individual analytes detected with a high RPD. Target analytes with RPD values greater than 100% are reported as not confirmed.



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## Sample Summary Table

**Report Number:** 12-059-0220  
**Client Project Description:** Wastewater Treatment Plant  
Influent/Effluent

Lab No	Client Sample ID	Matrix	Date Collected	Date Received	Method	Lab ID
91063	Influent Grab	Aqueous	02/28/2012 09:45	02/28/2012	1664A	ETC
91063	Influent Grab	Aqueous	02/28/2012 09:45	02/28/2012	420.1	ETC
91063	Influent Grab	Aqueous	02/28/2012 09:45	02/28/2012	4500-CN-E	ETC
91063	Influent Grab	Aqueous	02/28/2012 09:45	02/28/2012	624	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	2540D	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-H-B	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-NO3E	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-PE	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	5210-BOD	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	5220-D	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	608	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	625	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	EPA-200.8	ETC
91064	Influent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	EPA-608 (PCB)	ETC
91065	Effluent Grab	Aqueous	02/28/2012 09:45	02/28/2012	1664A	ETC
91065	Effluent Grab	Aqueous	02/28/2012 09:45	02/28/2012	420.1	ETC
91065	Effluent Grab	Aqueous	02/28/2012 09:45	02/28/2012	4500-CN-E	ETC
91065	Effluent Grab	Aqueous	02/28/2012 09:45	02/28/2012	624	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	2540D	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-H-B	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-NO3E	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	4500-PE	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	5210-BOD	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	5220-D	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	608	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	625	ETC

ETC: Environmental Testing and Consulting, Inc., Certification: 100456

MO: Mercury One, Twinsburg, OH, Certification: #04150



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Memphis, Tennessee 38133

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"A Laboratory Management Partner"

## Sample Summary Table

**Report Number:** 12-059-0220  
**Client Project Description:** Wastewater Treatment Plant  
Influent/Effluent

Lab No	Client Sample ID	Matrix	Date Collected	Date Received	Method	Lab ID
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	EPA-200.8	ETC
91066	Effluent 2/27-28/12	Aqueous	02/28/2012 09:45	02/28/2012	EPA-608 (PCB)	ETC
91067	STP Influent Grab	Aqueous	02/28/2012 09:38	02/28/2012	EPA-1631E	MO
91068	STP Effluent Grab	Aqueous	02/28/2012 09:18	02/28/2012	EPA-1631E	MO
91069	Field Blank	Aqueous	02/28/2012 09:15	02/28/2012	EPA-1631E	MO

ETC: Environmental Testing and Consulting, Inc., Certification: 100456

MO: Mercury One, Twinsburg, OH, Certification: #04150





# ENVIRONMENTAL TESTING & CONSULTING, INC.

2790 Whitten Road Memphis, Tennessee 38133 (801) 213-2400 Fax (801) 213-2440  
 "A Laboratory Management Partner"

05259  
 West Memphis Utilities- Industries  
 Ms. Denise Bosnick  
 PO Box 1868  
 West Memphis, AR 72301

Project Wastewater Treatment Plant  
 Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91063

Matrix: Aqueous

Sample ID : Influent Grab

Sampled: 2/28/2012 9:45

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Method
Total Cyanide	<0.010	mg/L	0.010	1	03/01/12 09:00	NRT	4500-CN-E
Oil and Grease	<b>15.7</b>	mg/L	1.4	1	02/29/12 14:25	EBG	1664A
Phenols (Total)	<0.0050	mg/L	0.0050	1	03/02/12 07:35	DRG	420.1

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Acrolein	<20.0	µg/L	20.0	1	03/01/12 19:05	NFP	L125675
Acrylonitrile	<20.0	µg/L	20.0	1	03/01/12 19:05	NFP	L125675
Benzene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Bromodichloromethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Bromoform	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Bromomethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Carbon Tetrachloride	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Chlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Chlorodibromomethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Chloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
2-Chloroethylvinyl Ether	<5.00	µg/L	5.00	1	03/01/12 19:05	NFP	L125675
Chloroform	<b>3.07</b>	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Chloromethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,2-Dichlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,3-Dichlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,4-Dichlorobenzene	<b>1.57</b>	µg/L	1.00	1	03/01/12 19:05	NFP	L125675

<b>Qualifiers/</b>	*	Outside QC limit	DF	Dilution Factor
<b>Definitions</b>	I	Recovery out of range	MQL	Method Quantitation Limit
	Q	RPD >40% dual column results		



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"A Laboratory Management Partner"

05259

West Memphis Utilities- Industries

Ms. Denise Bosnick

PO Box 1868

West Memphis, AR 72301

Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91063

Matrix: Aqueous

Sample ID : Influent Grab

Sampled: 2/28/2012 9:45

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
1,1-Dichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,2-Dichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,1-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
cis-1,2-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
trans-1,2-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,2-Dichloroethene (Total)	<1.00	µg/L	1.00	1	03/01/12 19:05		L125675
1,2-Dichloropropane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
cis-1,3-Dichloropropene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
trans-1,3-Dichloropropene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,3-Dichloropropene (Total)	<1.00	µg/L	1.00	1	03/01/12 19:05		L125675
Ethylbenzene	4.78	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Methylene Chloride	<10.0	µg/L	10.0	1	03/01/12 19:05	NFP	L125675
1,1,1,2-Tetrachloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,1,2,2-Tetrachloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Tetrachloroethene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Toluene	9.15	µg/L	5.00	1	03/01/12 19:05	NFP	L125675
1,1,1-Trichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
1,1,2-Trichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Trichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit



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West Memphis Utilities- Industries

Ms. Denise Bosnick

PO Box 1868

West Memphis , AR 72301

Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91063

Matrix: Aqueous

Sample ID : Influent Grab

Sampled: 2/28/2012 9:45

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	ML	DF	Date / Time Analyzed	By	Analytical Batch
Vinyl Chloride	<1.00	µg/L	1.00	1	03/01/12 19:05	NFP	L125675
Surrogate: 4-Bromofluorobenzene	101 %		Limits: 71-131%	1	03/01/12 19:05	NFP	L125675
Surrogate: Dibromofluoromethane	82.2 %		Limits: 70-128%	1	03/01/12 19:05	NFP	L125675
Surrogate: 1,2-Dichloroethane - d4	93.4 %		Limits: 67-136%	1	03/01/12 19:05	NFP	L125675
Surrogate: Toluene-d8	102 %		Limits: 70-130%	1	03/01/12 19:05	NFP	L125675

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit



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Project Wastewater Treatment Plant  
Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91064

Matrix: Aqueous

Sample ID: Influent 2/27-28/12

Sampled: 2/28/2012 9:45

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Method
Biochemical Oxygen Demand (5-day)	182	mg/L	60	1	02/28/12 12:00	TKM	5210-BOD
COD (Chemical Oxygen Demand)	470	mg/L	150	1	03/01/12 08:45	TKM	5220-D
Nitrate+Nitrite-N	<0.100	mg/L	0.100	1	03/08/12 13:45	NRT	4500-NO3E
pH	7.0	s.u.		1	02/28/12 13:00	JDW	4500-H-B
Total Suspended Solids	132	mg/L	6	1	02/28/12 14:22	KAT	2540D
Total Phosphorus	5.19	mg/L	0.625	1	02/29/12 08:30	TKM	4500-PE
Total Antimony	<1.00	µg/L	1.00	1	02/29/12 16:25	RQE	EPA-200.8
Total Arsenic	4.13	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Beryllium	<0.500	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Cadmium	0.959	µg/L	0.100	1	02/29/12 16:25	RQE	EPA-200.8
Total Chromium	4.27	µg/L	1.00	1	02/29/12 16:25	RQE	EPA-200.8
Total Copper	64.9	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Lead	3.04	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Nickel	6.22	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Selenium	4.88	µg/L	2.00	1	02/29/12 16:25	RQE	EPA-200.8
Total Silver	0.244	µg/L	0.100	1	02/29/12 16:25	RQE	EPA-200.8
Total Thallium	<0.500	µg/L	0.500	1	02/29/12 16:25	RQE	EPA-200.8
Total Zinc	107	µg/L	5.00	1	02/29/12 16:25	RQE	EPA-200.8

Analytical Method: 608

Prep Method: EPA-608 (PREP FV1)

Prep Batch(es): L125948

Date/Time Prepped: 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Aldrin	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143

<b>Qualifiers/</b>	*	Outside QC limit	DF	Dilution Factor
<b>Definitions</b>	I	Recovery out of range	MQL	Method Quantitation Limit
	Q	RPD >40% dual column results		



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Project Wastewater Treatment Plant

Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91064

Matrix: Aqueous

Sample ID: Influent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 608

Prep Method: EPA-608 (PREP FV1)

Prep Batch(es): L125948

Date/Time Prepped: 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
alpha-BHC	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
beta-BHC	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
delta-BHC	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Chlordane	<0.02000	µg/L	0.02000	1	03/07/12 22:50	VIC	L126143
4,4'-DDD	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
4,4'-DDE	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
4,4'-DDT	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Dieldrin	<b>0.00666 Q</b>	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Endosulfan I	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Endosulfan II	<b>0.00857</b>	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Endosulfan Sulfate	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Endrin	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Endrin Aldehyde	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
gamma-BHC	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Heptachlor	<b>0.08492 Q</b>	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Heptachlor Epoxide	<0.00400	µg/L	0.00400	1	03/07/12 22:50	VIC	L126143
Toxaphene	<0.03000	µg/L	0.03000	1	03/07/12 22:50	VIC	L126143
Surrogate: Decachlorobiphenyl	58.06 %		Limits: 36-116%	1	03/07/12 22:50	VIC	L126143
Surrogate: Tetrachloro-m-xylene	60.04 %		Limits: 25-123%	1	03/07/12 22:50	VIC	L126143

### Qualifiers/ Definitions

*	Outside QC limit
I	Recovery out of range
Q	RPD >40% dual column results

DF	Dilution Factor
MQL	Method Quantitation Limit



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Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91064

Matrix: Aqueous

Sample ID : Influent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Acenaphthene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Acenaphthylene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Anthracene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Benzidine	<80.0	µg/L	80.0	1	03/06/12 17:38	MKC	L126148
Benzo(a)anthracene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Benzo(a)pyrene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Benzo(b)fluoranthene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Benzo(g,h,i)perylene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Benzo(k)fluoranthene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Bis(2-Chloroethoxy)methane	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Bis(2-Chloroethyl)ether	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Bis(2-Chloroisopropyl)ether	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Bis(2-ethylhexyl)phthalate	713	µg/L	40.0	1	03/06/12 17:38	MKC	L126148
4-Bromophenyl phenyl ether	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Butyl benzyl phthalate	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
4-Chloro-3-methylphenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2-Chloronaphthalene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2-Chlorophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
4-Chlorophenyl phenyl ether	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Chrysene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Dibenz(a,h)anthracene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
1,2-Dichlorobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148

Qualifiers/ Definitions			DF	Dilution Factor
*		Outside QC limit	MQL	Method Quantitation Limit
I		Recovery out of range		
Q		RPD >40% dual column results		



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Project Wastewater Treatment Plant  
Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91064

Matrix: Aqueous

Sample ID: Influent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
1,3-Dichlorobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
1,4-Dichlorobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
3,3'-Dichlorobenzidine	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2,4-Dichlorophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Diethyl phthalate	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Dimethyl phthalate	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2,4-Dimethylphenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Di-n-butyl phthalate	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
4,6-Dinitro-2-methylphenol	<40.0	µg/L	40.0	1	03/06/12 17:38	MKC	L126148
2,4-Dinitrophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2,4-Dinitrotoluene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2,6-Dinitrotoluene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Di-n-Octyl Phthalate	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
1,2-Diphenylhydrazine/Azobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Fluoranthene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Fluorene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Hexachlorobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Hexachlorobutadiene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Hexachlorocyclopentadiene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Hexachloroethane	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Indeno(1,2,3-cd)pyrene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Isophorone	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148

Qualifiers/Definitions		
*	Outside QC limit	DF Dilution Factor
I	Recovery out of range	MQL Method Quantitation Limit
Q	RPD >40% dual column results	



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Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91064

Matrix: Aqueous

Sample ID : Influent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Naphthalene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Nitrobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2-Nitrophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
4-Nitrophenol	<80.0	µg/L	80.0	1	03/06/12 17:38	MKC	L126148
N-Nitrosodimethylamine	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
N-Nitrosodiphenylamine	<40.0	µg/L	40.0	1	03/06/12 17:38	MKC	L126148
N-Nitroso-di-n-propylamine	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Pentachlorophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Phenanthrene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
Phenol	<b>89.8</b>	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Pyrene	<8.00	µg/L	8.00	1	03/06/12 17:38	MKC	L126148
1,2,4-Trichlorobenzene	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
2,4,6-Trichlorophenol	<20.0	µg/L	20.0	1	03/06/12 17:38	MKC	L126148
Surrogate: 2-Fluorobiphenyl	64.3 %		Limits: 38-107%	1	03/06/12 17:38	MKC	L126148
Surrogate: 2-Fluorophenol	30.1 %		Limits: 8-88%	1	03/06/12 17:38	MKC	L126148
Surrogate: Nitrobenzene-d5	53.0 %		Limits: 29-105%	1	03/06/12 17:38	MKC	L126148
Surrogate: Phenol-d6	20.8 %		Limits: 7-58%	1	03/06/12 17:38	MKC	L126148
Surrogate: 4-Terphenyl-d14	91.3 %		Limits: 33-122%	1	03/06/12 17:38	MKC	L126148
Surrogate: 2,4,6-Tribromophenol	83.9 %		Limits: 16-138%	1	03/06/12 17:38	MKC	L126148

**Qualifiers/  
Definitions**

\* Outside QC limit  
I Recovery out of range  
Q RPD >40% dual column results

DF Dilution Factor  
MQL Method Quantitation Limit





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Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91064

Matrix: Aqueous

Sample ID : Influent 2/27-28/12

Sampled: 2/28/2012 9:45

**Analytical Method:** EPA-608 (PCB)

**Prep Method:** EPA-608 (PCB Prep)

**Prep Batch(es):** L125950

**Date/Time Prepped:** 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Aroclor 1016	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1221	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1232	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1242	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1248	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1254	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Aroclor 1260	<0.200	µg/L	0.200	1	03/06/12 20:32	VIC	L126144
Surrogate: Decachlorobiphenyl	25.8 %		Limits: 25-125%	1	03/06/12 20:32	VIC	L126144
Surrogate: Tetrachloro-m-xylene	47.5 %		Limits: 25-125%	1	03/06/12 20:32	VIC	L126144

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit



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Project Wastewater Treatment Plant  
Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91065

Matrix: Aqueous

Sample ID: Effluent Grab

Sampled: 2/28/2012 9:45

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Method
Total Cyanide	<0.010	mg/L	0.010	1	03/01/12 09:00	NRT	4500-CN-E
Oil and Grease	2.1	mg/L	1.4	1	02/29/12 14:25	EBG	1664A
Phenols (Total)	<0.0050	mg/L	0.0050	1	03/02/12 07:35	DRG	420.1

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Acrolein	<20.0	µg/L	20.0	1	03/01/12 19:34	NFP	L125675
Acrylonitrile	<20.0	µg/L	20.0	1	03/01/12 19:34	NFP	L125675
Benzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Bromodichloromethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Bromoform	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Bromomethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Carbon Tetrachloride	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Chlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Chlorodibromomethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Chloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
2-Chloroethylvinyl Ether	<5.00	µg/L	5.00	1	03/01/12 19:34	NFP	L125675
Chloroform	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Chloromethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,2-Dichlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,3-Dichlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,4-Dichlorobenzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675

**Qualifiers/  
Definitions**

\* Outside QC limit  
I Recovery out of range  
Q RPD >40% dual column results

DF Dilution Factor  
MQL Method Quantitation Limit



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"A Laboratory Management Partner"

05259

West Memphis Utilities- Industries

Ms. Denise Bosnick

PO Box 1868

West Memphis , AR 72301

Project Wastewater Treatment Plant

Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91065

Matrix: Aqueous

Sample ID : Effluent Grab

Sampled: 2/28/2012 9:45

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	ML	DF	Date / Time Analyzed	By	Analytical Batch
1,1-Dichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,2-Dichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,1-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
cis-1,2-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
trans-1,2-Dichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,2-Dichloroethene (Total)	<1.00	µg/L	1.00	1	03/01/12 19:34		L125675
1,2-Dichloropropane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
cis-1,3-Dichloropropene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
trans-1,3-Dichloropropene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,3-Dichloropropene (Total)	<1.00	µg/L	1.00	1	03/01/12 19:34		L125675
Ethylbenzene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Methylene Chloride	<10.0	µg/L	10.0	1	03/01/12 19:34	NFP	L125675
1,1,1,2-Tetrachloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,1,2,2-Tetrachloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Tetrachloroethene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Toluene	<5.00	µg/L	5.00	1	03/01/12 19:34	NFP	L125675
1,1,1-Trichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
1,1,2-Trichloroethane	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Trichloroethene	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit



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Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91065

Matrix: Aqueous

Sample ID : Effluent Grab

Sampled: 2/28/2012 9:45

Analytical Method: 624

Prep Method: EPA-624 (PREP)

Prep Batch(es): L125674

Date/Time Prepped: 3/1/2012 09:52:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Vinyl Chloride	<1.00	µg/L	1.00	1	03/01/12 19:34	NFP	L125675
Surrogate: 4-Bromofluorobenzene	105 %		Limits: 71-131%	1	03/01/12 19:34	NFP	L125675
Surrogate: Dibromofluoromethane	75.6 %		Limits: 70-128%	1	03/01/12 19:34	NFP	L125675
Surrogate: 1,2-Dichloroethane - d4	97.2 %		Limits: 67-136%	1	03/01/12 19:34	NFP	L125675
Surrogate: Toluene-d8	78.6 %		Limits: 70-130%	1	03/01/12 19:34	NFP	L125675

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
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DF Dilution Factor  
 MQL Method Quantitation Limit



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Project Wastewater Treatment Plant  
Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91066

Matrix: Aqueous

Sample ID: Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Method
Biochemical Oxygen Demand (5-day)	12	mg/L	5	1	02/28/12 12:00	TKM	5210-BOD
COD (Chemical Oxygen Demand)	58	mg/L	15	1	02/29/12 09:05	TKM	5220-D
Nitrate+Nitrite-N	1.08	mg/L	0.600	1	03/08/12 13:45	NRT	4500-NO3E
pH	7.5	s.u.		1	02/28/12 13:00	JDW	4500-H-B
Total Suspended Solids	25	mg/L	2	1	02/28/12 14:22	KAT	2540D
Total Phosphorus	2.07	mg/L	0.250	1	02/29/12 08:30	TKM	4500-PE
Total Antimony	<1.00	µg/L	1.00	1	02/29/12 16:31	RQE	EPA-200.8
Total Arsenic	6.27	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Beryllium	<0.500	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Cadmium	<0.100	µg/L	0.100	1	02/29/12 16:31	RQE	EPA-200.8
Total Chromium	2.44	µg/L	1.00	1	02/29/12 16:31	RQE	EPA-200.8
Total Copper	10.0	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Lead	0.718	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Nickel	4.22	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Selenium	<2.00	µg/L	2.00	1	02/29/12 16:31	RQE	EPA-200.8
Total Silver	<0.100	µg/L	0.100	1	02/29/12 16:31	RQE	EPA-200.8
Total Thallium	<0.500	µg/L	0.500	1	02/29/12 16:31	RQE	EPA-200.8
Total Zinc	54.4	µg/L	5.00	1	02/29/12 16:31	RQE	EPA-200.8

Analytical Method: 608

Prep Method: EPA-608 (PREP FV1)

Prep Batch(es): L125948

Date/Time Prepped: 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Aldrin	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143

### Qualifiers/Definitions

*	Outside QC limit	DF	Dilution Factor
I	Recovery out of range	MQL	Method Quantitation Limit
Q	RPD >40% dual column results		



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Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91066

Matrix: Aqueous

Sample ID : Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 608

Prep Method: EPA-608 (PREP FV1)

Prep Batch(es): L125948

Date/Time Prepped: 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
alpha-BHC	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
beta-BHC	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
delta-BHC	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Chlordane	<0.02000	µg/L	0.02000	1	03/07/12 23:09	VIC	L126143
4,4'-DDD	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
4,4'-DDE	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
4,4'-DDT	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Dieldrin	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Endosulfan I	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Endosulfan II	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Endosulfan Sulfate	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Endrin	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Endrin Aldehyde	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
gamma-BHC	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Heptachlor	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Heptachlor Epoxide	<0.00400	µg/L	0.00400	1	03/07/12 23:09	VIC	L126143
Toxaphene	<0.03000	µg/L	0.03000	1	03/07/12 23:09	VIC	L126143
Surrogate: Decachlorobiphenyl	52.42 %		Limits: 36-116%	1	03/07/12 23:09	VIC	L126143
Surrogate: Tetrachloro-m-xylene	32.16 %		Limits: 25-123%	1	03/07/12 23:09	VIC	L126143

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit



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Information: Influent/Effluent

Report Date: 3/13/2012

Report Number: 12-059-0220

## REPORT OF ANALYSIS

Received: 2/28/2012

Lab No: 91066

Matrix: Aqueous

Sample ID: Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Acenaphthene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Acenaphthylene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Anthracene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Benzidine	<20.4	µg/L	20.4	1	03/06/12 14:08	MKC	L126148
Benzo(a)anthracene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Benzo(a)pyrene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Benzo(b)fluoranthene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Benzo(g,h,i)perylene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Benzo(k)fluoranthene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Bis(2-Chloroethoxy)methane	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Bis(2-Chloroethyl)ether	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Bis(2-Chloroisopropyl)ether	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Bis(2-ethylhexyl)phthalate	<b>114</b>	µg/L	10.2	1	03/06/12 14:08	MKC	L126148
4-Bromophenyl phenyl ether	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Butyl benzyl phthalate	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
4-Chloro-3-methylphenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2-Chloronaphthalene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2-Chlorophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
4-Chlorophenyl phenyl ether	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Chrysene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Dibenz(a,h)anthracene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
1,2-Dichlorobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148

Qualifiers/Definitions			DF	Dilution Factor
*	Outside QC limit		MQL	Method Quantitation Limit
I	Recovery out of range			
Q	RPD >40% dual column results			



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Report Date : 3/13/2012

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## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91066

Matrix: Aqueous

Sample ID : Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
1,3-Dichlorobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
1,4-Dichlorobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
3,3'-Dichlorobenzidine	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2,4-Dichlorophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Diethyl phthalate	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Dimethyl phthalate	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2,4-Dimethylphenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Di-n-butyl phthalate	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
4,6-Dinitro-2-methylphenol	<10.2	µg/L	10.2	1	03/06/12 14:08	MKC	L126148
2,4-Dinitrophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2,4-Dinitrotoluene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2,6-Dinitrotoluene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Di-n-Octyl Phthalate	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
1,2-Diphenylhydrazine/Azobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Fluoranthene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Fluorene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Hexachlorobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Hexachlorobutadiene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Hexachlorocyclopentadiene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Hexachloroethane	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Indeno(1,2,3-cd)pyrene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Isophorone	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148

Qualifiers/Definitions				
*	Outside QC limit		DF	Dilution Factor
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Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91066

Matrix: Aqueous

Sample ID : Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: 625

Prep Method: 625

Prep Batch(es): L125810

Date/Time Prepped: 3/5/2012 11:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Naphthalene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Nitrobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2-Nitrophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
4-Nitrophenol	<20.4	µg/L	20.4	1	03/06/12 14:08	MKC	L126148
N-Nitrosodimethylamine	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
N-Nitrosodiphenylamine	<10.2	µg/L	10.2	1	03/06/12 14:08	MKC	L126148
N-Nitroso-di-n-propylamine	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Pentachlorophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Phenanthrene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
Phenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
Pyrene	<2.04	µg/L	2.04	1	03/06/12 14:08	MKC	L126148
1,2,4-Trichlorobenzene	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148
2,4,6-Trichlorophenol	<5.10	µg/L	5.10	1	03/06/12 14:08	MKC	L126148

Surrogate: 2-Fluorobiphenyl 67.5 % Limits: 38-107% 1 03/06/12 14:08 MKC L126148

Surrogate: 2-Fluorophenol 32.9 % Limits: 8-88% 1 03/06/12 14:08 MKC L126148

Surrogate: Nitrobenzene-d5 60.4 % Limits: 29-105% 1 03/06/12 14:08 MKC L126148

Surrogate: Phenol-d6 22.2 % Limits: 7-58% 1 03/06/12 14:08 MKC L126148

Surrogate: 4-Terphenyl-d14 88.6 % Limits: 33-122% 1 03/06/12 14:08 MKC L126148

Surrogate: 2,4,6-Tribromophenol 84.8 % Limits: 16-138% 1 03/06/12 14:08 MKC L126148

### Qualifiers/ Definitions

\* Outside QC limit  
I Recovery out of range  
Q RPD >40% dual column results

DF Dilution Factor  
MQL Method Quantitation Limit



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Information : Influent/Effluent

Report Date : 3/13/2012

Report Number : 12-059-0220

## REPORT OF ANALYSIS

Received : 2/28/2012

Lab No : 91066

Matrix: Aqueous

Sample ID : Effluent 2/27-28/12

Sampled: 2/28/2012 9:45

Analytical Method: EPA-608 (PCB)

Prep Method: EPA-608 (PCB Prep)

Prep Batch(es): L125950

Date/Time Prepped: 3/6/2012 15:00:00

Test	Results	Units	MQL	DF	Date / Time Analyzed	By	Analytical Batch
Aroclor 1016	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1221	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1232	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1242	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1248	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1254	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Aroclor 1260	<0.200	µg/L	0.200	1	03/06/12 20:54	VIC	L126144
Surrogate: Decachlorobiphenyl	77.2 %		Limits: 25-125%	1	03/06/12 20:54	VIC	L126144
Surrogate: Tetrachloro-m-xylene	59.5 %		Limits: 25-125%	1	03/06/12 20:54	VIC	L126144

### Qualifiers/ Definitions

\* Outside QC limit  
 I Recovery out of range  
 Q RPD >40% dual column results

DF Dilution Factor  
 MQL Method Quantitation Limit

# Mercury One LTD

Mercury Analysis

Florida  
NELAP Cert # E871043

New York  
NELAP Cert # 11976

Louisiana  
NELAP Cert # 04150

**Analytical Report**  
**EPA Method 1631E & 245.7 Rev 2**

**Report #: 12-0471**  
**Page 1 of 1**

Customer Name: Environmental Testing & Consulting 3/1/12  
2790 Whitten Rd.  
Memphis, TN 38133-4753

Attention: R Ross/ R Thomas  
Project/PO# 12-059-0220

Lab / (Field ID) or (Customer ID)	Results ng/L	Results ng/L	Results ng/L	Results ng/L	Mercury One ID:
L 91067 (STP Influent Grab)	15.0				120229-18
L 91068 (STP Effluent Grab)		4.28			120229-19
L 91069 (Field Blank)			<0.5		120229-20
Sample Type	Influent	Effluent	Field Blank		
Date Sampled:	2/28/12	2/28/12	2/28/12		
Date Received:	2/29/12	2/29/12	2/29/12		
Date Prepared:	2/29/12	2/29/12	2/29/12	2/29/12	
Date Analyzed:	3/1/12	3/1/12	3/1/12		
Time Analyzed:	9:14:17 AM	9:15:52 AM	9:23:40 AM		
Method Qualifier	M 1	M 1	M 1	M 1	
Dilution Factor	10				<b>QCS</b>
Method Blank	1631E	<0.2ng/L	245.7 Rev 2	<1.8 ng/L	Acceptable Range
Method Reporting Limit	1631E	0.5ng/L	245.7 Rev 2	5.0 ng/L	245.7 Rev 2 63-111%
Quality Control Sample (QCS)	6.15	102.5%	-	-	1631E 71-129%

**M= Modified: See Below for Explanation**

**M1= Method 1631E used for analysis.**

**M2= Method 245.7 used for analysis.**

The Matrix Spike and Matrix Spike Duplicate reported are for samples identified below

Mercury One ID  
**120229-19**

% Recovery

MS/MSD Acceptable Range	RPD
1631E 71-129%	< 20%
245.7 Rev 2 63-111%	< 18%

MS	MSD	RPD
101.6%	99.6%	1.7%

Comments:

The results are related only to the samples presented on this report.  
The test results are certified to meet all requirements of NELAC.

Arkansas Cert# 88-0911  
West Virginia Cert # 348  
North Carolina Cert # 662

Other Codes

Other Comments: J = Estimated result , R = Rejected,

Reason for J or R flag:

\* A value found between the Reporting Limit and the Method Detection Limit is considered estimated

William W. Purves

Rev 4 6/23/11

Phone: 330-963-0843

2241 Pinnacle Parkway, Suite B, Twinsburg, OH 44087

Fax: 330-963-1016



# ENVIRONMENTAL TESTING & CONSULTING, INC.

www.etcmemphis.com

2790 Whitten Road

Memphis, Tennessee 38133

(901) 213-2400

Fax (901) 213-2440

"A Laboratory Management Partner"

02/28/2012 14:50:47

Page 1 of 1

## Export Batch Report

Export Batch Id : 789EXP

Created: 2/28/2012 14:49:33

Computer: LABSUPPORT02

User: Brooke Shoup

**To:** Mercury One  
2241 Pinnacle Parkway / Suite B  
Twinsburg, OH 44087  
330-963-0843

**From:** Environmental Testing and Consulting, Inc.  
2790 Whitten Road  
Memphis, TN 38133  
901-213-2400

Report No	Sample Date	Customer Sample No	Rush	Lab No	Method No	Fee Code Description
12-059-0220	02/28/2012 09:38	STP Influent Grab		91067	EPA-1631E	Total Mercury (Method 1631E Low Level) - 120229-18
12-059-0220	02/28/2012 09:18	STP Effluent Grab		91068	EPA-1631E	Total Mercury (Method 1631E Low Level) - 120229-19
12-059-0220	02/28/2012 09:15	Field Blank		91069	EPA-1631E	Total Mercury (Method 1631E Low Level) - 120229-20

Sampled By <i>Client</i>	Method of Shipment <i>FedEx</i>	Blank / Cooler Temp.	
Remarks			
Relinquished By (sign) <i>B. Shoup</i>	Date / Time <i>2-28-12 16:00</i>	Received By (sign) <i>M. E. ...</i>	Date / Time <i>2/29/12 13:15</i>
Relinquished By (sign)	Date / Time	Received By (sign)	Date / Time



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www.etcmemphis.com

2790 Whitten Road

Memphis, Tennessee 38133

(901) 213-2400

Fax (901) 213-2440

"A Laboratory Management Partner"

## Cooler Receipt Form

Customer Number: **05259**

Customer Name: **West Memphis Utilities- Industries**

Report Number: **12-059-0220**

### Shipping Method

Fed Ex    UPS    US Postal    Client    Lab    Courier    Other : \_\_\_\_\_

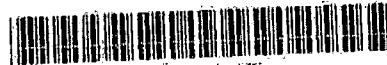
Shipping container/cooler uncompromised?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Custody seals intact on shipping container/cooler?	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Required
Custody seals intact on sample bottles?	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Required
Chain of Custody (COC) present?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
COC agrees with sample label(s)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
COC properly completed	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Samples in proper containers?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Sample containers intact?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Sufficient sample volume for indicated test(s)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
All samples received within holding time?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Cooler temperature in compliance?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Cooler/Samples arrived at the laboratory on ice. Samples were considered acceptable as cooling process had begun.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Water - Sample containers properly preserved	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A
Water - VOA vials free of headspace	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Trip Blanks received with VOAs	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Soil VOA method 5035 – compliance criteria met	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
<input type="checkbox"/> High concentration container (48 hr)	<input type="checkbox"/> Low concentration EnCore samplers (48 hr)		
<input type="checkbox"/> High concentration pre-weighed (methanol -14 d)	<input type="checkbox"/> Low conc pre-weighed vials (Sod Bis -14 d)		
Special precautions or instructions included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

Comments:

Any regulatory non-compliance issues will be recorded on non-compliance report.

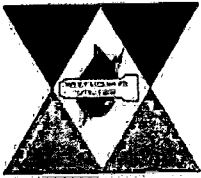
Signature:

Date & Time:



12-059-0220  
05259  
2012-02-28  
11:56:31

West Memphis Utilities- Industries  
Wastewater Treatment Plant



**WEST MEMPHIS UTILITY COMMISSION**  
**604 EAST COOPER PHONE 870-735-3355**  
**CHAIN OF CUSTODY**

**FACILITY SAMPLED** Influent STP  
**FACILITY LOCATION** 502 South Loop  
**PERSON SAMPLING** M. Jones TB  
**DATE SAMPLED** 2-27-12  
**TIME SAMPLED** 9:45 A.M. \_\_\_\_\_ P.M.

**NUMBER OF CONTAINERS** 10 Jars + 3 Vials

**ANALYSIS TO BE PERFORMED**

	TYPE		PRESERVATIVE USED					CONTAINER	
	GRAB	COMP.	HCl	HNO <sub>3</sub>	H <sub>2</sub> SO <sub>4</sub>	NaOH	Chilled	Glass	Plastic
40 CFR 122 APP. D TABLE II	X	X	X				X	X	
40 CFR 122 APP. D TABLE III	X	X		X	X	X	X	X	
Biochemical Oxygen Demand		X					X	X	
Total Suspended Solids		X					X	X	
Oil and Grease	X				X		X	X	
Chemical Oxygen Demand		X			X		X	X	
pH		X					X	X	
40 CFR 122 App. D Table IV									
Nitrate-Nitrite		X			X		X	X	
Total Phosphorus		X			X		X	X	

**RELINQUISHED BY (SIGNATURE)** M. Jones

**DATE** 2-27-12 **TIME** \_\_\_\_\_

**RECEIVED BY LAB (SIGNATURE)** B. Brown

**DATE** 2-28-12 **TIME** 11:50

1°C



12-059-0220  
05259  
2012-02-28  
11:56:31

West Memphis Utilities - Industries  
Wastewater Treatment Plant



**WEST MEMPHIS UTILITY COMMISSION**  
604 EAST COOPER PHONE 870-735-3355  
CHAIN OF CUSTODY

FACILITY SAMPLED Effluent STP  
FACILITY LOCATION 502 South Loop  
PERSON SAMPLING M. Jones  
DATE SAMPLED 2-27-12  
TIME SAMPLED 9:25A A.M. \_\_\_\_\_ P.M.

NUMBER OF CONTAINERS 10 Jars + 3 Vials

**ANALYSIS TO BE PERFORMED**

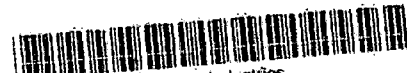
	TYPE		PRESERVATIVE USED					CONTAINER	
	GRAB	COMP.	HCl	HNO <sub>3</sub>	H <sub>2</sub> SO <sub>4</sub>	NaOH	Chilled	Glass	Plastic
40 CFR 122 APP. D TABLE II	X	X	X				X	X	
40 CFR 122 APP. D TABLE III	X	X		X	X	X	X	X	
Biochemical Oxygen Demand		X					X	X	
Total Suspended Solids		X					X	X	
Oil and Grease	X				X		X	X	
Chemical Oxygen Demand		X			X		X	X	
pH		X					X	X	
40 CFR 122 APP D Table IV									
Nitrate-Nitrite		X			X		X	X	
Total Phosphorus		X			X		X	X	

RELINQUISHED BY (SIGNATURE) M. Jones  
DATE 2-27-12 TIME \_\_\_\_\_  
RECEIVED BY LAB (SIGNATURE) B. Klop  
DATE 2-28-12 TIME 11:50

1°C

Environmental Testing & Consulting, Inc. Chain of Custody

Page    of   



West Memphis Utilities- Industries  
Wastewater Treatment Plant

12-059-0220  
35259  
2012-02-28  
11:56:31

Client Name <b>West Memphis Utility</b>		Client Project Manager/Contact <b>Denise Bossnick</b>		Phone # <b>870-702-5141</b>	
Project Site Location <b>604 E. Cooper W. Memphis, AR 72801</b>				Email Address	
Project Number		FID #		Purchase Order Number	
Type of Event Single Daily Weekly Monthly Quarterly Semi-Annual				Method of Shipment <b>Cooler - Ice</b>	

- NPDES  
 Wastewater  
 UST  
 Other Program

- RUSH - Additional charges apply.  
The following require a Statement of Work  
 Special Report Requirements  
 Special Detection Limit(s)  
 Special Method Requirements

Environmental Testing & Consulting, Inc.  
2790 Whitten Road  
Memphis, TN 38133  
(901) 213-2400 (phone)  
(901) 213-2440 (fax)  
www.etcmemphis.com



Date			Time			Sample Identification			Number of Containers	Matrix	Required Analysis																
											(G)rab or (C)omposite	Low Level Accuracy															
2-28-12	9:15A		9:15A			Blank			1		G	X															
2-28-12	9:14A		9:14A			STP Effluent			1		G	X															
2-28-12	9:09A		9:09A			STP Influent			1		G	X															

Matrix  
 WW - Wastewater GW - Groundwater DW - Drinking Water S - Soil O - Oil L - Non aqueous liquid  
 Other \_\_\_\_\_

Sampled by (Name/Affiliation): (Print)  
**Marvin Jones**  
**W. Memphis Utility**

Client Remarks/Comments

For Laboratory Use Only		
Is	Cooler Temp	Lab Comments
Y / N	N/A	

Relinquished by: (SIGNATURE)  
**Dr. Jones**

Relinquished by: (SIGNATURE)

Relinquished by: (SIGNATURE)

Date Time	Received by: (SIGNATURE)	Date Time
2-28-12		
Date Time	Received by: (SIGNATURE)	Date Time
Date Time	Received for lab by: (SIGNATURE)	Date Time
	<b>Blowup</b>	2-28-12 11:50





# ENVIRONMENTAL TESTING & CONSULTING, INC.

www.etcmemphis.com

2780 Whitten Road

Memphis, Tennessee 38133

(901) 213-2400

Fax (901) 213-2440

"A Laboratory Management Partner"

3/14/2012

West Memphis Utilities- Industries  
Ms. Denise Bosnick  
PO Box 1868  
West Memphis, AR, 72301

Ref: Analytical Testing  
ETC Report Number: 12-059-0221  
Client Project Description: WWTP Sludge

Dear Ms. Denise Bosnick:

Environmental Testing and Consulting, Inc. received 1 sample(s) on 2/28/2012 for the analyses presented in the following report.

The above referenced project has been analyzed per your instructions. The analyses were performed in accordance with the applicable analytical method.

The analytical data has been validated using standard quality control measures performed as required by the analytical method. Quality Assurance, instrumentation maintenance and calibration were performed in accordance with guidelines established by the analytical method(s) and NELAC. All results provided are in compliance with NELAC requirements unless otherwise indicated and/or narrated.

The results are shown on the attached Report of Analysis(s). Results for solid matrices are reported on an as-received basis unless otherwise indicated. This report shall not be reproduced except in full and relates only to the samples included in this report.

Please do not hesitate to contact me or client services if you have any questions or need additional information.

Sincerely,

Randy Thomas  
Project Manager

*Laboratory's liability in any claim relating to analyses performed shall be limited to, at laboratory's option, repeating the analysis in question at laboratory's expense, or the refund of the charges paid for performance of said analysis.*

Alabama	#40750	Louisiana	#04015	VA NELAP	#460181	Texas	#T104704180-11-6	Arkansas	#88-0650
Mississippi		California	#09267CA	NC	#415	Oklahoma	#9311	Virginia	#00106
Kentucky	#90047	Tennessee	#TN02027	EPA	#TN00012	Kentucky UST	#41	Kansas	#E-10396





# ENVIRONMENTAL TESTING & CONSULTING, Inc.

www.etcemtlis.com

2700 Whitten Road

Memphis, Tennessee 38123

(901) 213-2400

Fax: (901) 213-2440

"A Laboratory Management Partner"

**West Memphis Utility**  
P. O. Box 1868

Project **WWTP Sludge**  
Description

West Memphis, AR 72301

## Report of Analysis

Lab Order Number **12-059-0221**

Lab ID **1202167-001**

Received **02/28/12**

Field ID **Grab**

Matrix **Sludge**

Sample No. **91047**

Sampled **02/28/12 9:55**

Test	Result	Units	MQL	DF	Date/Time		Analytical Method
					Analyzed	By	
Cyanide	< 1.00	mg/Kg	1.00	1	03/08/12 9:00	NT	9010B
Paint Filter	Pass			1	03/08/12 8:26	KAT	9095A
Phenolics, Total Recoverable	< 1.25	mg/Kg	1.25	1	02/29/12 11:45	R1G	9065
Percent Moisture	86.07	wt%	1.00	1	03/07/12 17:15	BMP	2540B

### Qualifiers/ Definitions

- \* Surrogate Recovery outside accepted limits
- B Analyte detected in the associated Method Blank
- E Value exceeds method calibration range
- J Estimated Value Analyte below reported detection limit
- MDL Method Detection Limit (adjusted)
- MRL Method Reporting Limit
- Q RPD >40% between primary and confirmation columns

- \* I Recoveries affected by interferences or high background
- DF Dilution Factor
- H Prepped / Analyzed out of holding time.
- M Minimum value
- MQL Method Quantitation Limit (adjusted)
- N Refer to attached Non-Compliance Report
- SQL Sample Quantitation Limit (adjusted MDL)

03/14/12 5259 WESTMEM



**ENVIRONMENTAL TESTING & CONSULTING, INC.**

2790 Whitten Road Memphis, Tennessee 38133 (901) 213-2400 Fax: (901) 213-2442  
 "A Laboratory Management Partner"

**West Memphis Utility**  
 P. O. Box 1868

Project **WWTP Sludge**  
 Description

West Memphis, AR 72301

Lab Order Number **12-059-0221**  
 Lab ID **1202167-001A**  
 Field ID **Grab**  
 Sample Number **91047**

**Report of Analysis**  
 Received **02/28/12**  
 Matrix **Sludge**  
 Sampled **02/28/12**

**1311 TCLP Characterization**

Prep Batch 35805

Date/Time 02/29/12 16:02

Leachate

**Analytical Method 6010B**

Prep Method	3005A	Prep Batch	35808			Date/Time Prepped	03/01/12 10:57
		Final Volume	50 mL			Date/Time Analyzed	Analytical Batch
Compound	Result	Units	MQL	DF		By	
Silver - TCLP	< 0.005	mg/L	0.005	1	03/01/12 19:19	KN	51751
Arsenic - TCLP	<b>0.040</b>	mg/L	<b>0.025</b>	<b>1</b>	<b>03/01/12 19:19</b>	<b>KN</b>	<b>51751</b>
Barium - TCLP	<b>0.109</b>	mg/L	<b>0.025</b>	<b>1</b>	<b>03/01/12 19:19</b>	<b>KN</b>	<b>51751</b>
Beryllium - TCLP	< 0.010	mg/L	0.010	1	03/01/12 19:19	KN	51751
Cadmium - TCLP	< 0.005	mg/L	0.005	1	03/01/12 19:19	KN	51751
Chromium - TCLP	< 0.010	mg/L	0.010	1	03/01/12 19:19	KN	51751
Copper - TCLP	<b>0.032</b>	mg/L	<b>0.025</b>	<b>1</b>	<b>03/01/12 19:19</b>	<b>KN</b>	<b>51751</b>
Nickel - TCLP	< 0.025	mg/L	0.025	1	03/01/12 19:19	KN	51751
Lead - TCLP	< 0.010	mg/L	0.010	1	03/01/12 19:19	KN	51751
Antimony - TCLP	< 0.025	mg/L	0.025	1	03/01/12 19:19	KN	51751
Selenium - TCLP	< 0.050	mg/L	0.050	1	03/01/12 19:19	KN	51751
Thallium - TCLP	< 0.020	mg/L	0.020	1	03/01/12 19:19	KN	51751
Zinc - TCLP	<b>0.539</b>	mg/L	<b>0.025</b>	<b>1</b>	<b>03/01/12 19:19</b>	<b>KN</b>	<b>51751</b>

**Analytical Method 7470A**

Prep Method	7470A	Prep Batch	35811			Date/Time Prepped	03/01/12 12:09
		Final Volume	20 mL			Date/Time Analyzed	Analytical Batch
Compound	Result	Units	MQL	DF		By	
Mercury - TCLP	< 0.0010	mg/L	0.0010	1	03/05/12 11:59	TJ	51760

<b>Qualifiers/</b>	*	Surrogate Recovery outside accepted limits	* I	Recoveries affected by interferences or high background
<b>Definitions</b>	B	Analyte detected in the associated Method Blank	DF	Dilution Factor
	E	Value exceeds method calibration range	H	Prepped / Analyzed out of holding time.
	J	Estimated Value Analyte below reported detection limit	M	Minimum value
	MDL	Method Detection Limit (adjusted)	MQL	Method Quantitation Limit (adjusted)
	MRL	Method Reporting Limit	N	Refer to attached Non-Compliance Report
	Q	RPD >40% between primary and confirmation columns	SQL	Sample Quantitation Limit (adjusted MDL)

03/14/12 5259 WESTMEM



**ENVIRONMENTAL TESTING & CONSULTING, INC.**

2790 Whitten Road Memphis, Tennessee 38133 (901) 213-2400 Fax (901) 213-2440  
 "A Laboratory Management Partner"

**West Memphis Utility**  
 P. O. Box 1868  
 West Memphis, AR 72301

Project **WWTP Sludge**  
 Description

Lab Order Number **12-059-0221**  
 Lab ID **1202167-001B**  
 Field ID **Grab**  
 Sample Number **91047**

**Report of Analysis**

Received **02/28/12**  
 Matrix **Sludge**  
 Sampled **02/28/12 9:55**

**Analytical Method 8082**

Prep Method	3550B	Prep Batch	35847	Date/Time Prepped	03/07/12 9:30			
Compound	Result	Units	Sample Vol/Wt	MQL	DF	Date/Time Analyzed	By	Analytical Batch
Aroclor 1016	< 3.41	mg/Kg-dry	2.21 g	3.41	1	03/07/12 17:27	VC	51815
Aroclor 1221	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Aroclor 1232	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Aroclor 1242	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Aroclor 1248	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Aroclor 1254	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Aroclor 1260	< 3.41	mg/Kg-dry		3.41	1	03/07/12 17:27	VC	51815
Surrogate: Decachlorobiphenyl		84 %	Limits: 17-141		1	03/07/12 17:27	VC	51815
Surrogate: Tetrachloro-m-xylene		68 %	Limits: 20-122		1	03/07/12 17:27	VC	51815

Qualifiers/Definitions		
*	Surrogate Recovery outside accepted limits	* I Recoveries affected by interferences or high background
B	Analyte detected in the associated Method Blank	DF Dilution Factor
E	Value exceeds method calibration range	H Prepped / Analyzed out of holding time.
J	Estimated Value Analyte below reported detection limit	M Minimum value
MDL	Method Detection Limit (adjusted)	SQL Method Quantitation Limit (adjusted)
MRL	Method Reporting Limit	N Refer to attached Non-Compliance Report
Q	RPD >40% between primary and confirmation columns	SQL Sample Quantitation Limit (adjusted MDL)

03/14/12 5259 WESTMEM



# ENVIRONMENTAL TESTING & CONSULTING, INC.

www.etcmemphis.com

2760 Whitten Road

Memphis, Tennessee 38133

(901) 213-2400

Fax (901) 213-2440

"A Laboratory Management Partner"

## Cooler Receipt Form

Customer Number: **05259**

Customer Name: **West Memphis Utilities- Industries**

Report Number: **12-059-0221**

### Shipping Method

Fed Ex    UPS    US Postal    Client    Lab    Courier    Other : \_\_\_\_\_

Shipping container/cooler uncompromised?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Custody seals intact on shipping container/cooler?	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Required
Custody seals intact on sample bottles?	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Required
Chain of Custody (COC) present?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
COC agrees with sample label(s)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
COC properly completed	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Samples in proper containers?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Sample containers intact?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Sufficient sample volume for indicated test(s)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
All samples received within holding time?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Cooler temperature in compliance?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Cooler/Samples arrived at the laboratory on ice. Samples were considered acceptable as cooling process had begun.	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Water - Sample containers properly preserved	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A
Water - VOA vials free of headspace	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Trip Blanks received with VOAs	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Soil VOA method 5035 - compliance criteria met	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
<input type="checkbox"/> High concentration container (48 hr)		<input type="checkbox"/> Low concentration EnCore samplers (48 hr)	
<input type="checkbox"/> High concentration pre-weighed (methanol -14 d)		<input type="checkbox"/> Low conc pre-weighed vials (Sod Bis -14 d)	
Special precautions or instructions included?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

Comments:

Any regulatory non-compliance issues will be recorded on non-compliance report.

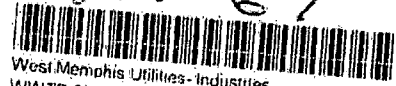
Signature:

Date & Time:



# WEST MEMPHIS

604 EAST COOPER PHONE 870-735-3333  
CHAIN OF CUSTODY

1202167  
  
 12-059-0221  
 05259  
 2012-02-26  
 12 06 19  
 West Memphis Utilities-Industries  
 WWTP Sludge

FACILITY SAMPLED Sludge-Wastewater Treatment Plant  
 FACILITY LOCATION 502 South Loop  
 PERSON SAMPLING M Jones B  
 DATE SAMPLED 2-28-12  
 TIME SAMPLED 9:55 A.M. \_\_\_\_\_ P.M.

NUMBER OF CONTAINERS 2

## ANALYSIS TO BE PERFORMED

40 CFR 122 APP. D TABLE III	TYPE		PRESERVATIVE USED					CONTAINER	
	GRAB	COMP.	HCl	HNO <sub>3</sub>	H <sub>2</sub> SO <sub>4</sub>	NaOH	Chilled	Glass	Plastic
TCLP EXTRACTION	X						X	X	
PAINT FILTER	X						X	X	
PCB'S	X						X	X	

RELINQUISHED BY (SIGNATURE) M Jones

DATE 2-28-12 TIME \_\_\_\_\_

RECEIVED BY LAB (SIGNATURE) B. Koenig

DATE 2-28-12 TIME 11:50

10°C

ORDINANCE NO. 2187

**AN ORDINANCE TO SET FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FOR THE CITY OF WEST MEMPHIS; AND FOR OTHER PURPOSES.**

**WHEREAS**, The City of West Memphis finds it necessary to regulate the use of public sewers and drains and the discharge of waters and wastes in the public sanitary sewer system;

**WHEREAS**, the regulations contained in the present ordinances of the City of West Memphis should be brought into compliance with applicable laws and regulations of the Environmental Protection Agency of the United States of America, the Department of Environmental Quality of the State of Arkansas and the provisions of the "Clean Water Act", being public law 92-500, as amended by public law 95-217, as well as the general pretreatment regulations enacted pursuant thereto (begin 40 CFR, part 403); and

**WHEREAS**, these proposed regulations have been approved by the appropriate regulatory agencies;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WEST MEMPHIS, ARKANSAS, THAT:**

**SECTION 1. GENERAL PROVISIONS**

**1.1 Purpose and Policy**

This Ordinance sets forth uniform requirements for users into the wastewater collection and treatment system for the City of West Memphis, Arkansas, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Ordinance are:

- (A) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (B) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works which will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (C) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater and sludge in the course of their employment and

the general public;

- (D) To promote reuse and recycling of industrial Wastewater and sludge from the Publicly Owned Treatment Works;
- (E) To provided for fees for the equitable distribution of the cost of operation, maintenance and improvements of the Publicly Owned Treatment Works; and
- (F) To enable the City to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
- (G) To promote and encourage Pollution prevention and waste minimization and waste reduction at Industrial Users prior to their recycling, treatment, or disposal options.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of Wastewater Discharge Permits; provides for monitoring, compliance and enforcement activities, establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## **1.2 Administration**

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized employee.

## **1.3 Abbreviations**

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

ADEQ – Arkansas Department of Environmental Quality  
BMP – Best Management Practice  
BMR – Baseline Monitoring Report  
BOD – Biochemical Oxygen Demand  
CFR – Code of Federal Regulations  
CIU – Categorical Industrial User  
COD – Chemical Oxygen Demand  
EPA – U.S. Environmental Protection Agency  
gpd – gallons per day



IU – Industrial User  
mg/l – milligrams per liter  
NPDES – National Pollutant Discharge Elimination System  
NSCIU – Non-Significant Categorical Industrial User  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
U.S.C. – United States Code

#### **1.4 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meaning hereinafter designated:

- (1) 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.*
- (2) Approval Authority. The Arkansas Department of Environmental Quality (ADEQ).
- (3) Authorized or Duly Authorized Representative of the User.

1. If the User is a corporation:

- (a) The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or 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 action taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or

proprietor, respectively.

3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  4. The individuals described in paragraphs 1 through 3, above, may designate Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.
- (4) Best Management Practices or BMP's. Schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) (1) and (b). BMP's to include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
  - (5) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g.,mg/l).
  - (6) Categorical Industrial User. An Industrial User subject to Categorical Pretreatment Standards or Categorical Standards.
  - (7) Categorical Pretreatment Standards or Categorical Standards. Any regulation containing Pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
  - (8) Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
  - (9) City. The City of West Memphis, Arkansas.
  - (10) Composite Sample. A composite sample is made up of more than one individual grab samples, which are combined, based on either time or flow. A time composite sample consists of equal volume grab samples collected at equal time intervals. A flow composite sample may consist of equal volume grab samples taken at varying time intervals; samples of variable volume collected proportional to flow.

- (11) Control Authority. The City.
- (12) Control Manhole. A manhole giving access to a building Sewer at some point before the building Sewer discharge mixes with other discharge in the public Sewer.
- (13) Daily Maximum Limit or Daily Maximum. The maximum allowable discharge limit of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (14) Director of Environmental Quality (Director). Authorized representative of the West Memphis Utility Commission and the General Manager of the West Memphis Utility Commission that administers, implements, and enforces the provisions of the Pretreatment Program and of this Ordinance.
- (15) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (16) Existing Source. Any source of discharge that is not a "New Source".
- (17) Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (18) General Manager. The General Manager of the West Memphis Utility Commission is the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized representative referred to as the Director of Environmental Quality.
- (19) Governing Board. The West Memphis Utility Commission (the Utility), which may act through the General Manager, his deputy, agent or representatives possessing written evidence of authority to so act.
- (20) 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.
- (21) Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source.

- (22) Industrial User (IU). A source of Indirect Discharge.
- (23) Industrial Wastes. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary Sewage.
- (24) Industrial Waste Discharge Permit. A permit for establishments producing Industrial Wastes as more particularly set out in Section (4) of this Ordinance.
- (25) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (26) Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).
- (27) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (28) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month.
- (29) Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (30) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of The Act (33 U.S.C. 1342).
- (31) New Source. (1) Any building, structure, facility or installation from which

there is, or may be, a discharge of Pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of The Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or
  - (c) The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the Existing Source should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subparagraphs (1)(B), or (1)(C) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- A. Begun, or caused to begin, as part of a continuous onsite construction program:
    - (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
  - B. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- (32) Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (33) Normal Domestic Wastewater. Wastewater including that from non-residential sources, but excluding industrial process Wastewater, in which neither the concentrations of five-day Biochemical Oxygen Demand (BOD) or total suspended solids (TSS) do not exceed the level of 250 mg/L or the concentration of oil and grease do not exceed the level of 100 mg/L.
- (34) Oil and Grease. Any material recovered as a substance soluble in the solvent.
- (35) Pass Through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).
- (36) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.
- (37) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (38) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of Wastewater (e.g., pH temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- (39) 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.
- (40) Pretreatment Program. The Utility's EPA and/or Arkansas Department of Environmental Quality approved program to administer the requirements of 40 CFR 403, the General Pretreatment Regulations.

- (41) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than Pretreatment Standard.
- (42) Pretreatment Standard or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards and Local Limits.
- (43) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of The Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of liquid nature and any conveyances, which convey Wastewater to a treatment plant. For the purposes of this Ordinance, "POTW" shall also include any Sewers that convey Wastewaters to the POTW from Persons outside the City, who are by contract or agreement with the City, Users of the City's POTW.
- (44) Sanitary Sewer. A Sewer, which carries Sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (45) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (46) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (47) Sewer. A pipe or conduit for carrying Sewage.
- (48) Shall is mandatory; May is permissive.
- (49) Significant Industrial User.
- (1) An Industrial User subject to Categorical Pretreatment Standards; or
  - (2) An Industrial User that discharges an average of twenty-five thousand (25,000) gallons or more of process wastewater to the POTW (excluding sanitary, non-contract cooling, and boiler blowdown wastewater); contributes a process waste stream which makes up five (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 City 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.

- (3) Upon finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such User should not be considered a Significant Industrial User.
- (50) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to 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.
- (51) Standard Industrial Classification (SIC). A classification pursuant to the standard industrial classification manual issued by the executive office of the president, office of management and budget, 1972.
- (52) State. State of Arkansas.
- (53) Storm Sewer. A Sewer, which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes, other than unpolluted cooling water.
- (54) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from precipitation, including snowmelt.
- (55) Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (56) Toxic Pollutants. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the administration of the Environment Protection Agency under the provisions of CWA 307(a) or other acts.
- (57) User or Industrial User. A source of indirect discharge.
- (58) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (59) Waters of the State. All streams, lakes, marshes, ponds, watercourses,



waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion of the state.

## **SECTION 2. GENERAL SEWER USE REQUIREMENTS**

### **2.1 Prohibited Discharge Standards**

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference.
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
  - (5) Wastewater 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 degrees F (40 degrees C);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (8) Trucked or hauled Pollutants, except at discharge points designated by the Director in accordance with Section 3.4 of this Ordinance;
- (9) Storm Water, surface Water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by Director.
- (10) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (11) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.
- (12) Medical Wastes, except as specifically authorized by the Director in a Wastewater Discharge Permit.
- (13) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (14) Hauled or trucked liquid wastes, except at the specific discharge point(s) designated by the Director.

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

## **2.2 National Categorical Pretreatment Standards**

- A. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
  - (1) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
  - (2) A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
  - (3) A CIU may obtain a net/gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

- B. If waters or wastes are discharged, or are proposed to be discharged, to the POTW, and which in the judgment of the Governing Board may have a deleterious effect upon sewage works, sewage treatment processes, plant equipment, or waters of the State of Arkansas, or which otherwise create a hazard to life or constitute a public nuisance, the Governing Board may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the POTW;
  - (3) Require payment of sewer surcharge to cover the added cost of handling and treating the waste not covered by the sewer service charges for transporting and treating normal Wastewater;
  - (4) Require control over the quantities and rate of discharge;
  - (5) If the Governing Board permits the pretreatment or equalization of Wastewater flows, the design and installation of the plants equipment shall be subject to the review and approval of the Governing Board and subject to the requirements of all applicable codes, ordinances, and laws, and the regulations and requirements of the Arkansas Department of Environmental Quality, the Arkansas Department of Health, and the U.S. Environmental Protection Agency;
- (4) Commence any action for appropriate legal and/or equitable relief, including but not limited to injunctive relief, in any court of appropriate jurisdiction.

## **2.3 Specific Pollutant Limitations**

### **A. State Pretreatment Standards**

State pretreatment standards located in Section 4 of Regulation Number 6: Regulations for State Administration of the national Pollutant Discharge Elimination System for a particular industrial sub-category, if more stringent than the requirements of this Ordinance, shall supersede the requirements of this Ordinance, are hereby incorporated by reference and will be imposed where applicable and shall include, but is not limited to, discharge limitations and reporting requirements. This shall include those regulations currently promulgated or which will be promulgated in the future including any amendments, and shall be recognized as part of this Ordinance.

## B. Local Limits

No person shall discharge any water or waste at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the "Technically Based Local Limits Development Document," and adopted by the Director of Environmental Quality and approved by the Arkansas Department of Environmental Quality and West Memphis Utility Commission.

The Director of Environmental Quality will develop and assign specific discharge permit limitations, or Best Management Practices (BMP), when deemed appropriate by the Director, for pollutants for permitted Users based on criteria approved by the Director. The specific permit limits or BMP shall ensure that local limit pollutant concentrations will protect the wastewater treatment plant from upset. The Local Limits shall apply to the total flow or total process discharge for the Industrial User. In developing specific permit limits the Director may impose mass limitations in addition to, or in place of, specific concentration-based limits. In addition, the Director may develop specific discharge limitations, or BMP for any other toxic pollutants with the Director may determine to be of sufficient quantity to cause the POTW interference and/or pass through, endanger the health and safety of the POTW personnel or the public health, cause a POTW permit violation or render the POTW sludge unacceptable for economic reuse or reclamation.

The Director may develop Best Management Practices (BMP's), by Ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1

The Director may also set Local Limits on a case-by-case basis. Case-by-case basis allows the Director to develop performance based local limits and to set local limits based on best performance judgment. In other words, if the Director finds that Categorical limits are applicable to a non-categorical industrial user, the Director may place these limits in the permit.

## **2.4 Right of Revision**

The City reserves the right to establish, by ordinance or in individual Wastewater Discharge Permits more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Ordinance.

## **2.5 Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other case when the imposition of mass limitations is appropriate.

# **SECTION 3 - PRETREATMENT OF WASTEWATER**

## **3.1 Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Specific Pollutant Limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Director whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Governing Board under the provisions of this Ordinance.

## **3.2 Additional Pretreatment Measures**

- A. If any waters or wastes which are discharged or which are to be discharged into the public Sewers contain or possess any of the characteristics enumerated in Section 2.1 (A) or (B) of this Ordinance and in the judgment of the Director, may have a deleterious effect upon the sewerage works, processes, equipment, sludges, or receiving waters or which otherwise create a hazard to life or constitutes a public nuisances, the Director may (a) reject the wastes, (b) require Pretreatment to an acceptable condition for discharge to the public Sewer, and/or (c) require control over the quantities and rate of discharge.

If the Director requires the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and subject to all applicable codes, ordinances, and laws. Where Pretreatment or flow equalization facilities are provided for any waters or wastes, they shall be continuously maintained in satisfactory and effective operation by the owner or occupant at his own expenses.

- B. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- C. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual Wastewater Discharge Permit may be issued solely for flow equalization.
- D. Grease, oil and sand interceptors (traps) shall be provided when, in the opinion of the the Director, they are necessary for the proper handling of liquid wastes containing oil and grease in excessive amounts, or any flammable wastes, sand or other harmful substances; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be maintained by the owner, at his expense, in proper operating condition.
- E. When required by the Director, the owner of any property serviced by a building sewer carrying industrial waste shall provide a secure sample point or control manhole which is constructed in accordance with the latest revision of the Utility's Specification Requirements for sanitary sewers. The secure point or control manhole shall be safely located and accessible to duly authorized employees and/or representatives of the Utility at all times. When deemed necessary by the Director, the secure sample point or control manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the wastewater. The cost of the installation and maintenance of a secure sample point or control manhole shall be borne by the owner. Any construction and/or alteration of a secure sample point or control manhole shall be approved by the Director before any construction has begun.
- F. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection

meter.

### **3.3 Accidental Discharge/Slug Discharge Control Plans**

At least once every two (2) years, the Director shall evaluate whether each Significant Industrial User needs an accidental discharge/slug discharge control plan or other action to control Slug Discharge. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/Slug Discharge control plan shall address, at a minimum, the following:

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

Description of stored chemicals;

Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance and the Industrial Waste Discharge Permit; and

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

### **3.4 Hauled Wastewater**

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director and at such times as are established by the Director. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the Governing Board. The Director may require septic tank waste haulers to obtain a Wastewater Discharge Permits.
- B. The Director may require haulers of industrial waste to obtain Wastewater Discharge Permits. The Director may require generators of hauled industrial waste to obtain Wastewater Discharge Permits. The Director also may prohibit the disposal of hauled Industrial Waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial Waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the

Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names, and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

## **SECTION 4 - INDIVIDUAL WASTEWATER DISCHARGE PERMITS**

### **4.1 Wastewater Survey**

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

### **4.2 Individual Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual Wastewater Discharge Permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.
- B. The Director may require other users to obtain individual Wastewater Discharge Permits as necessary to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of an individual Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in Sections 10 through 12 of this Ordinance. Obtaining an individual Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### **4.3 Individual Wastewater Discharge Permitting: Existing Connections**



Any existing industrial user identified by the Governing Board and required by the Director to obtain an Industrial Wastewater Discharge Permit shall be notified by the Director in writing and shall complete and return an Industrial Wastewater Discharge Permit Application within the time established by the Director. The Director may deny or condition the contribution of pollutants by such user in the Industrial Wastewater Discharge Permit.

#### **4.4 Individual Wastewater Discharge Permitting: New Connections**

Any user required by the Director to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The Director may deny or condition the contribution of pollutants by such user in the Industrial Wastewater Discharge Permit.

#### **4.5 Individual Wastewater Discharge Permit Application Contents**

A. All users required by the Director shall submit an Industrial Wastewater Discharge Permit application to the Governing Board, the form for which shall be provided by the Governing Board. The information required in the permit application shall, where requested or appropriate included but not limited to:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

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

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. 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;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2 (A) (2) (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
- a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process.
  - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance. Where the Standard requires compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].
- (9) Any other information as may be deemed necessary by the Director to evaluate the permit application.

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

#### **4.6 Application Signatories and Certifications**

- A. All Wastewater Discharge Permit applications, User reports must be signed by an Authorized Representative (defined in Section 1.4.3) of the User and contain the certification statement:

“I certify under penalty of law that his 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 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.”

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

#### **4.7 Individual Wastewater Discharge Permit Decisions**

The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit. The Director may deny any application for an individual wastewater discharge permit.

### **SECTION 5 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

#### **5.1 Individual Wastewater Discharge Permit Duration**

An individual Wastewater Discharge Permit shall be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. Each individual Wastewater Discharge Permit will indicate a specific date upon which it will expire.

## **5.2 Individual Wastewater Discharge Permit Contents**

An individual Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

### **A. Individual Wastewater Discharge Permits must contain:**

- (1) A statement that indicates the Wastewater Discharge Permit issuance date, expiration date and effective date;
- (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Director in accordance with Section 5.5 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the Director to be necessary.

### **B. Individual Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:**

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of Pretreatment technology, Pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the individual Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual Wastewater Discharge Permit; and
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

### **5.3 Wastewater Discharge Permit Modification**

The Director may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State or local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the User's operation, processes or Wastewater volume or character since the time 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 and/or it's personnel, or the receiving waters;
- E. Violation of any terms or conditions of the Wastewater Discharge Permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the

Wastewater Discharge Permit application or in any required reporting;

- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Wastewater Discharge Permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **5.4 Wastewater Discharge Permit Transfer**

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Director and the Director approves the Wastewater Discharge Permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has not immediate intent to change the facility's operation and processes;
- B. Identifies the specific dates on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of facility transfer.

#### **5.5 Wastewater Discharge Permit Revocation**

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

- A. Failure to notify the Director of significant changes to the Wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 6.5 of this Ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;

- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay Sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

Individual Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All individual Wastewater Discharge Permits issued to a User are void upon the issuance of a new individual Wastewater Discharge Permit to that User.

## **SECTION 6 – REPORTING REQUIREMENTS**

### **6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged.
- B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of Pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. 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 in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 6.10;
- e. The Director 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;
- f. 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.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 (3) 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.

(4) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the



requirements set out in Section 6.2 of this Ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this Ordinance and signed by an Authorized Representative as defined in Section 1.4 (3).

## **6.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.1(B) (4) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

## **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standard and Requirements shall submit to the Director a report containing the information described in Section 4.5A (6) and (7) and Section 6.1 (B) (2) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

#### **6.4 Periodic Compliance Reports**

- A. All Significant Industrial Users shall, at a frequency determined by the Director, but in no case less than twice per year (June and December), submit a reports indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.
- B. When the City conducts the sampling and flow data collection for the Significant Industrial User, the reporting requirements listed under 6.4.A shall be waived.
- C. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

#### **6.5 Reports of Changed Conditions**

Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least fifteen (15) days before the change.

- A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 4.5 of this Ordinance.
- B. The Director may issue an individual Wastewater Discharge Permit under Section 5 of this Ordinance or modify an existing Wastewater Discharge

Permit under Section 5.3 of this Ordinance in response to changed conditions or anticipated changed conditions.

- C. No User shall implement the planned change condition(s) until and unless the Director has responded to the User's notice.

#### **6.6 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

#### **6.7 Reports from Unpermitted Users**

All Users not required to obtain an individual Wastewater Discharge Permit shall provide appropriate reports to the Director as the Director may require.

#### **6.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the

violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).

## **6.9 Notification of the Discharge of Hazardous Waste**

- A. Any 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 User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this Ordinance. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this Ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued there under, or any applicable Federal or State law.

#### **6.10 Analytical Requirements**

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or the Approval Authority (ADEQ).

#### **6.11 Sample Collection**

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

- 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 Director. Where time proportional Composite Sampling or Grab Sampling is authorized by the City, 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 prior to the analysis as follows: for cyanide, total phenols, and

sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, 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.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

#### **6.12 Date of Receipt of Reports**

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

#### **6.13 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 established under Section 2.3 (B). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.

## **SECTION 7 - COMPLIANCE MONITORING**

### **7.1 Right of Entry: Inspection and Sampling**

The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual Wastewater Discharge Permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated frequently to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the User.
- E. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Ordinance.

### **7.2 Search Warrants**

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Utility 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, the Director may seek issuance of a search warrant from the District Court Judge of the City of West Memphis, Arkansas, or any other Court of competent jurisdiction.

## **SECTION 8 - CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, individual Wastewater Discharge Permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

## **SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);



- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director 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 the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

## **SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **10.1 Notification of Violation**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **10.2 Consent Orders**

The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for

noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Ordinance and shall be judicially enforceable.

### **10.3 Show Cause Hearing**

The Director may order a User which has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 (3). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **10.4 Compliance Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **10.5 Cease and Desist Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to

the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **10.6 Administrative Fines**

- A. When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's request is granted, the payment shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Issuance or pursuit of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **10.7 Emergency Suspensions**

The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director 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 may take such steps as deemed necessary, including immediate severance of the Sewer

connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the User.

- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this Ordinance.

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

### **10.8 Termination of Discharge**

In addition to the provisions in Section 5.5 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

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

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES**

### **11.1 Injunctive Relief**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order

issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition District court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.2 Civil Penalties**

- A. A User who has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Utility for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation; and, each day of continuing violation may be deemed a separate violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.3 Criminal Prosecution**

- A. A User who willfully or negligently violates any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for such term as allowed by the law or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be

guilty of a misdemeanor and be subject to a penalty of at least \$100.00 but not more than \$500.00 for any one (1) specified offense or violation thereof, and not less than \$100.00 but not more than \$1,000.00 for each repetition of such event or violation, or be subject to imprisonment for such term as allowed by law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of \$100.00 but not more than \$500.00 for any one (1) specified offense or violation thereof, and not less than \$100.00 but not more than \$1,000.00 for each repetition of such event or violation, or be subject to imprisonment for such term as allowed. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

#### **11.4 Remedies Nonexclusive**

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Utility's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

### **SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION**

#### **12.1 Performance Bonds**

The Director may decline to issue or reissue an individual Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

#### **12.2 Liability Insurance**

The Director may decline to issue or reissue an individual Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous individual Wastewater Discharge Permit, or order issued hereunder,

or any other Pretreatment Standard or Requirement, 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.

### **12.3 Payment of Outstanding Fees and Penalties**

The Director may decline to issue or reissue an individual Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Ordinance, a previous individual Wastewater Discharge Permit, or order issued hereunder.

### **12.4 Water Supply Severance**

Whenever a User has violated or continues to violate any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

## **SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **13.1 Upset**

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

- a. A description of the Indirect Discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **13.2 Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this Ordinance or the specific prohibitions in Sections 2.1(B)(3) through (14) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

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



### **13.3 Bypass**

A. For the purposes of this Section,

- (1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

- (1) Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

(6) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## **SECTION 14 - MISCELLANEOUS PROVISIONS**

### **14.1 Pretreatment Charges and Fees**

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

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address IU noncompliance; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

## **SECTION 15 - SEVERABILITY**

The provisions of the Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance and the remaining

- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address IU noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

**SECTION 15 - SEVERABILITY**

The provisions of the Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance and the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

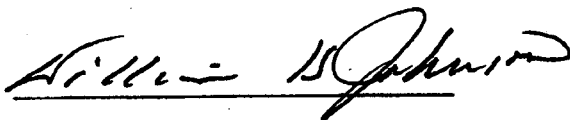
PASSED AND APPROVED this 1<sup>ST</sup> day of MAY, 2008.

  
\_\_\_\_\_  
WILLIAM H. JOHNSON, MAYOR

ATTEST:

  
\_\_\_\_\_  
PHILLIP PARA, CITY CLERK

SPONSORED BY:

  
\_\_\_\_\_

**RECEIVED**  
City Clerk's Office  
Date/Time 04/10/08 11:00 am  
By D. Bosnick *cg*

ORDINANCE NO. 22660

**AN ORDINANCE TO AMEND ORDINANCE 2187, CODIFIED AS CHAPTER 14.52 OF THE WEST MEMPHIS MUNICIPAL CODE, TO COMPLY WITH CERTAIN SUGGESTED CHANGES BY THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of West Memphis adopted Ordinance 2187, codified as Chapter 14.52 of the West Memphis Municipal Code, to regulate the use of public sewers and drains and the discharge of waters and wastes in the public sanitary sewer system; and

**WHEREAS**, the Arkansas Department of Environmental Quality has suggested certain amendments be made to the existing ordinance; and

**WHEREAS**, the West Memphis Utility Commission and the City Council of the City of West Memphis desire to amend Ordinance 2187, codified as Chapter 14.52 of the West Memphis Municipal Code, to incorporate the suggested changes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST MEMPHIS, ARKANSAS, THAT:**

**SECTION 1.** The second "Whereas" clause set out in Ordinance 2187 is hereby amended to read as follows:

WHEREAS, the regulations contained in the present ordinances of the City of West Memphis should be brought into compliance with applicable laws and regulations of the Environmental Protection Agency of the United States of America, the Department of Environmental Quality of the State of Arkansas and the provisions of the "Clean Water Act", being public law 92-500, as amended by public law 95-217, as well as the general pretreatment regulations enacted pursuant thereto (begin 40 CFR, part 403); and

**SECTION 2.** Section 1.1 of Ordinance 2187, codified as Section 14.52.010 of the West Memphis Municipal Code, is hereby amended to read as follows:

Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect users into the wastewater collection and treatment system for the City of West Memphis, Arkansas, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Ordinance are:

- (A) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will Interfere with its operation;
- (B) To prevent the introduction of Pollutants into the Publicly Owned Treatment Works which will Pass Through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (C) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;
- (D) To promote reuse and recycling of industrial Wastewater and sludge from the Publicly Owned Treatment Works;
- (E) To provided for fees for the equitable distribution of the cost of operation, maintenance and improvements of the Publicly Owned Treatment Works; and
- (F) To enable the City to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
- (G) To promote and encourage Pollution prevention and waste minimization and waste reduction at Industrial Users prior to their recycling, treatment, or disposal options.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of Wastewater Discharge Permits; provides for monitoring, compliance and enforcement activities, establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**SECTION 3.** Section 1.3 of Ordinance 2187, codified as Section 14.52.030 of the West

Memphis Municipal Code, is hereby amended to read as follows:

**Abbreviations**

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

ADEQ – Arkansas Department of Environmental Quality  
BMP – Best Management Practice  
BMR – Baseline Monitoring Report  
BOD – Biochemical Oxygen Demand  
CFR – Code of Federal Regulations  
CIU – Categorical Industrial User  
COD – Chemical Oxygen Demand  
EPA – U.S. Environmental Protection Agency  
gpd – gallons per day  
IU – Industrial User  
mg/l – milligrams per liter  
NPDES – National Pollutant Discharge Elimination System  
NSCIU – Non-Significant Categorical Industrial User  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
U.S.C. – United States Code

**SECTION 4.** Section 1.4(10) “Composite sample” of Ordinance 2187, codified as

Section 14.52.040.10 “Composite sample” of the West Memphis Municipal Code, is hereby amended to read as follows:

**Composite Sample.** A composite sample is made up of more than one individual Grab Samples, which are combined, based on either time or flow. A time composite sample consists of equal volume Grab Samples collected at equal time intervals. A flow composite sample may consist of equal volume Grab Samples taken at varying time intervals; samples of variable volume collected proportional to flow.

**SECTION 5.** Section 1.4(49)(3) within the definition of "Significant Industrial User" of Ordinance 2187, codified as Section 14.52.040.49(c) within the definition of "Significant Industrial User" in the West Memphis Municipal Code, is hereby deleted and said section is amended to read as follows:

[Reserved.]

**SECTION 6.** Section 1.4(57) "User or Industrial User" of Ordinance 2187, codified as Section 14.52.040.57 "User or Industrial User" in the West Memphis Municipal Code, is hereby amended to read as follows:

User or Industrial User. A source of indirect discharge.

**SECTION 7.** Section 2.2A(1) of Ordinance 2187, codified as Section 14.52.060A.1 of the West Memphis Municipal Code, is hereby deleted and said section is amended to read as follows:

[Reserved.]

**SECTION 8.** Section 2.2B of Ordinance 2187, codified as Section 14.52.060.B of the West Memphis Municipal Code, is hereby deleted and said section is amended to read as follows:

- (A) If waters or wastes are discharged, or are proposed to be discharged, to the POTW, and which in the judgment of the Governing Board may have a deleterious effect upon sewage works, sewage treatment processes, plant equipment, or waters of the State of Arkansas, or which otherwise create a hazard to life or constitute a public nuisance, the Governing Board may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the POTW;

- (3) Require payment of sewer surcharge to cover the added cost of handling and treating the waste not covered by the sewer service charges for transporting and treating normal Wastewater;
- (4) Require control over the quantities and rate of discharge;
- (5) If the Governing Board permits the pretreatment or equalization of Wastewater flows, the design and installation of the plants equipment shall be subject to the review and approval of the Governing Board and subject to the requirements of all applicable codes, ordinances, and laws, and the regulations and requirements of the Arkansas Department of Environmental Quality, the Arkansas Department of Health, and the U.S. Environmental Protection Agency;
- (6) Commence any action for appropriate legal and/or equitable relief, including but not limited to injunctive relief, in any court of appropriate jurisdiction.

**SECTION 9.** Section 2.3A of Ordinance 2187, codified as Section 14.52.070.A of the

West Memphis Municipal Code, is hereby amended to read as follows:

**State Pretreatment Standards** State pretreatment standards located in Section 4 of Regulation Number 6: Regulation for State Administration of the National Pollutant Discharge Elimination System for a particular industrial sub-category, if more stringent than the requirements of this Ordinance, shall supersede the requirements of this Ordinance, are hereby incorporated by reference and will be imposed where applicable and shall include, but is not limited to, discharge limitations and reporting requirements. This shall included those regulations currently promulgated or which will be promulgated in the future including any amendments and shall be recognized as part of this Ordinance.

**SECTION 10.** Section 2.3B of Ordinance 2187, codified as Section 14.52.070.B of the

West Memphis Municipal Code, is hereby amended to read as follows:

**Local Limits.** No person shall discharge any waters or wastes at a concentration that would exceed the concentration of pollutants, including but not limited to, those identified in the "Technically Based Local Limits Development Document", and adopted by the Director of Environmental Quality and approved by the Arkansas Department of Environmental Quality and West Memphis Utility Commission.



The Director of Environmental Quality will develop and assign specific discharge permit limitations, or Best Management Practice (BMP), when deemed appropriate by the Director, for pollutants for permitted Users based on criteria approved by the Director. The specific permit limits or BMP shall ensure that local limit pollutant concentrations will protect the wastewater treatment plant for upset. The Local Limits shall apply to the total flow to total process discharge from the Industrial User. In developing specific permit limits the Director may impose mass limitations in addition to, or in place of, specific concentration-based limits. In addition, the Director may develop specific discharge limitations or BMP for any other toxic pollutant which the Director may determine to be of sufficient quantity to cause POTW interference and/or pass through, endanger the health and safety of the POTW personnel or the public health, cause a POTW permit violation or render the POTW sludge unacceptable for economic reuse or reclamation.

The Director may develop Best Management Practices (BMP's), by Ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 2.1.

The Director may also set Local Limits on a case-by-case basis. Case-by-case basic allows the Director to develop performance based local limits and to set local limits based on performance judgment. In other word, if the Director finds that Categorical limits are applicable to a non-categorical industrial user, then the Director may place these limits in the permit.

**SECTION 11.** Section 4.6A of Ordinance 2187, codified as Section 14.52.190.A of the

West Memphis Municipal Code, is hereby amended to read as follows:

All Wastewater Discharge Permit applications and User reports must be signed by an Authorized Representative (as defined in Section 1.4.3) of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel property 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 information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

**SECTION 12.** Section 4.6C of Ordinance 2187, codified as Section 14.52.190.C of the West Memphis Municipal Code, is hereby deleted and said section is amended to read as follows:

[Reserved.]

**SECTION 13.** Section 6.4A of Ordinance 2187, codified as Section 14.52.290.A of the West Memphis Municipal Code, is hereby amended to read as follows:

All Significant Industrial Users shall, at a frequency determined by the Director but in no case less than twice per year (June and December submit a report indicating the nature and concentration of Pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or Pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

**SECTION 14.** Section 6.4B of Ordinance 2187, codified as Section 14.52.290.B of the West Memphis Municipal Code, is hereby amended to read as follows:

When the City conducts the sampling and flow data collection for the Significant Industrial User, the reporting requirements listed in 6.4A shall be waived.

**SECTION 15.** Section 6.4C of Ordinance 2187, codified as Section 14.52.290.C of the West Memphis Municipal Code, is hereby deleted and said section is amended to read as follows:

[Reserved.]

**SECTION 16.** Section 6.4D of Ordinance 2187, codified as Section 14.52.290.D of the West Memphis Municipal Code, is hereby amended to read as follows:

[Reserved.]

**SECTION 17.** Section 6.4 of Ordinance 2187, codified as Section 14.52.290 of the

West Memphis Municipal Code, is hereby amended to add the following subparagraph:

- G. All Significant Industrial Users required by the Director to submit Periodic Compliance Reports shall use forms supplied by the Director or other approved forms.

**SECTION 18.** Section 6.10 of Ordinance 2187, codified as Section 14.52.350 of the

West Memphis Municipal Code, is hereby amended to read as follows:

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

**SECTION 19.** Section 6.14 of Ordinance 2187, codified as Section 14.52.390 of the

West Memphis Municipal Code, is hereby deleted in its entirety and said section is amended to read as follows:

[Reserved.]

**SECTION 20.** Section 7.1AC of Ordinance 2187, codified as Section 14.52.400:C of

the West Memphis Municipal Code, is hereby amended to read as follows:

The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a rate to ensure their accuracy.

**SECTION 21. Severability.** The provisions of the Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance and the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

**SECTION 22.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

PASSED AND APPROVED this 6<sup>th</sup> day of January, 2011.

  
WILLIAM H. JOHNSON, MAYOR

ATTEST:

  
PHILLIP PARA, CITY CLERK

SPONSORED BY:

  
\_\_\_\_\_

**RECEIVED**  
City Clerk's Office  
Date/Time 12/8/10 9:05  
By D. Waller

**SECTION 21. Severability.** The provisions of the Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance and the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

**SECTION 22.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

**PASSED AND APPROVED** this 6<sup>th</sup> day of January, 2011.

  
WILLIAM H. JOHNSON, MAYOR

ATTEST:

  
PHILLIP PARA, CITY CLERK

SPONSORED BY:

  
\_\_\_\_\_

**RECEIVED**  
City Clerk's Office  
Date/Time 12/8/10 9:05  
By D. Wallace

cy



## WEST MEMPHIS UTILITY COMMISSION

604 East Cooper PO Box 1868

West Memphis, Arkansas 72301

Phone (870) 735-3355 Fax (870) 732-7623

April 12, 2012

Rufus Torrence  
NPDES Pretreatment Coordinator  
Arkansas Department of  
Environmental Quality  
5301 Northshore Drive  
Little Rock, AR 72118-5317

Dear Mr. Torrence,

In order to comply with 40 CFR part 403, the General Pretreatment Regulation, and our NPDES permit (AR00022039) the following is submitted to you:

- 1) Pretreatment Performance Summary,
- 2) Monitoring results for the annual pretreatment report,
- 3) Copy of the statement to be submitted to the largest newspaper in the municipality (Evening Times) for publication during the month April and;
- 4) The following statement: For this reporting period March 2011 - February 2012 there were three significant violators for this reporting period.

Grace Trailer  
615 Petro Cove  
West Memphis, AR 72301  
This was due to Technical Review Criteria (TRC) violations.

Quala Services  
400 Mound City Road  
West Memphis, AR 72301  
This was due to Technical Review Criteria (TRC) violations.

Stateside Steel  
304 Wyanoke Road  
West Memphis, AR 72301  
This was due to Chronic violations and Technical Review Criteria (TRC) violations.

I trust this fulfills the requirements. Please let me know if further information is required.

Sincerely,

Denise Bosnick  
Director of Environmental Quality

**MONITORING RESULTS FOR THE ANNUAL PRETREATMENT REPORT**  
**REPORTING YEAR: March 1, 2011 TO February 28, 2012**  
**TREATMENT PLANT: City of West Memphis NPDES PERMIT #AR0022039**  
**AVERAGE POTW FLOW: 4.6 MGD % IU FLOW: 17%**

METALS, CYANIDE and PHENOLS	MAHC (Total) (µg/l) (2)	INFLUENT DATES SAMPLED (µg/l) Once/quarter				WQ level/ limit (µg/l) (2)	EFFLUENT DATES SAMPLED (µg/l) Once/quarter				LABORATORY ANALYSIS		
		Date	Date	Date	Date		Date	Date	Date	Date	EPA MQL (µg/l) (1)	EPA Method Used (1)	Detection Level Achieved (µg/l)
		6/16/2011	9/28/2011	12/19/2011	2/28/2012		6/16/2011	9/28/2011	12/19/2011	2/28/2012			
Antimony	N/A	<1.00	<1.00	<1.00	<1.00	N/A	<1.00	<1.00	<1.00	<1.00	1.00	EPA-200.8	1.00
Cadmium	12.2	0.461	0.374	0.269	0.959	6510.0	<0.100	<0.100	0.198	<0.100	0.100	EPA-200.8	0.100
Copper	517.0	66.8	61.9	35.1	64.9	21200.0	11.3	3.15	31.1	10.0	0.500	EPA-200.8	0.500
Lead	132.3	5.24	3.24	2.56	3.04	30630.0	1.13	<0.500	2.32	0.718	0.500	EPA-200.8	0.500
Mercury	9.1ng/L	17.1ng/L	61.2ng/L	10.0ng/L	15.0ng/L	34.0ng/L	7.73ng/L	3.53ng/L	2.04ng/L	4.28ng/L	0.5ng/L	EPA-1631E	0.5ng/L
Nickel	96.1	8.38	5.40	6.33	6.22	829050.0	3.66	3.64	6.15	4.22	0.500	EPA-200.8	0.500
Selenium	19.2	<2.00	<2.00	<2.00	4.88	10910.0	<2.00	<2.00	2.19	<2.00	2.00	EPA-200.8	2.00
Silver	250.0	0.674	0.762	0.830	0.244	4260.0	<0.100	<0.100	0.241	<0.100	0.100	EPA-200.8	0.100
Zinc	429.0	193	190	101	107	174030.0	46.7	79.8	80.4	54.4	5.00	EPA-200.8	5.00
Chromium	351.7	7.45	4.47	2.22	4.27	1230840.0	<1.00	<1.00	1.77	2.44	1.00	EPA-200.8	1.00
Cyanide	100.0	<0.010mg/L	<0.010mg/L	<0.010mg/L	<0.010mg/L	12200.0	<0.010mg/L	<0.010mg/L	<0.010mg/L	<0.010mg/L	0.010mg/L	SM-4500-CN-E	0.010mg/L
Arsenic	16.0	6.56	1.66	3.62	4.13	361640.0	3.83	1.93	3.58	6.27	0.500	EPA-200.8	0.500
Molybdenum	14.4					N/A					--		
Phenols	N/A	0.118mg/L	0.2620mg/L	<0.0050mg/L	<0.0050mg/L	N/A	<0.005mg/L	<0.0050mg/L	<0.0050mg/L	<0.0050mg/L	0.0050mg/L	EPA-420.1(Low Level)	0.0050mg/L
Beryllium	100.0	<0.500	<0.500	<0.500	<0.500	15200.0	<0.500	<0.500	<1.500	<0.500	0.500	EPA-200.8	0.500
Thallium	N/A	<0.500	<0.500	<0.500	<0.500	N/A	<0.500	<0.500	<0.500	<0.500	0.500	EPA-200.8	0.500
Flow, MGD	N/A					N/A							
<sup>(3)</sup> Phosphorus				3.16mg/L	5.19 mg/L				3.66mg/L	2.07mg/L	.00625mg/L	SM-4500-PE	
Dieldrin					0.00666Q					<0.00400	0.00400	608	
Endosulfan II					0.00857					<0.00400	0.00400	608	
Heptachlor					0.08492Q					<0.00400	0.00400	608	
Bis(2-ethylhexyl)phthalate					713					114	40.0	625	
Phenol					89.8					<5.10	5.10	625	
Chloroform					3.07					<1.00	1.00	624	



1,4-Dichlorobenzene				1.57						<1.00	1.00	624	
Ethylbenzene				4.78						<1.00	1.00	624	
Toluene				9.15						<5.00	5.00	624	

(1) It is advised that the influent and effluent samples are collected considering flow detention time through each plant. **Analytical MQLs must be met for the effluent (and SHOULD be met for the influent) so the data can also be used for Local Limits assessment and NPDES application purposes.**

(2) This value was calculated during the development of TBLL based on State WQ criteria, EPA guidance and either ADEQ Pretreatment staff Excel spreadsheets or the Permittee's consultant with concurrence from Pretreatment staff.

(3) Record the name of any pollutant [40 CFR 122, Appendix D, Table II and/or Table V] detected and the concentration at which they were detected.

MAHL - Maximum Allowable Headworks Level / MAHC – Maximum Allowable Headworks Concentration

WQ - "Water Quality Levels not to exceed" OR actual permit limit.

**ATTACHMENT A**  
**PRETREATMENT PROGRAM STATUS REPORT**  
**UPDATED SIGNIFICANT INDUSTRIAL USERS LIST**

Industrial User Name	NAICS Code	40 CFR XXX or N/A	Control Document		New User	Times Inspected	Times Sampled	Compliance Status (C, NC, or SNC)				Permit Limits
			Y/N	Last Action				Reports				
								BMR	90-day Compliance	Semi Annual	Self Monitoring	
Automated Conveyors <i>**Only discharge to the city Sewer when they clean their equipment</i>	333922		Y	6/1/2011	N	1	1	Y	N/A	N/A	N/A	C
ATM Oil	562219		Y	3/1/2005	N	0	68	N/A	N/A	N/A	N/A	C
Coca-Cola Bottling	312111		Y	6/1/2011	N	0	99	N/A	N/A	N/A	N/A	NC
Grace Trailer	811192		Y	6/1/2011	N	1	144	Y	N/A	N/A	N/A	SNC
Langston Bag	322224		Y	6/1/2011	N	0	91	N/A	N/A	N/A	N/A	NC
Nu-Way	325612		Y	6/1/2011	N	0	2	N/A	N/A	N/A	N/A	C
Quala Services	811192		Y	6/1/2011	N	1	71	Y	N/A	N/A	N/A	SNC
Stateside Steel	331222		Y	3/24/2010	N	1	124	Y	N/A	N/A	N/A	SNC



**ATTACHMENT C**

PRETREATMENT PERFORMANCE SUMMARY (PPS)

**NOTE:** ALL QUESTIONS REFER TO THE INDUSTRIAL PRETREATMENT PROGRAM AS APPROVED BY ADEQ. THE PERMITTEE SHOULD NOT ANSWER THE QUESTIONS BASED ON CHANGES MADE TO THE APPROVED PROGRAM WITHOUT DEPARTMENT AUTHORIZATION.

I. General Information

Control Authority Name West Memphis Utility Commission

Address 604 East Cooper / P O Box 1868

City West Memphis State/Zip Arkansas / 72301

Contact Person Denise Bosnick Position Director of Environmental Quality

Contact Telephone 870-735-3355 NPDES Permit Nos. AR0022039

Reporting Period March 2011 February 2012  
 (Beginning Month and Year) (Ending Month and Year)

Total Number of Categorical IUs Four

Total Number of Significant Noncategorical IUs Zero

Total Number of Non-Significant (yet permitted) IUs Four

II. Significant Industrial User Compliance

	<u>SIGNIFICANT INDUSTRIAL USERS</u>	<u>Categorical</u>	<u>NonCategorical</u>
1) No. of SIUs Submitting BMRs/Total			
No. Required. . . . .		<u>4 / 4</u>	<u>N / A *</u>
2) No. of SIUs Submitting 90-Day Compliance			
Reports/No. Required. . . . .		<u>0 / 0</u>	<u>N / A *</u>
3) No. of SIUs Submitting Semiannual Reports/			
Total No. Required. . . . .		<u>0 / 0</u>	<u>0 / 0</u>
4) No. of SIUs Meeting Compliance Schedule/			
Total No. Required to Meet Schedule . . .		<u>0 / 0</u>	<u>0 / 0</u>
5) No. of SIUs in Significant Noncompliance/			
Total No. of SIUs . . . . .		<u>3 / 4</u>	<u>0 / 0</u>

6) Rate of Significant Noncompliance for all SIUs (categorical and noncategorical) . . . 3 / 4

III. Compliance Monitoring Program

SIGNIFICANT INDUSTRIAL USERS

	<u>Categorical</u>	<u>NonCategorical</u>
1) No. of Control Documents Issued/Total No. Required. . . . .	<u>4 / 4</u>	<u>0 / 0</u>
2) No. of Nonsampling Inspections Conducted.	<u>4 / 4</u>	<u>0 / 0</u>
3) No. of Sampling Visits Conducted. . . . .	<u>340</u>	<u>0</u>
4) No. of Facilities Inspected (nonsampling)	<u>4 / 4</u>	<u>0 / 0</u>
5) No. of Facilities Sampled . . . . .	<u>4 / 4</u>	<u>0 / 0</u>

IV. Enforcement Actions

SIGNIFICANT INDUSTRIAL USERS

	<u>Categorical</u>	<u>NonCategorical</u>
1) No. of Compliance Schedules Issued/No. of Schedules Required . . . . .	<u>0 / 0</u>	<u>0 / 0</u>
2) No. of Notices of Violations Issued to SIUs	<u>19</u>	<u>0</u>
3) No. of Administrative Orders Issued to SIUs	<u>0</u>	<u>0</u>
4) No. of Civil Suits Filed. . . . .	<u>0</u>	<u>0</u>
5) No. of Criminal Suits Filed . . . . .	<u>0</u>	<u>0</u>
6) No. of Significant Violators (attach newspaper publication). . . . .	<u>3</u>	<u>0</u>
7) Amount of Penalties (not surcharges) Collected (total dollars/IUs assessed) . . .	<u>0 / 0</u>	<u>0 / 0</u>
8) Other Actions (sewer bans, etc.). . . . .	<u>0</u>	<u>0</u>

The following certification must be signed in order for this form to be considered complete:

I certify that the information contained herein is complete and accurate to the best of my knowledge.

\_\_\_\_\_  
Authorized Representative

Date \_\_\_\_\_



## **WEST MEMPHIS UTILITY COMMISSION**

**P O Box 1868 604 East Cooper**

**West Memphis, AR 72303**

**Phone (870) 735-3355 Fax (870) 732-7623**

### **Industrial Users For West Memphis, Arkansas**

**Automated Conveyors Systems Inc.**  
3850 Southland Drive  
West Memphis, AR 72301

#### **Categorical Industry**

North American Industry Classification System - 333922

Industrial Waste Discharge Permit Number - 02

Permit Issued – June 1, 2011 Expires – May 31, 2014

This industry only discharges into the city's wastewater system once or twice yearly to clean their equipment.

In a twelve month period there has been a total of 1 sampling visits made.

Compliance Status – Compliant – no violations.

#### **ATM Oil**

435 Dacus Road  
Marion, AR 72364

#### **Non-Significant Non-Categorical Industry**

Industrial Waste Discharge Permit Number - 26

Permit Issued - March 1, 2005 Expires - February 28, 2008 \*industry is discharging under expired permit until an agreement can be made on where to discharge permanently \*

Samples are taken on a monthly basis for permit reporting. This industry is batch discharge only and must notify us before they discharge. There are no daily grab samples pulled.

In a twelve month period there has been a total of 124 sampling visits made.

Compliance Status – Compliant – no violations.

**Coca-Cola Bottling Company**  
1400 Rainer Road  
West Memphis, Arkansas 72301

Non-Significant Non-Categorical Industry  
North American Industry Classification System - 312111  
Industrial Waste Discharge Permit Number - 08  
Permit Issued – June 1, 2011 Expires – May 31, 2014  
Samples are taken once a month for permit reporting, industry is checked daily and a grab sample is pulled when possible. In a twelve month period there has been a total of 99 sampling visits made.  
Compliance Status – NC – 3 pH violations and 1 Oil & Grease violations.

**Grace Trailer Service**  
615 Petro Cove  
West Memphis, Arkansas 72301

Categorical Industry  
North American Industry Classification System – 811192  
Industrial Waste Discharge Permit Number - 24  
Permit Issued – June 1, 2011 Expires – May 31, 2014  
Samples are taken on a monthly basis for permit reporting this is done twice a month. The industry is checked daily and a grab sample is pulled when possible. In a twelve month period there has been a total of 144 sampling visits made.  
Compliance Status - SNC- 8 pH violations, 2 Copper violations, 3 Mercury violations, 1 Oil and Grease violation.

**Langston Bag**  
1100 North 7th  
West Memphis, Arkansas 72301

Non-Significant Non-Categorical Industry  
North American Industry Classification System – 322224  
Industrial Waste Discharge Permit Number - 10  
Permit Issued – June 1, 2011 Expires – May 31, 2014  
Samples are taken on a monthly basis for permit reporting, industry is checked daily and a grab sample is pulled when possible. In a twelve month period there has been a total of 91 sampling visits made.  
Compliance Status – NC - 2 Copper violations.

**Nu-Way Products**

220 Garrison (213 Front)  
West Memphis, Arkansas 72301

Non-Significant Non-Categorical Industry

North American Industry Classification System – 325612

Industrial Waste Discharge Permit Number - 11

Permit Issued – June 1, 2011 Expires – May 31, 2014

Samples are taken on a monthly basis for permit reporting. This industry is batch discharge only and must notify us before they discharge. There are no daily grab samples pulled.

In a twelve month period there has been a total of 2 sampling visits made.

Compliance Status – Compliant - no violations.

**Quala Services**

400 Mound City Road  
West Memphis, AR 72301

Categorical Industry

North American Industry Classification System – 811192

Industrial Waste Discharge Permit Number - 24

Permit Issued – June 1, 2011 Expires – May 31, 2014

Samples are taken on a monthly basis for permit reporting this is done twice a month. The industry is checked daily and a grab sample is pulled when possible.

In a twelve month period there has been a total of 71 sampling visits made.

Compliance Status - SNC- 6 pH violations, 1 Copper violation, 4 TPH O&G Violations and 5 Oil & Grease violations.

**Stateside Steel and Wire, LLC**

304 Wyanoke Road  
West Memphis, AR 72301

Categorical Industry

North American Industry Classification System - 331222

Industrial Waste Discharge Permit Number - 25

Permit Issued – March 24, 2010 Expires – February 28, 2013

Samples are taken on a monthly basis for permit reporting, industry is checked daily and a grab sample is pulled when possible.

In a twelve month period there has been a total of 124 sampling visits made.

Compliance Status – SNC – 5 Zinc violations.





## **WEST MEMPHIS UTILITY COMMISSION**

PO Box 1868 604 East Cooper  
Telephone (501) 735-3355 Fax (501) 732-7623  
West Memphis, Arkansas 72301

**The West Memphis Utility Commission and the City of West Memphis is required in its National Pollutant Discharge Elimination System Permit (NPDES) to list significant violators to the industrial pretreatment program. This is a requirement by the United States Environmental Protection Agency and the State of Arkansas Department of Environmental Quality.**

**For this reporting period March 2011 - February 2012 there were three significant violators for this reporting period.**

**Grace Trailer**

**615 Petro Cove**

**West Memphis, AR 72301**

**This was due to Technical Review Criteria (TRC) violations.**

**Quala Services**

**400 Mound City Road**

**West Memphis, AR 72301**

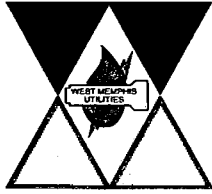
**This was due to Chronic violations and Technical Review Criteria (TRC) violations.**

**Stateside Steel**

**304 Wyanoke Road**

**West Memphis, AR 72301**

**This was due to Technical Review Criteria (TRC) violations.**



## WEST MEMPHIS UTILITY COMMISSION

604 East Cooper P O Box 1868

West Memphis, AR 72301

Phone: 870-735-3355 Fax: 870-732-7623

### Industrial Inspection Report

Inspector Name(s):

Inspection Date and Time:

Industry Name:

Site Address:

Contact Name and Title:

Telephone Number:

North American Industrial Classification Number:

Industrial Discharge Permit:

Expiration Date:

Category:

Other Permits:

Description of Activity on Premises:

Regulated Process Area:

Pretreatment Area:

Chemical Storage Area:



Waste Storage Area:

Hazardous Waste Generator:

Identification Number:

Spill Prevention/Slug Control Plan:

Material Safety Data Sheets Available:

Sampling Information:

Discharge Monitoring Location:

Other Field Notes:

Inspector Signature: (print)

Inspector Signature: (sign)

Enforcement Response Plan  
For  
West Memphis Utility  
Industrial Pretreatment Program

1. GENERAL

The purpose of the City of West Memphis Enforcement Response Plan (ERP) is to provide guidance for the Governing Boards' designated staff in all phases of enforcement related to City's Pretreatment Program. General guidance has been provided by the Governing Board by Ordinance, but specific application of that general guidance to the range of possible enforcement actions is needed.

2. DEFINITIONS

General Manager. The General Manager of the West Memphis Utility Commission is the person designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities by the sewer use ordinance, or his duly authorized representative referred to as the Director of Environmental Quality

Governing Board. The West Memphis Utility Commission (the Utility), which may act through the General Manager, his deputy, agent or representatives possessing written evidence of authority to so act.

Director of Environmental Quality. Authorized representative of the West Memphis Utility Commission and the General Manager of the West Memphis Utility Commission that administers, implements, and enforces the provisions of the Pretreatment Program and of the Sewer Use Ordinance.

3 ENFORCEMENT RESPONSE PLAN

The Governing Board implements the City's Pretreatment Program mandated by the Clean Water Act and the General Pretreatment Regulations. Normally the enforcement philosophy is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. However no enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations, a Show Cause Hearing may be scheduled immediately without the need for Notification of Violation.

Section 4 of the Sewer Use Ordinance requires that all significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits will be for a period as long as three years, may limit wastewater constituents and flows, may require installation and operation of sampling and monitoring facilities, and may establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents the Utility's first means of controlling the wastewater discharge by an industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

The permit also represents a major enforcement tool for the Governing Board's use against industrial users violating the Enforcement Response Plan, since the

Governing Board, after a Show Cause Hearing, may direct a revocation of a user's permit which effectively bars discharge of industrial process wastewater to the City's sewers. The Sewer Use Ordinance does not provide detailed guidance on the characterization of violations, determination of significant noncompliance (SNC), "the triggering events" that require an analysis of remedies available, the method of conducting informal and formal meeting below the Show Cause Hearing level, or the process of determining users who are not in consistent compliance for purposes of the annual newspaper notice. These are covered in the following sections.

#### 4. RESPONSIBILITIES

The ERP is administered by the Director of Environmental Quality under the supervision of the General Manager. The Director will delegate certain tasks to subordinates. The Director will maintain complete, accurate records of activities conducted as part of the ERP and render periodic reports to the Governing Board at such frequency and in such detail as the Governing Board shall determine. Specific responsibilities are set forth in succeeding sections of this document.

#### 5. COLLECTION AND DISSEMINATION OF INFORMATION

For each industrial user, the Director will determine what data is required or needed to determine compliance with applicable pretreatment standards as well as when and how it can be obtained. The Director will specify reporting requirements for each industrial user in its permit as required by Arkansas Department of Environmental Quality and will then track the submission of reports. If information submitted is deficient or late, the industrial user will be notified and required to complete the submission as detailed in the appropriate enforcement response.

Baseline monitoring reports, 90-day compliance reports, reports required by the compliance directives and continuing compliance reports as received will be retained for at least three years under the provisions of 40 CFR, 403.12(n).

The Director will notify the industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR, Part 403.8(f)(2)(iii). By reporting the results of sampling and analysis to industrial users, the Director will provide feedback to users on compliance status and inform industrial users of their compliance with Governing Board's enforcement requirements and general responses to instances of noncompliance.

#### 6. SAMPLING AND INSPECTION OF INDUSTRIAL USERS

The Director will prepare and continually update an inspection plan for field investigations including sample collection, facility inspections and flow monitoring. Field investigations will be used to verify compliance status, to collect samples, to initiate emergency or remedial action and to gather additional information. Environmental Quality personnel may conduct routine compliance monitoring or

special monitoring in response to violations or technical problems or as support for permit modification. Routine wastewater sampling will be conducted for each industrial user at least once monthly. The Director will further develop such checklists and procedures for routine inspections as are necessary to assure that the results of each visit are documented and notify industrial users of any deficiencies found during any inspection.

#### 7. COMPLIANCE SCREENING

Using all available information, the Director will conduct an initial compliance review or screening process to determine and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Such screening will be undertaken at least monthly. Reviews completed under this section are designed to identify apparent violations rather than to determine an appropriate enforcement response to such apparent violations.

During the screening process, the reviewer will verify that any required reports are submitted on schedule, that they cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with the requirements in the industrial user's permit. Any discrepancy will be considered to be a violation of the ERP. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon discovery.

#### 8. ENFORCEMENT EVALUATION

Violations and discrepancies identified during the compliance screening process will be reviewed by the Director to evaluate the type of enforcement response required. The enforcement response guide attached to this ERP will be used for this determination.

The Director will set deadlines for industrial users to respond to letters of violation. If contacts and commitments are oral, they will be confirmed in writing to preserve the record.

#### 9. SIGNIFICANT NONCOMPLIANCE (SNC)

After completion of the compliance screening, violations will be characterized and the Director will make the determination as to whether the user is in Significant Noncompliance (SNC). Certain instances of noncompliance may or may not be of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations may be significant and must be identified as such. Such SNC may be on an individual or long-term basis of occurrence. Categorization of industrial users as being in SNC allows the Director to establish priorities for enforcement action. Instances of SNC are industrial user violations which meet one or more of the following criteria according to 40 CFR 403.8 (f) (2) (viii):

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-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 thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-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 violations 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 the 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 Governing Board'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 ninety (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 forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violations 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.

10. PUBLISHING LISTS OF INDUSTRIAL USERS WITH SIGNIFICANT VIOLATIONS

General Pretreatment Regulations require the Governing Board to publish, at least annually, in the largest daily newspaper within the City, a list of industrial users which were significantly violating applicable Pretreatment Standards and Requirements during the previous twelve months. The procedures for compiling the



list of such industrial users is as follows:

A. The Director of Environmental Quality will prepare a compliance history from Governing Boards records for each individual industrial user.

B. The compliance history so obtained for each industrial user will be reviewed to determine if a pattern of noncompliance exists or if the industry has been or continues to be in SNC. To the extent that an industry meets these criteria, it will be placed on the list for publication.

11. MEANS OF ENFORCEMENT

Informal notices (verbal and written)

Notification of Violation-(NOV)

Consent Order

Show Cause Order

Compliance Order

Cease and Desist Order

Administrative Fines

Emergency Suspensions

Termination of Discharge

Civil and Criminal Penalties

12. DESCRIPTION OF ENFORCEMENT ACTIVITIES

The categories of enforcement activities are described in the succeeding paragraphs.

Notification of Violation

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Consent Orders

The Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have

the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Ordinance and shall be judicially enforceable.

### **Show Cause Hearing**

The Director may order a User which has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 (3). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **Compliance Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **Cease and Desist Orders**

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

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

### **Administrative Fines**

- A. When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's request is granted, the payment shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Issuance or pursuit of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **Emergency Suspensions**

The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Director 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 may take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the

Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this Ordinance.

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

### Termination of Discharge

In addition to the provisions in Section 5.5 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

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

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

### Injunctive Relief

When the Director finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may petition District court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Utility for a maximum

civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation; and, each day of continuing violation may be deemed a separate violation.

- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

#### Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this Ordinance, an individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation, per day, or imprisonment for such term as allowed by the law or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$100.00 but not more than \$500.00 for any one (1) specified offense or violation thereof, and not less than \$100.00 but not more than \$1,000.00 for each repetition of such event or violation, or be subject to imprisonment for such term as allowed by law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of \$100.00 but not more than \$500.00 for any one (1) specified offense or violation thereof, and not less than \$100.00 but not more than \$1,000.00 for each repetition of such event or violation, or be subject to imprisonment for such term as allowed. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

**Remedies Nonexclusive**

The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Utility's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

## Unauthorized Discharges (Non-Permitted and Un-Permitted)

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Unpermitted Discharge	IU unaware of permitting requirement (no harm to POTW/environment)	Informal notices (verbal and written) NOV with application	Director Director
	IU unaware of permitting requirement (harm to POTW/environment)	Administrative Order and Fines	Director
	IU failed to apply for permit, discharge continues after notice (no harm to POTW/environment)	Administrative Order and Fines Show Cause Hearing	Director Director
	IU failed to apply for permit, discharge continues after notice (harm to POTW/environment)	Show Cause Hearing Emergency Suspension	Director Director
2. Non-permitted Discharge (failure to renew)	IU has not submitted application form by due date	Informal notice (verbal and written) NOV and/or Fine	Director Director

## Discharge Limit Violation

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Exceedance of local or Federal Standard	Isolated, not significant	Informal notices (verbal and written)	Director
	Isolated, significant (no harm)	NOV and/or Fine	Director
	Isolated, significant (harm to POTW or environment)	NOV and/or Fines Administrative Order Show Cause Hearing	Director Director Director
	Recurring, no harm to POTW/ environment	NOV and/or Fines Administrative Order	Director Director
	Recurring; significant (harm to POTW/environment)	Compliance Order Cease and Desist	Director Director

## Monitoring and Reporting Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Reporting violation(s)	Report is improperly signed or certified	NOV and/or Fines Administrative Order	Director Director
	Report is improperly completed	NOV and/or Fines	Director
	Report is late, not significant (e.g., five (5) days)	Informal notices verbal and written) NOV	Director Director
	Report is late, significant (e.g., thirty (30) days) or more	Administrative Order and/or Fines with each additional day	Director
	Reports are always late or no report at all	Administrative Order and/or Fines Show Cause Hearing	Director Director
	Failure to report spill or changed discharge (no harm to POTW/environment)	NOV and/or Fines	Director
	Failure to report spill or changed discharge (harm to POTW/environment)	Administrative Order with Fines Show Cause Hearing	Director Director
	Repeated failure to report spills	Show Cause Hearing Cease and Desist Order	Director Director
	Falsification	Civil and Criminal Penalty	Director
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV and/or Fines Administrative Order Compliance Order	Director Director Director
	Recurring failure to monitor	Administrative Order and/or Fines Show Cause Order	Director Director
3. Improper sampling	No evidence of intent	NOV and/or Fines	Director
	Evidence of intent	Civil and Criminal Penalty	Director



4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	Director
	Delay of 30 days or more	Administrative Order and/or Fines with each additional day	Director
	Recurring, violation of AO	Civil and Criminal Penalty	Director
5. Compliance Schedules	Missed milestone (delay of less than 30 days or will not affect final completion date)	NOV	Director
	Missed milestone (delay of 30 days or more and will not affect final completion date)	Administrative Order and/or Fines	Director
	Missed milestone (with delays affecting final completion date)	Administrative Order and/or Fines	Director
		Show Cause Hearing	Director
Recurring violation or violation of schedule in AO	Show Cause Order Civil and Criminal penalty	Director Director	

### Other Permit Violations

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Wastestreams are diluted in lieu of treatment	Initial violation	NOV and/or Fines	Director
	Recurring	Administrative Order And/or Fines Cease and Desist	Director Director
2. Failure to mitigate noncompliance or halt production	Does not result in harm to POTW/ environment	NOV and/or Fines	Director
	Does result in harm to POTW/ environment	Administrative Order and/or Fines Show Cause Cease and Desist Order	Director Director Director

3. Failure to properly operate and maintain pretreatment facility	Does not result in harm POTW/environment	NOV and/or Fines	Director
	Does result in harm to POTW/ environment	Administrative Order and/or Fines Show Cause Hearing Cease and Desist Order	Director

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### Violations Detected During Site Visits

<u>Noncompliance</u>	<u>Nature of Violation(s)</u>	<u>Available Enforcement Response(s)</u>	<u>Personnel</u>
1. Entry Denial	Entry denied or consent withdrawn; copies of records to IU	Obtain warrant and return  Administrative Order And/or Fines Show Cause Hearing	Director  Director
	2. Illegal Discharge	Occurrence with no evidence of intent or negligence (no harm to POTW/environment)	NOV and/or Fines
	Occurrence with evidence of intent or negligence (no harm to POTW/environment)	Administrative Order and/or Fines Show Cause Hearing Cease and Desist Order	Director Director Director
	Recurring, violation of AO	Termination of Discharge	Director
3. Improper Sampling	Unintentional sampling at NOV incorrect location	NOV and/or Fines	Director
	Unintentional sampling by incorrect method, technique and/or procedure	NOV and/or Fines	Director
4. Inadequate recordkeeping	File review with incomplete or missing records (no evidence of intent)	NOV and/or Fines	Director
	Recurring	Administrative Order And/or Fines	Director
	Incomplete or missing records And evidence of intent	Obtain warrant and return to IU Administrative Order And/or Fines Show Cause Hearing	Director Director Director

5. Failure to report additional monitoring	File review reveals unreported records	NOV and/or Fines	Director
	Recurring	Administrative Order And/or Fines	Director

## Timeframes for Enforcement Response

- A. All reports on compliance are to be reviewed by the personnel responsible for identification of noncompliance, and violation(s) are to be documented with five (5) working days of receiving the information.
- B. Initial enforcement actions involving contact with the industrial user and requesting information on corrective or preventative action(s) will occur within fifteen (15) working days of violation identification.
- C. Follow up actions for continuing or recurring violations are to be taken within sixty (60) days of initial enforcement action. For recurring violations, the Director may issue administrative order(s) which may also include but is limited to issuance of compliance schedule(s).
- D. Violations which threaten health, property or environmental quality are to be considered emergencies and are to be handled with immediate responses such as halting of the noncompliant discharge and/ or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be published annually, in a newspaper of general circulation that provides meaningful public notice with the jurisdiction served by the POTW.



**WEST MEMPHIS UTILITY COMMISSION**  
**604 EAST COOPER PHONE 870-735-3355**  
**CHAIN OF CUSTODY**

NO. \_\_\_\_\_

FACILITY SAMPLED \_\_\_\_\_

FACILITY LOCATION \_\_\_\_\_

FACILITY CONTACT PERSON/PHONE \_\_\_\_\_

**pH** (EPA approved Standard Methods 20th Edition Method 4500-H)

**TEMPERATURE**

Date / Time: \_\_\_\_\_

°C

**BUFFER USED**

**TEMP. OF BUFFER**

**ADJUSTED METER TO**

4 +/- .01 pH UNITS RRN \_\_\_\_\_

°C

7 +/- .01 pH UNITS RRN \_\_\_\_\_

°C

**SAMPLER INFORMATION**

**pH** (EPA approved Standard Methods 20th Edition Method 4500-H)

**TEMPERATURE**

Date / Time: \_\_\_\_\_ / \_\_\_\_\_

OUT \_\_\_\_\_

OUT \_\_\_\_\_ °C

Date / Time: \_\_\_\_\_ / \_\_\_\_\_

IN \_\_\_\_\_

IN \_\_\_\_\_ °C

ICED \_\_\_\_\_ AM / PM \_\_\_\_\_ AM / PM

**ANALYSIS TO BE PERFORMED**

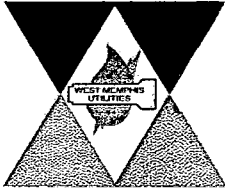
PARAMETER	TYPE		PRESERVATIVE USED					CONTAINER	
	GRAB	24-HR COMP	HCl	HNO <sub>3</sub>	H <sub>2</sub> SO <sub>4</sub>	NaOH	Chilled	Glass	Plastic
pH									
COD									
TSS									
BOD									
Metals									
VOC's									
Chlorine									
Cyanide									
Phenols									
Oil and Grease									
TPH-Oil and Grease									
Sodium									

FIELD NOTES: \_\_\_\_\_

SAMPLED AND RELINQUISHED BY (SIGNATURE) \_\_\_\_\_

RECEIVED BY LAB (SIGNATURE) \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ NO. OF CONTAINERS \_\_\_\_\_



**WEST MEMPHIS UTILITY COMMISSION**  
**604 EAST COOPER    PHONE 870-735-3355**  
**CHAIN OF CUSTODY**

**FACILITY SAMPLED** \_\_\_\_\_  
**FACILITY LOCATION** \_\_\_\_\_  
**PERSON SAMPLING** \_\_\_\_\_  
**DATE SAMPLED** \_\_\_\_\_  
**TIME SAMPLED** \_\_\_\_\_        A.M.                             P.M.

**NUMBER OF CONTAINERS** \_\_\_\_\_

**ANALYSIS TO BE PERFORMED**

	TYPE		PRESERVATIVE USED					CONTAINER	
	GRAB	COMP.	HCl	HNO <sub>3</sub>	H <sub>2</sub> SO <sub>4</sub>	NaOH	Chilled	Glass	Plastic
_____									
_____									
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**RELINQUISHED BY (SIGNATURE)** \_\_\_\_\_

**DATE** \_\_\_\_\_ **TIME** \_\_\_\_\_

**RECEIVED BY LAB (SIGNATURE)** \_\_\_\_\_

**DATE** \_\_\_\_\_ **TIME** \_\_\_\_\_

ACCT.	DESCRIPTION	2011	2012	DIFFERENCE
	SALARIES & BENEFITS			
401-00	REGULAR SALARIES & OVERTIME	108,896	108,896	
404-00	RETIREMENT - CITY	6,534	6,534	
405-00	SOCIAL SECURITY - CITY	8,331	8,331	
406-00	HEALTH INS. PREMIUM - CITY	23,268	14,400	8,868CR
407-00	EMPLOYEE ASSISTANCE PROGRAMS	75	75	
408-10	WORKER'S COMP. INSURANCE	1,542	1,542	
	TOTAL SALARIES & BENEFITS	148,646	139,778	8,868CR
	SUPPLIES & SERVICES			
501-00	COMMUNICATIONS	500	500	
502-00	TRAVEL	4,000	4,000	
504-00	MAINT. - MACHINES & EQUIPMENT	2,500	2,500	
506-00	ADVERTISING & PUBLISHING	4,500	3,500	1,000CR
507-00	EDUCATION & TRAINING	4,000	4,000	
510-00	BINDING/PRINTING/REPRODUCTION	1,000	1,000	
512-00	OFFICE SUPPLIES	2,000	2,000	
513-00	POSTAGE	3,500	3,000	500CR
516-00	CLOTHING & LINEN SUPPLIES	1,000	1,000	
517-00	PERISHABLES	150	150	
519-00	MOTOR FUELS	2,000	2,500	500
520-00	OILS & LUBRICANTS	100	100	
522-10	LAB EQUIPMENT/SUPPLIES	17,000	15,000	2,000CR
532-00	AUTOMOTIVE INS. PREMIUMS	500	250	250CR
535-00	MEMBERSHIP & SUBSCRIPTIONS	500	1,000	500
536-00	TAXES	200	500	300
544-00	CONSULTING FEES	18,000	18,000	
	TOTAL SUPPLIES & SERVICES	61,450	59,000	2,450CR
	TOTAL ENVIRONMENTAL QUALIT	210,096	198,778	11,318CR

ACCT.	D E S C R I P T I O N	2011	2012	DIFFERENCE
	CAPITAL OUTLAY			
903-00	OFFICE EQUIPMENT		1,500	1,500
904-00	AUTOMOTIVE EQUIPMENT	20,000	20,000	
906-00	SMALL EQUIPMENT	6,000	5,000	1,000CR
	TOTAL CAPITAL OUTLAY	26,000	26,500	500
	TOTAL ENVIRON. QUALITY DEP	26,000	26,500	500

**West Memphis Utility Department**

**FINANCIAL REPORT**

**December 31, 2010**



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**INDEPENDENT AUDITORS' REPORT**

To the West Memphis Utility Commission  
West Memphis, Arkansas

We have audited the accompanying statements of net assets of the West Memphis Utility Department, of the City of West Memphis, Arkansas, as of December 31, 2010 and 2009 and the related statements of revenue, expenses and changes in net assets and cash flows for the years then ended. These financial statements are the responsibility of the West Memphis Utility Department management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in Note A, the financial statements present only the West Memphis Utility Department and are not intended to represent fairly the financial position of the City of West Memphis, Arkansas, and the results of its operations and the cash flows of its proprietary and nonexpendable trust funds, in conformity with accounting principles generally accepted in the United States of America. Also, as discussed in Note A to the financial statements, the Department's investments in property, plant and equipment and the related reserves cannot presently be determined due to the insufficient historical records. The Department's records do not permit the application of adequate alternative procedures to verify the cost of property, plant and equipment. Further, the Department has not presented a management's discussion and analysis that accounting principles generally accepted in the United States has determined is necessary to supplement, although not required to be part of, the basic financial statements.

In our opinion, except for the effect of such adjustments, if any, with respect to the investment in property, plant and equipment, and related allowances, had the records been auditable, and the omission of the management's discussion and analysis, the financial statements referred to above present fairly, in all material respects, the financial position of the West Memphis Utility Department as of December 31, 2010 and 2009, and the results of its operations and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Our audits of the financial statements of the West Memphis Utility Department, an entity of the City of West Memphis (an Arkansas Municipal Corporation) for the years ended December 31, 2010 and 2009 were intended primarily for the purpose of formulating an opinion on the basic financial statements taken as a whole. The additional information presented on pages 16 and 17 is presented for the purposes of additional analysis and is not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the examination of the basic financial statements and, accordingly, we express no opinion on it.

West Memphis, Arkansas  
June 30, 2011

*Jackson, Howell & Associates, PLLC*

**West Memphis Utility Department**  
**STATEMENTS OF NET ASSETS**  
**December 31**

**ASSETS**

	<b><u>2010</u></b>	<b><u>2009</u></b>
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 3,966,007	\$ 5,604,730
Investments	14,891,010	14,576,586
Accounts receivable, net	4,948,466	4,181,859
Inventories	1,891,437	1,512,269
Interest receivable	130,360	183,507
Intergovernmental receivables	<u>2,923,809</u>	<u>2,853,023</u>
<b>TOTAL CURRENT ASSETS</b>	<b>28,751,089</b>	<b>28,911,974</b>
<b>RESTRICTED ASSETS</b>		
Cash and cash equivalents	11,321,899	10,824,669
Investments	1,117,391	1,105,358
Interest receivable	<u>13,036</u>	<u>16,877</u>
<b>TOTAL RESTRICTED ASSETS</b>	<b>12,452,326</b>	<b>11,946,904</b>
<b>NON-CURRENT ASSETS</b>		
Capital assets		
Land and improvements	1,723,059	1,543,640
Buildings and equipment	9,338,817	8,910,752
Electric plant	45,836,472	44,815,142
Water plant	17,797,578	17,311,863
Sewer plant	<u>27,116,874</u>	<u>26,399,579</u>
	101,812,800	98,980,976
Less accumulated depreciation	<u>72,888,935</u>	<u>70,772,589</u>
Net capital assets	28,923,865	28,208,387
Deferred debt expense, net	<u>82,675</u>	<u>87,065</u>
<b>TOTAL NON-CURRENT ASSETS</b>	<b><u>29,006,540</u></b>	<b><u>28,295,452</u></b>
	<b><u>\$70,209,955</u></b>	<b><u>\$69,154,330</u></b>

The accompanying notes are an integral part of these financial statements.

**LIABILITIES AND NET ASSETS**

	<b><u>2010</u></b>	<b><u>2009</u></b>
<b>CURRENT LIABILITIES</b>		
Accounts payable and accrued expenses	\$ 1,760,212	\$ 1,436,052
Intergovernmental payable	<u>54,809</u>	<u>126,530</u>
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,815,021</b>	<b>1,562,582</b>
 <b>LIABILITIES, PAYABLE FROM RESTRICTED ASSETS</b>		
Bond interest payable	64,848	66,148
Bond payable, current	395,000	390,000
Accounts payable	<u>245,967</u>	<u>22,064</u>
<b>TOTAL LIABILITIES, PAYABLE FROM RESTRICTED ASSETS</b>	<b>705,815</b>	<b>478,212</b>
 <b>NON-CURRENT LIABILITIES</b>		
Customer deposits	1,170,014	1,188,321
Bond payable, non-current	9,835,000	10,230,000
Unamortized bond discount, net	<u>(100,005)</u>	<u>(105,315)</u>
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b><u>10,905,009</u></b>	<b><u>11,313,006</u></b>
 <b>TOTAL LIABILITIES</b>	<b>13,425,845</b>	<b>13,353,800</b>
 <b>NET ASSETS</b>		
Invested in capital assets, net of related debt	28,923,865	28,208,387
Restricted for capital projects	11,321,899	10,824,669
Unrestricted	<u>16,538,346</u>	<u>16,767,474</u>
<b>TOTAL NET ASSETS</b>	<b><u>56,784,110</u></b>	<b><u>55,800,530</u></b>
	 <b><u>\$70,209,955</u></b>	 <b><u>\$69,154,330</u></b>

**West Memphis Utility Department**  
**STATEMENTS OF REVENUE, EXPENSES**  
**AND CHANGES IN NET ASSETS**  
**For the Years Ended December 31**

	<u>2010</u>	<u>2009</u>
<b>OPERATING REVENUE</b>		
Charges for services		
Electric	\$27,450,488	\$24,968,181
Water	1,498,483	1,407,490
Sewer	1,515,067	1,447,288
Other	<u>625,554</u>	<u>564,285</u>
	31,089,592	28,387,244
<b>OPERATING EXPENSES</b>		
Purchase power for resale	15,909,172	13,961,333
Transmission charges	1,465,933	1,554,329
General and administrative	6,011,298	6,194,777
Maintenance, operations, and contracted services	3,034,491	3,123,144
Payment in lieu of taxes	1,500,459	1,375,728
Depreciation	<u>2,116,345</u>	<u>2,017,136</u>
	<u>30,037,698</u>	<u>28,226,447</u>
<b>OPERATING INCOME (LOSS)</b>	1,051,894	160,797
<b>NON-OPERATING REVENUE (EXPENSES)</b>		
Investment income	371,974	578,153
Interest on bonds	(395,588)	(66,148)
Amortization	(9,700)	(1,617)
Transfer to police department	<u>(35,000)</u>	<u>-</u>
	<u>(68,314)</u>	<u>510,388</u>
<b>NET INCOME</b>	983,580	671,185
<b>NET ASSETS AT BEGINNING OF YEAR</b>	<u>55,800,530</u>	<u>55,129,345</u>
<b>NET ASSETS AT END OF YEAR</b>	<u>\$56,784,110</u>	<u>\$55,800,530</u>

The accompanying notes are an integral part of these financial statements.

**West Memphis Utility Department  
STATEMENTS OF CASH FLOWS  
For the Years Ended December 31**

---

	<u>2010</u>	<u>2009</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Receipts from customers	\$30,304,678	\$28,666,079
Payments to suppliers for goods and services	(24,338,247)	(22,838,492)
Payments to employees	<u>(3,414,211)</u>	<u>(3,379,821)</u>
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	2,552,220	2,447,766
<b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES:</b>		
Transfers (to) from other funds	<u>(177,507)</u>	<u>(1,094,578)</u>
<b>NET CASH (USED IN) PROVIDED BY NON-CAPITAL FINANCING ACTIVITIES</b>	(177,507)	(1,094,578)
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:</b>		
Acquisition of capital assets	(2,831,824)	(2,501,380)
Proceeds from issuance of bond	-	10,620,000
Payments of bond fees	-	(193,997)
Principal paid on bonds	(390,000)	-
Interest paid on bonds	<u>(396,887)</u>	<u>(66,148)</u>
<b>NET CASH (USED IN) PROVIDED BY CAPITAL AND RELATED FINANCING ACTIVITIES</b>	(3,618,711)	7,858,475
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Interest received on investments	428,962	649,706
Sales (purchases) of investments	<u>(326,457)</u>	<u>(132,532)</u>
<b>NET CASH PROVIDED BY INVESTING ACTIVITIES</b>	<u>102,505</u>	<u>517,174</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	(1,141,493)	9,728,837
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</b>	<u>16,429,399</u>	<u>6,700,562</u>
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	<u>\$15,287,906</u>	<u>\$16,429,399</u>

The accompanying notes are an integral part of these financial statements.

**West Memphis Utility Department**  
**STATEMENTS OF CASH FLOWS - CONTINUED**  
**For the Years Ended December 31**

	<u>2010</u>	<u>2009</u>
<b>RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES:</b>		
Operating income (loss)	\$ 1,051,894	\$ 160,797
Adjustments to reconcile operating income to net cash provided by operating activities		
Depreciation	2,116,345	2,017,136
Changes in assets and liabilities		
(Increase) decrease in accounts receivable	(766,607)	252,584
(Increase) decrease in inventories	(379,168)	67,705
Increase (decrease) in accounts payable	548,063	(142,855)
Increase (decrease) in customer deposits	(18,307)	26,251
Increase (decrease) in bond interest payable	-	66,148
Total adjustments	<u>1,500,326</u>	<u>2,286,969</u>
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<b><u>\$ 2,552,220</u></b>	<b><u>\$ 2,447,766</u></b>

The accompanying notes are an integral part of these financial statements.



**West Memphis Utility Department**  
**NOTES TO FINANCIAL STATEMENTS**

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**NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Nature of the Operations**

The West Memphis Utility Department (the "Department") of the City of West Memphis, Arkansas provides electric, water and sewer services for the City. The current West Memphis Utility Commission has the authority to recommend electric, water and sewer rates to the City Council which has final authority for approving utility rates. The Department purchases 37% of its energy from Constellation Energy. The balance is from generating and replacement power from Entergy.

**Governmental Accounting Standards**

The financial statements have been prepared in accordance with generally accepted accounting principles in the United States of America. The Governmental Accounting Standards Board ("GASB") is the established and recognized standard-setting body for governmental accounting and financial reporting. The GASB periodically issues new or revised standards that are implemented by the Department.

Private-sector accounting standards are established by the Financial Accounting Standards Board ("FASB"). FASB standards issued on or before November 30, 1989, are generally followed for the financial statements to the extent those standards do not conflict with or contradict GASB pronouncements. In accordance with GASB Statement No. 20, paragraph 7, governments have the option to apply all FASB Statements and Interpretations issued after November 30, 1989, except those that conflict with or contradict GASB pronouncements. The Department has elected to apply subsequent FASB standards.

**Measurement Focus, Basis of Accounting and Financial Statement Presentation**

The Department's financial statements are reported using the economic resource management focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Interfund items and transactions between the electric, water and sewer funds have been eliminated.

**Accounts Receivable**

Account receivable is recorded at the amount the Department expects to collect on balances outstanding at year-end. An allowance for uncollectible accounts is estimated and recorded based on the Department's historical bad debt experience and on management's judgment. The allowance for uncollectible accounts was \$300,000 and \$225,000 on December 31, 2010 and December 31, 2009, respectively.

**West Memphis Utility Department  
NOTES TO FINANCIAL STATEMENTS - CONTINUED**

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**NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - CONTINUED**

**Inventory**

Inventory consists of materials and supplies for the following:

Electric Department	\$ 653,747
Water Department	41,161
Sewer Department	5,463
Gas and Oil	48,284
Independence - Coal Stockpile	315,012
Independence - Materials and supplies	134,642
White Bluff - Coal Stockpile	510,469
White Bluff - Materials and supplies	<u>182,659</u>
<b>Total</b>	<b><u>\$1,891,437</u></b>

Inventories are stated at the lower of cost or market. Cost is determined using the average cost method.

**Property, Plant and Equipment**

Property, plant and equipment are stated at cost. Expenditures for maintenance and repairs are expensed when incurred. Additions, major improvements and replacements of units are capitalized and depreciated on a straight-line basis over the estimated useful lives of the various classes as follows:

	<u>Years</u>
Buildings	40
Furniture, fixtures and equipment	8 - 10
Plant in service	20 - 40
Investment in electric generating plant	27 - 28

Costs and related allowances for depreciation of assets sold or otherwise retired are eliminated from the asset and accumulated depreciation accounts where detail property records are available.

The Department's detailed property, plant and equipment records do not provide sufficient historical detail to determine the cost of individual assets. Due to this inadequacy, it is not always possible to determine the historical cost of property, plant and equipment to be retired. Therefore, certain assets have not been removed from the books when retired.

**Short-term Investments**

Short-term investments are stated at cost unless there is an indication of permanent impairment of value, in which case the adjustment to market value is included in results of operations. Interest income is accrued as earned.

**West Memphis Utility Department**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**

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**NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - CONTINUED**

**Revenues**

Revenues are included in income as services are delivered. The Utility Department reads customers meter that will normally span a month; i.e., January 15, 2010 would include services delivered but not billed for 15 days in December. Included in the accounts receivable at December 31, 2010 and 2009 was an estimate for these unbilled services totaling \$1,483,468 and \$1,453,058, respectively.

**Deferred Debt Expense**

Cost associated with issuing the Series 2009 revenue bond has been deferred and is being amortized using the straight-line method over the life of the bond.

**Statements of Cash Flows - Cash Equivalents**

For purposes of the statements of cash flows, the Department considers all liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

**Use of Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual amounts could differ from these estimates.

**Compensated Absences**

Employees of the Department are entitled to pay for compensated absences depending on job classification, length of service, and other factors. It is the Department's policy to recognize the cost of compensated absences when actually paid to the employees.

**Events Occurring After Reporting Date**

The Company has evaluated events and transactions that occurred between December 31, 2010 and June 30, 2011 which is the date that financial statements were available to be issued, for possible recognition or disclosure in the financial statements

**NOTE B - INVESTMENT IN GENERATING PLANTS**

In 1980, the Department entered into an Ownership Agreement with Entergy whereby it purchased a 1% interest in two fossil fuel electric generating plants in Arkansas, one at White Bluff and one in Independence County. Both generating plants include two fully operational generating power units. The Department financed these purchases through the issuance of revenue bonds (See Note E).

**West Memphis Utility Department**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**

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**NOTE B - INVESTMENT IN GENERATING PLANTS - CONTINUED**

As a party to the Ownership Agreement, the Department was required to pay its 1% share of the construction costs of the plants, as incurred by Entergy and as defined in the Agreement. After commercial operation of the plants began, the Department was also responsible for its 1% share of additions or replacements at each plant. The amounts recorded (including capitalized interest), of \$11,187,755 and \$10,529,089 for White Bluff and Independence, respectively, represent the Department's 1% share of plant construction cost.

The Department is also a party to an Operating Agreement with Entergy whereby it has agreed to pay 1% of the operating costs (mainly operations and maintenance expenses, not including fuel) of the plants. Furthermore, the Department also pays for 1% of the coal purchased by the plants and this amount is included in inventory on the accompanying balance sheets.

These agreements entitle the Department to 1% of the net generating capacity and energy of the plants, which is delivered to West Memphis in accordance with a transmission agreement.

**NOTE C - CASH AND SHORT-TERM INVESTMENTS**

The Treasurer of West Memphis Utility Commission is authorized by the State of Arkansas Statutes to invest excess cash balances in short-term investments. At December 31, 2010, cash and short-term investments are listed below:

	<u>Restricted</u>	<u>Unrestricted</u>
CASH	\$11,321,899	\$ 3,966,007
INVESTMENTS:		
Certificates of Deposit	<u>1,117,391</u>	<u>14,891,010</u>
	<u>1,117,391</u>	<u>14,891,010</u>
	<u>\$12,439,290</u>	<u>\$18,857,017</u>

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The Department's deposit policy for custodial credit risk requires compliance with the provisions of state law.

State law requires collateralization of all deposits with federal depository insurance; a surety bond; U.S. Treasury and U.S. agencies and instrumentalities bonds or other obligations; bonds of the State of Arkansas or by bonds of a political subdivision thereof which has never defaulted on any of its obligations.

At December 31, 2010, none of the Department's bank balances of \$21,056,899 were exposed to custodial credit risk.

**West Memphis Utility Department**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**

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**NOTE D - RESTRICTED ASSETS**

Restricted cash and investments represent amounts required to be maintained by agreements related to the bond issue and deposits received from customers.

**NOTE E - REVENUE BONDS PAYABLE**

On November 1, 2009, the Department issued \$10,620,000 of the Public Utility System Revenue Bond, Series 2009.

Principal payments are due annually in increasing amounts over 18 years beginning in 2010. Interest is payable semi-annually. The bond has various interest rates ranging from 2.0 - 4.5% dependent upon the maturity date. The bond discount of \$106,200 is being amortized over the life of the bond. The amortization of the bond discount for 2010 is \$6,195.

Current principal maturities of long-term debt as of December 31, 2010 are as follows:

2011	\$ 395,000
2012	405,000
2013	410,000
2014	425,000
2015	435,000
Thereafter	<u>8,160,000</u>
	<u>\$10,230,000</u>

**NOTE F - RELATIONSHIPS WITH THE CITY**

The Department is one of a number of departments and/or funds of the City of West Memphis established for a specific purpose. General services, such as personnel, data processing, financial administration and legal services are provided to the Department by the City. The costs associated with providing these services are charged to the Department by the City. The City also charges the Department an amount in lieu of franchise taxes.

The Department, as a convenience to customers, includes the fees for city-provided garbage collection in its monthly customer billings. These fees are remitted to the Sanitation Department monthly and are not reflected in the accompanying financial statements.

**NOTE G - RELATED PARTY TRANSACTIONS**

The Department purchases office supplies from Delta Office Supply, a company owned by the City Treasurer. The Department purchased \$5,692 and \$5,954 for the years ended December 31, 2010 and 2009, respectively.

**West Memphis Utility Department**  
**NOTES TO FINANCIAL STATEMENTS - CONTINUED**

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**NOTE H - CONTINGENCY**

The City of West Memphis is involved in a number of lawsuits arising in the ordinary course of business. None of the lawsuits are directly related to the West Memphis Utility Department

**NOTE I - PENSION PLAN**

On January 1, 1977, the City established a defined contribution pension plan for all non-uniformed employees. The City contributes 6% of each participant's annual salary, and employees can also contribute an amount between 2% and 10% of their salaries. Participants vest in employer's contribution at a rate of 20% per year. Eligibility commences one year from date of employment.

Employees have the option to invest the funds in their account. Employees are entitled only to the funds deposited by them and on their behalf; therefore, there is no unfunded liability.

The amount contributed to the pension plan and expensed by the Department was \$190,317 and \$190,338 for the years ended December 31, 2010 and 2009, respectively.

**NOTE J - MAJOR VENDORS**

Purchases for the year ended December 31, 2010 include purchases from two major vendors.

	<u>Amount</u>	<u>Percent</u>
Purchases from:		
Vendor A	\$9,987,183	57.48%
Vendor B	5,921,989	34.08%
Accounts Payable:		
Vendor A	746,203	37.20%
Vendor B	529,214	26.38%

**SUPPLEMENTARY INFORMATION**

**West Memphis Utility Department  
PROPERTY, PLANT AND EQUIPMENT  
December 31, 2010**

	<b>COST</b>			
	<b>Balance January 1, 2010</b>	<b>Additions and Transfers</b>	<b>Disposals and Transfers</b>	<b>Balance December 31, 2010</b>
<b>UTILITY, PLANT IN SERVICE</b>				
Electric	\$23,353,767	\$ 765,861	\$ -	\$ 24,119,628
Generating plants				
White Bluff	11,000,663	187,091	-	11,187,754
Independence	<u>10,460,712</u>	<u>68,377</u>	-	<u>10,529,089</u>
	44,815,142	1,021,329	-	45,836,471
Water	17,311,863	485,715	-	17,797,578
Sewer	<u>26,399,579</u>	<u>717,296</u>	-	<u>27,116,875</u>
	88,526,584	2,224,340	-	90,750,924
<b>OTHER PROPERTY, PLANT AND EQUIPMENT</b>				
Land	418,341	-	-	418,341
Buildings	785,176	8,999	-	794,175
Building improvements	1,125,299	179,419	-	1,304,718
Furniture and fixtures	443,389	53,492	-	496,881
Transportation equipment	4,426,419	262,019	-	4,688,438
Miscellaneous equipment	<u>3,255,768</u>	<u>103,555</u>	-	<u>3,359,323</u>
	10,454,392	607,484	-	11,061,876
<b>CONTRIBUTION IN AID OF CONSTRUCTION</b>				
	-	-	-	-
	<u>\$98,980,976</u>	<u>\$2,831,824</u>	<u>\$ -</u>	<u>\$101,812,800</u>



**ACCUMULATED DEPRECIATION**

<u>Balance</u> <u>January 1,</u> <u>2010</u>	<u>Current</u> <u>Provision</u>	<u>Other</u> <u>Additions</u>	<u>Balance</u> <u>December 31,</u> <u>2010</u>
\$12,363,287	\$ 496,274	\$ -	\$12,859,561
9,664,800	65,738	-	9,730,538
<u>8,606,405</u>	<u>373,687</u>	-	<u>8,980,092</u>
30,634,492	935,699	-	31,570,191
9,790,427	263,029	-	10,053,456
<u>18,366,384</u>	<u>463,604</u>	-	<u>18,829,988</u>
58,791,303	1,662,332	-	60,453,635
-	-	-	-
314,047	16,212	-	330,259
559,135	30,749	-	589,884
252,912	31,525	-	284,437
3,297,134	227,558	-	3,524,692
<u>2,590,972</u>	<u>147,970</u>	-	<u>2,738,942</u>
7,014,200	454,014	-	7,468,214
<u>4,967,086</u>	<u>-</u>	<u>-</u>	<u>4,967,086</u>
<u>\$70,772,589</u>	<u>\$2,116,346</u>	<u>\$ -</u>	<u>\$72,888,935</u>

**West Memphis Utility Department**  
**UTILITY SALES AND CUSTOMER DATA**  
**For the Years Ended December 31**

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	<b>Electric Sales (KWH)</b>		<b>Number of Metered</b>	
	<b><u>In Thousands</u></b>		<b><u>Customers</u></b>	
	<b><u>2010</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2009</u></b>
Residential	167,120	147,886	10,568	10,632
Commercial & industrial	212,256	202,982	1,555	1,511
Public authority	<u>12,936</u>	<u>12,563</u>	<u>124</u>	<u>123</u>
	<u>392,312</u>	<u>363,431</u>	<u>12,247</u>	<u>12,266</u>

	<b>Water Sale</b>		<b>Number of Metered</b>	
	<b><u>(Thousand of Gallons)</u></b>		<b><u>Customers</u></b>	
	<b><u>2010</u></b>	<b><u>2009</u></b>	<b><u>2010</u></b>	<b><u>2009</u></b>
Residential	785,942	707,454	8,664	8,711
Commercial & industrial	763,709	652,043	1,064	1,062
Public authority	<u>27,879</u>	<u>23,232</u>	<u>31</u>	<u>31</u>
	<u>1,577,530</u>	<u>1,382,729</u>	<u>9,759</u>	<u>9,804</u>

## TAMPERING WITH METER

### Chapter 14.48

#### TAMPERING WITH METER

##### Sections:

- 14.48.010** Definitions.
- 14.48.020** Unlawful.
- 14.48.030** Presumption of responsibility.
- 14.48.040** Citation issuance.
- 14.48.050** Violation—Penalty.

##### **14.48.010** Definitions.

“Tamper” or “tampering” means to meddle so as to alter a thing, especially to make corrupting or perverting changes; so as to tamper with the property of another; to interfere improperly; to meddle; to busy oneself rashly; to try trifling or foolish experiments. (Ord. 877 § 1, 1977.)

##### **14.48.020** Unlawful.

It is unlawful for any person, partnership, association, firm or corporation within the city limits to tamper with an electrical, gas, or water meter, or fire hydrant that is owned and operated by the city or owned or operated by the Arkansas-Louisiana Gas Company, or any other property operated by the West Memphis utility department. (Ord. 1026 § 1, 1980: Ord. 877 § 2, 1977.)

##### **14.48.030** Presumption of responsibility.

- A. When meter tampering is discovered by representatives of the utility department or the Arkansas-Louisiana Gas Company, located on the premises of a person, partnership, association, firm or corporation, there is created a presumption that said tampering was done by the occupant(s), owner, person, or tenant, which shall be prima facie evidence. Presumption of tampering may be rebutted on evidence satisfactory to the court.
- B. When any person, partnership, association, firm or corporation connects to the fire hy-

drant without the permission of the West Memphis utility department there is presumption that such act was done without the permission of the West Memphis utility department, unless satisfactory proof is furnished the utility department on request that such connection was authorized.

(Ord. 1026 § 2, 1980: Ord. 877 § 3, 1977.)

##### **14.48.040** Citation issuance.

It shall be the duty of the police department, where there is reasonable cause to believe that a meter has been tampered with, to issue a citation to the occupant, charging such occupant with a violation of this chapter. (Ord. 877 § 4, 1977.)

##### **14.48.050** Violation—Penalty.

Any violation of the provisions of this chapter shall be a class B misdemeanor, which is punishable by a fine not to exceed five hundred dollars or imprisonment of ninety days or both in the discretion of the court. (Ord. 1026 § 3, 1980: Ord. 877 § 5, 1977.)

### Chapter 14.52

#### (WASTEWATER TREATMENT)\*

##### Sections:

##### Article I. General Provisions

- 14.52.010** Purpose and policy.
- 14.52.020** Administration.
- 14.52.030** Abbreviations.
- 14.52.040** Definitions.

##### Article II. General Sewer Use Requirements

- 14.52.050** Prohibited discharge standards.
- 14.52.060** National categorical pretreatment standards.
- 14.52.070** Specific pollutant limitations.
- 14.52.080** Right of revision.
- 14.52.090** Dilution.

## WASTEWATER TREATMENT

- Article III. Pretreatment of Wastewater**
- 14.52.100 Pretreatment facilities.
- 14.52.110 Additional pretreatment measures.
- 14.52.120 Accidental discharge/slug discharge control plans.
- 14.52.130 Hauled wastewater.
- Article IV. Individual Wastewater Discharge Permits**
- 14.52.140 Wastewater survey.
- 14.52.150 Individual wastewater discharge permit requirement.
- 14.52.160 Individual wastewater discharge permitting—Existing connections.
- 14.52.170 Individual wastewater discharge permitting—New connections.
- 14.52.180 Individual wastewater discharge permit application contents.
- 14.52.190 Application signatories and certifications.
- 14.52.200 Individual wastewater discharge permit decisions.
- Article V. Individual Wastewater Discharge Permit Issuance**
- 14.52.210 Individual wastewater discharge permit duration.
- 14.52.220 Individual wastewater discharge permit contents.
- 14.52.230 Wastewater discharge permit modification.
- 14.52.240 Wastewater discharge permit transfer.
- 14.52.250 Wastewater discharge permit revocation.
- Article VI. Reporting Requirements**
- 14.52.260 Baseline monitoring reports.
- 14.52.270 Compliance schedule progress reports.
- 14.52.280 Reports on compliance with categorical pretreatment standard deadline.
- 14.52.290 Periodic compliance reports.
- 14.52.300 Reports of changed conditions.
- 14.52.310 Reports of potential problems.
- 14.52.320 Reports from unpermitted users.
- 14.52.330 Notice of violation/repeat sampling and reporting.
- 14.52.340 Notification of the discharge of hazardous waste.
- 14.52.350 Analytical requirements.
- 14.52.360 Sample collection.
- 14.52.370 Date of receipt of reports.
- 14.52.380 Recordkeeping.
- 14.52.390 Certification statements.
- Article VII. Compliance Monitoring**
- 14.52.400 Right of entry—Inspection and sampling.
- 14.52.410 Search warrants.
- Article VIII. Confidential Information**
- 14.52.420 Confidential information.
- Article IX. Publication of Users in Significant Noncompliance**
- 14.52.430 Publication of users in significant noncompliance.
- Article X. Administrative Enforcement Remedies**
- 14.52.440 Notification of violation.
- 14.52.450 Consent orders.
- 14.52.460 Show cause hearing.
- 14.52.470 Compliance orders.
- 14.52.480 Cease and desist orders.
- 14.52.490 Administrative fines.
- 14.52.500 Emergency suspensions.
- 14.52.510 Termination of discharge.

## WASTEWATER TREATMENT

### Article XI. Judicial Enforcement Remedies

- 14.52.520 Injunctive relief.
- 14.52.530 Civil penalties.
- 14.52.540 Criminal prosecution.
- 14.52.550 Remedies nonexclusive.

### Article XII. Supplemental Enforcement Action

- 14.52.560 Performance bonds.
- 14.52.570 Liability insurance.
- 14.52.580 Payment of outstanding fees and penalties.
- 14.52.590 Water supply severance.

### Article XIII. Affirmative Defenses to Discharge Violations

- 14.52.600 Upset.
- 14.52.610 Prohibited discharge standards.
- 14.52.620 Bypass.

### Article XIV. Miscellaneous Provisions

- 14.52.630 Pretreatment charges and fees.

### Article XV. Severability.

- 14.52.640 Severability.

\* Prior ordinance history: Ord. 1714.

### Article I. General Provisions

#### 14.52.010 Purpose and policy.

This chapter sets forth uniform requirements for direct and indirect users into the wastewater collection and treatment system for the city of West Memphis, Arkansas, and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

- B. To prevent the introduction of pollutants into the publicly owned treatment works which will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- C. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvements of the publicly owned treatment works; and
- F. To enable the city to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements and any other federal or state laws to which the publicly owned treatment works is subject.
- G. To promote and encourage pollution prevention and waste minimization and waste reduction at industrial users prior to their recycling, treatment, or disposal options.

This chapter shall apply to all users of the publicly owned treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities, establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 2187 § 1 (part), 2008.)

#### 14.52.020 Administration.

Except as otherwise provided herein, the general manager shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the general manager may be

## WASTEWATER TREATMENT

delegated by the general manager to a duly authorized employee. (Ord. 2187 § 1 (part), 2008.)

### 14.52.030 Abbreviations.

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

- A. "BMP" means best management practice.
- B. "BMR" means baseline monitoring report.
- C. "BOD" means biochemical oxygen demand.
- D. "CFR" means Code of Federal Regulations.
- E. "CIU" means categorical industrial user.
- F. "COD" means chemical oxygen demand.
- G. "EPA" means U.S. Environmental Protection Agency.
- H. "gpd" means gallons per day.
- I. "IU" means industrial user.
- J. "mg/l" means milligrams per liter.
- K. "NPDES" means national pollutant discharge elimination system.
- L. "NSCIU" means nonsignificant categorical industrial user.
- M. "POTW" means publicly owned treatment works.
- N. "RCRA" means Resource Conservation and Recovery Act.
- O. "SIU" means significant industrial user.
- P. "SNC" means significant noncompliance.
- Q. "TSS" means total suspended solids.
- R. "U.S.C." means United States Code.

(Ord. 2187 § 1 (part), 2008.)

### 14.52.040 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meaning hereinafter designated:

- 1. "Act" or "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- 2. "Approval authority" means the Arkansas Department of Environmental Quality (ADEQ).

3. "Authorized or duly authorized representative of the user" means:

- a. If the user is a corporation:
  - i. The 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 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 action 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 user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and perform-

## WASTEWATER TREATMENT

15. "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency, or where appropriate the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
16. "Existing source" means any source of discharge that is not a "new source."
17. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
18. "General manager" means the general manager of the West Memphis utility commission is the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative referred to as the director of environmental quality.
19. "Governing board" means the West Memphis utility commission (the utility), which may act through the general manager, his deputy, agent or representatives possessing written evidence of authority to so act.
20. "Grab sample" means 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 minutes.
21. "Indirect discharge" means the introduction of pollutants into the POTW from any non-domestic source.
22. "Industrial user (IU)" means a source of indirect discharge.
23. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
24. "Industrial waste discharge permit" means a permit for establishments producing industrial wastes as more particularly set out in Article IV of this chapter.
25. "Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
26. "Local limit" means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
27. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
28. "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month.
29. "Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of

## WASTEWATER TREATMENT

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

30. "National pollution discharge elimination system" or "NPDES permit" means a permit issued pursuant to Section 402 of The Act (33 U.S.C. 1342).

31. "New source" means:

a. 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.

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 subparagraph (a)(ii), or (a)(iii) above, but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this subsection 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 building, 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 is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

32. "Noncontact cooling water" means water used for cooling that does not come into di-



## WASTEWATER TREATMENT

- rect contact with any raw material, intermediate product, waste product, or finished product.
33. "Normal domestic wastewater" means wastewater including that from nonresidential sources, but excluding industrial process wastewater, in which neither the concentrations of five-day biochemical oxygen demand (BOD) or total suspended solids (TSS) do not exceed the level of two hundred fifty mg/L or the concentration of oil and grease do not exceed the level of one hundred mg/L.
  34. "Oil and grease" means any material recovered as a substance soluble in the solvent.
  35. "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 violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).
  36. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.
  37. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.
  38. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
  39. "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, 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.
  40. "Pretreatment program" means the utility's EPA and/or Arkansas Department of Environmental Quality approved program to administer the requirements of 40 CFR 403, the General Pretreatment Regulations.
  41. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than pretreatment standard.
  42. "Pretreatment standard or standards" means prohibited discharge standards, categorical pretreatment standards and local limits.
  43. "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of The Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any devices or systems used in collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of liquid nature and any conveyances, which convey wastewater to a treatment plant. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are by contract or agreement with the city, users of the city's POTW.
  44. "Sanitary sewer" means a sewer, which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

## WASTEWATER TREATMENT

45. "Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
46. "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).
47. "Sewer" means a pipe or conduit for carrying sewage.
48. "Shall" is mandatory; "may" is permissive.
49. "Significant industrial user" means:
  - a. An industrial user subject to categorical pretreatment standards; or
  - b. An industrial user that discharges an average of twenty-five thousand gallons or more of process wastewater to the POTW (excluding sanitary, noncontract cooling, and boiler blowdown wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the city 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.
  - c. The city may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred gallons of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met: (a) the industrial user, prior to the city's findings, has consistently complied with all applicable categorical pretreatment standards and requirements; (b) the industrial user annually submits the certification statement required together with any additional information necessary to support the certification statement; and (c) the industrial user never discharges any untreated concentrated wastewater.
- d. Upon finding that a user meeting the criteria in subsection (b) of this section has no reasonable potential for adversely affecting the POTW operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
50. "Slug load or slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 14.52.050 of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to accidental spill or a noncustomary 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.
51. "Standard industrial classification (SIC)" means a classification pursuant to the standard industrial classification manual issued by the executive office of the president, office of management and budget, 1972.
52. "State" means state of Arkansas.
53. "Storm sewer" means a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

## WASTEWATER TREATMENT

54. "Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from precipitation, including snowmelt.
55. "Total suspended solids or suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
56. "Toxic pollutants" means any pollutant of combination of pollutants listed as toxic in regulations promulgated by the administration of the Environment Protection Agency under the provisions of CWA 307(a) or other acts.
57. "User or industrial user" means any person, who contributes, causes or permits the contribution of wastewater into the city's POTW.
58. "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(Ord. 2187 § 1 (part), 2008.)

### Article II. General Sewer Use Requirements

#### 14.52.050 Prohibited discharge standards.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the

POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than 5.5 or more than ten, or otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater 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 one hundred four degrees Fahrenheit (forty degrees Celsius);
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;

## WASTEWATER TREATMENT

8. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with Section 14.52.130 of this chapter;
9. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by director;
10. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
11. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred mg/L;
12. Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;
13. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
14. Hauled or trucked liquid wastes, except at the specific discharge point(s) designated by the director.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 2187 § 2 (part), 2008.)

### **14.52.060 National categorical pretreatment standards.**

- A. Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471.
    1. Where a categorical pretreatment standard is expressed only in terms of either the mass or concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
  2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
  3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
  4. A CIU may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- B. If waters or wastes are discharged, or are proposed to be discharged, to the POTW, which contain the substances or possess the characteristics enumerated in Section 14.52.070 of this chapter, and which in the judgment of the governing board may have a deleterious effect upon sewage works, sewage treatment processes, plant equipment, or waters of the state of Arkansas, or which otherwise create a hazard to life or constitute a public nuisance, the governing board may:
1. Reject the wastes;
  2. Require pretreatment to an acceptable condition for discharge to the POTW;
  3. Require payment of sewer surcharge to cover the added cost of handling and treating the waste not covered by the sewer service charges for transporting and treating normal wastewater;

## WASTEWATER TREATMENT

4. Require control over the quantities and rate of discharge;
5. If the governing board permits the pre-treatment or equalization of wastewater flows, the design and installation of the plants equipment shall be subject to the review and approval of the governing board and subject to the requirements of all applicable codes, ordinances, and laws, and the regulations and requirements of the Arkansas Department of Environmental Quality, the Arkansas Department of Health, and the U.S. Environmental Protection Agency;
6. Commence any action for appropriate legal and/or equitable relief, including but not limited to injunctive relief, in any court of appropriate jurisdiction.

(Ord. 2187 § 2 (part), 2008.)

### 14.52.070 Specific pollutant limitations.

- A. No person shall discharge specific pollutant limitation in excess of these concentrations:

	Daily Maximum	Monthly Average
Cadmium	0.69 mg/L	0.26 mg/L
Chromium	2.77 mg/L	1.71 mg/L
Copper	3.38 mg/L	2.07 mg/L
Cyanide	1.20 mg/L	0.65 mg/L
Lead	0.69 mg/L	0.43 mg/L
Nickel	3.98 mg/L	2.38 mg/L
Silver	0.43 mg/L	0.24 mg/L
Zinc	2.61 mg/L	1.48 mg/L

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

The governing board and the city reserves the right to establish by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW to comply with the objectives presented in Section 14.52.010 of this chapter.

- B. The director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of Section 14.52.050 of this chapter.  
(Ord. 2187 § 2 (part), 2008.)

### 14.52.080 Right of revision.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter. (Ord. 2187 § 2 (part), 2008.)

### 14.52.090 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pre-treatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other case when the imposition of mass limitations is appropriate. (Ord. 2187 § 2 (part), 2008.)

## Article III. Pretreatment of Wastewater

### 14.52.100 Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, specific pollutant limits, and the prohibitions set out in Section 14.52.050 of this chapter within the

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time limitations specified by EPA, the state, or the director whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the governing board under the provisions of this chapter. (Ord. 2187 § 3 (part), 2008.)

### **14.52.110 Additional pretreatment measures.**

- A. If any waters or wastes which are discharged or which are to be discharged into the public sewers contain or possess any of the characteristics enumerated in Section 14.52.050(A) or (B) of this chapter and in the judgment of the director, may have a deleterious effect upon the sewerage works, processes, equipment, sludges, or receiving waters or which otherwise create a hazard to life or constitutes a public nuisance, the director may: (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the public sewer, and/or (c) require control over the quantities and rate of discharge.

If the director requires the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director and subject to all applicable codes, ordinances, and laws. Where pretreatment or flow equalization facilities are provided for any waters or wastes, they shall be continuously maintained in satisfactory and effective operation by the owner or occupant at his own expenses.

- B. Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- C. The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- D. Grease, oil and sand interceptors (traps) shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing oil and grease in excessive amounts, or any flammable wastes, sand or other harmful substances; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be maintained by the owner, at his expense, in proper operating condition.
- E. When required by the director, the owner of any property serviced by a building sewer carrying industrial waste shall provide a secure sample point or control manhole which is constructed in accordance with the latest revision of the utility's specification requirements for sanitary sewers. The secure point or control manhole shall be safely located and accessible to duly authorized employees and/or representatives of the utility

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at all times. When deemed necessary by the director, the secure sample point or control manhole shall be provided with meters or other appurtenances to facilitate the monitoring of the wastewater. The cost of the installation and maintenance of a secure sample point or control manhole shall be borne by the owner. Any construction and/or alteration of a secure sample point or control manhole shall be approved by the director before any construction has begun.

- F. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 2187 § 3 (part), 2008.)

### **14.52.120 Accidental discharge/slug discharge control plans.**

At least once every two years, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharge. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, 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 director of any accidental or slug discharge, as required by Section 14.52.310 of this chapter and the industrial waste discharge permit; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but not limited to, inspection and maintenance of storage areas, han-

dling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. 2187 § 3 (part), 2008.)

### **14.52.130 Hauled wastewater.**

- A. Septic tank waste may be introduced into the POTW only at locations designated by the director and at such times as are established by the director. Such waste shall not violate Article II of this chapter or any other requirements established by the governing board. The director may require septic tank waste haulers to obtain a wastewater discharge permits.
- B. The director may require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- C. Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names,

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and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. 2187 § 3 (part), 2008.)

### Article IV. Individual Wastewater Discharge Permits

#### 14.52.140 Wastewater survey.

When requested by the director, a user must submit information on the nature and characteristics of its wastewater within ninety days of the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. 2187 § 4 (part), 2008.)

#### 14.52.150 Individual wastewater discharge permit requirement.

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to Section 14.52.160 of this chapter may continue to discharge for the time period specified therein.
- B. The director may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Articles X through XII of this chapter. Obtaining an individual 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. (Ord. 2187 § 4 (part), 2008.)

#### 14.52.160 Individual wastewater discharge permitting—Existing connections.

Any existing industrial user identified by the governing board and required by the director to obtain an industrial wastewater discharge permit shall be notified by the director in writing and shall complete and return an industrial wastewater discharge permit application within the time established by the director. The director may deny or condition the contribution of pollutants by such user in the industrial wastewater discharge permit. (Ord. 2187 § 4 (part), 2008.)

#### 14.52.170 Individual wastewater discharge permitting—New connections.

Any user required by the director to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety days prior to the date upon which any discharge will begin or recommence. The director may deny or condition the contribution of pollutants by such user in the industrial wastewater discharge permit. (Ord. 2187 § 4 (part), 2008.)

#### 14.52.180 Individual wastewater discharge permit application contents.

- A. All users required by the director shall submit an industrial wastewater discharge permit application to the governing board, the form for which shall be provided by the governing board. The information required in the permit application shall, where requested or appropriate included but not limited to:
  1. Identifying Information.



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out in Section 14.52.360 of this chapter;

8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 14.52.290(B) (40 CFR 403.12(e)(2));
9. Any other information as may be deemed necessary by the director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 2187 § 4 (part), 2008.)

### **14.52.190 Application signatories and certifications.**

- A. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in Section 14.52.290(A).
- B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.
- C. A facility determined to be a nonsignificant categorical industrial user by the director pursuant to 1.4 must annually submit the signed certification statement in Section 14.52.290(B).

(Ord. 2187 § 4 (part), 2008.)

### **14.52.200 Individual wastewater discharge permit decisions.**

The director will evaluate the data furnished by the user and may require additional information. Within

thirty days of receipt of a complete permit application, the director will determine whether to issue and individual wastewater discharge permit. The director may deny any application for an individual wastewater discharge permit. (Ord. 2187 § 4 (part), 2008.)

## **Article V. Individual Wastewater Discharge Permit Issuance**

### **14.52.210 Individual wastewater discharge permit duration.**

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed three years from the effective date of the permit. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 2187 § 5 (part), 2008.)

### **14.52.220 Individual wastewater discharge permit contents.**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual wastewater discharge permits must contain:
  1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
  2. A statement that the wastewater discharge permit is nontransferable without prior notification to the director in accordance with Section 14.52.250 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

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3. Effluent limits, including best management practices, based on applicable pretreatment standards;
  4. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
  5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
  6. Requirements to control slug discharge, if determined by the director to be necessary.
- B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and
  8. Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(Ord. 2187 § 5 (part), 2008.)

### **14.52.230 Wastewater discharge permit modification.**

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

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

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- D. Information indicating that the permitted discharge poses a threat to the POTW and/or its personnel, or the receiving waters;
  - E. Violation of any terms or conditions of the wastewater discharge permit;
  - F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
  - H. To correct typographical or other errors in the wastewater discharge permit; or
  - I. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (Ord. 2187 § 5 (part), 2008.)

### **14.52.240 Wastewater discharge permit transfer.**

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

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

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 2187 § 5 (part), 2008.)

### **14.52.250 Wastewater discharge permit revocation.**

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

- A. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the director of changed conditions pursuant to Section 14.52.300 of this chapter;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this chapter.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user. (Ord. 2187 § 5 (part), 2008.)

**Article VI. Reporting Requirements****14.52.260 Baseline monitoring reports.**

- A. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsection B below. At least ninety days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
1. All information required in Section 14.52.180(A)(1)(a), (A)(2), (A)(3)(a) and (A)(6).
  2. Measurement of Pollutants.
    - a. The user shall provide the information required in Section 14.52.180(A)(7)(a) through (A)(7)(d);
    - b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection;
    - c. 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 in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority;
    - d. Sampling and analysis shall be performed in accordance with Section 14.52.350;
    - e. The director 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;
    - f. 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.
  3. Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 14.52.040(3) and certified by a qualified professional, indicating whether

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- 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.
4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. 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 14.52.270 of this chapter.
  5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 14.52.390(A) of this chapter and signed by an authorized representative as defined in Section 14.52.040(3).

(Ord. 2187 § 6 (part), 2008.)

### **14.52.270 Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by Section 14.52.260(B)(4) of this chapter:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing

construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine months;
- C. The user shall submit a progress report to the director no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine months elapse between such progress reports to the director.

(Ord. 2187 § 6 (part), 2008.)

### **14.52.280 Reports on compliance with categorical pretreatment standard deadline.**

Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standard and requirements shall submit to the director a report containing the information described in Section 14.52.180(A)(6) and (A)(7) and Section 14.52.260(B)(2) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 14.52.190 of this chapter. (Ord. 2187 § 6 (part), 2008.)

**14.52.290 Periodic compliance reports.**

- A. Except as specified in subsection C of this section, all significant industrial users must, at a frequency determined by the director submit no less than twice per year (June and December (or on dates specified)) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user.
- B. The city may authorize an 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. (See 40 CFR 403.12(e)(2)) This authorization is subject to the following conditions:
  - 1. The waiver may be authorized 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.
  - 2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge

- permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 14.52.180(A)(8).
- 3. 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.
- 4. The request for a monitoring waiver must be signed in accordance with Section 14.52.040(3), and include the certification statement in Section 14.52.390(A) (40 CFR 403.6(a)(2)(ii)).
- 5. Nondetectable sample results may be used only 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.
- 6. Any grant of the monitoring waiver by the director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for three years after expiration of the waiver.
- 7. Upon approval of the monitoring waiver and revision of the user's permit by the director, the industrial user must certify on each report with the statement in Section 14.52.390(C) of this chapter, that there has been no increase in the pollutant in its wastewater due to activities of the industrial user.

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8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of subsection A of this section, or other more frequent monitoring requirements imposed by the director and notify the director.
  9. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- C. The city may reduce the requirement for periodic compliance reports (see subsection A of this section (40 CFR 403.12(e)(1))) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the (EPA/State).
  - D. All periodic compliance reports must be signed and certified in accordance with Section 14.52.390(A) of this section.
  - E. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
  - F. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in Section 14.52.360 of this chapter, the results of this monitoring shall be included in the report.

(Ord. 2187 § 6 (part), 2008.)

### 14.52.300 Reports of changed conditions.

Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least fifteen days before the change.

- A. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 14.52.180 of this chapter.
- B. The director may issue an individual wastewater discharge permit under Article V of this chapter or modify an existing wastewater discharge permit under Section 14.52.230 of this chapter in response to changed conditions or anticipated changed conditions.
- C. No user shall implement the planned change condition(s) until and unless the director has responded to the user's notice.

(Ord. 2187 § 6 (part), 2008.)

### 14.52.310 Reports of potential problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might

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be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. 2187 § 6 (part), 2008.)

### **14.52.320 Reports from unpermitted users.**

All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the director as the director may require. (Ord. 2187 § 6 (part), 2008.)

### **14.52.330 Notice of violation/repeat sampling and reporting.**

If sampling performed by a user indicates a violation, the user must notify the director within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. (See 40 CFR 403.12(g)(2).) (Ord. 2187 § 6 (part), 2008.)

### **14.52.340 Notification of the discharge of hazardous waste.**

- A. Any 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 user discharges more than one hundred kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than one hundred eighty days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 14.52.300 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to



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categorical pretreatment standards under the self-monitoring requirements of Sections 14.52.260, 14.52.280 and 14.52.290 of this chapter.

- B. Dischargers are exempt from the requirements of subsection A above, 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 nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(Ord. 2187 § 6 (part), 2008.)

### 14.52.350 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA. (Ord. 2187 § 6 (part), 2008.)

### 14.52.360 Sample collection.

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

- A. Except as indicated in subsections B and C below, the user must collect wastewater samples using twenty-four-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the director. Where time proportional composite sampling or grab sampling is authorized by the city, 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 twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or

in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, 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.
- C. For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 14.52.260 and 14.52.280 (40 CFR 403.12(b) and (d)), a minimum of four 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 director may authorize a lower minimum. For the reports required by Section 14.52.290 (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 with applicable pretreatment standards and requirements.

(Ord. 2187 § 6 (part), 2008.)

**14.52.370 Date of receipt of reports.**

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 2187 § 6 (part), 2008.)

**14.52.380 Recordkeeping.**

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under Section 14.52.070(B). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director. (Ord. 2187 § 6 (part), 2008.)

**14.52.390 Certification statements.**

- A. Certification of Permit Applications, Users Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by users submitting permit application in accordance with Article IV; users submitting baseline monitoring reports under Section 14.52.260; users submitting reports on compliance with categorical pretreatment standard deadlines under Section 14.52.280; users submitting periodic compliance reports required by Section 14.52.290(A) through (D), and users submitting an initial request to forego sampling of a pollutant on the basis of Section 14.52.290(B). The following certification statement must be signed by an authorized representative as defined in Section 14.52.040(3).

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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.

- B. Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the director pursuant to Section 14.52.040(47) and Section 14.52.190(C) must annually submit the following certification statement signed in accordance with the signatory requirements in Section 14.52.040(3). This certification must accompany an alternative report required by the director.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standard under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (months, days, year):

(a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described in Section 14.52.040(47);

(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 period.

This compliance certification is based on the following information.

\_\_\_\_\_

- C. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 14.52.290(B) must certify on each report with following statement that there has been no increase in the pollutant in its wastestream due to activities of the 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 activities at the facility since filing of the last periodic report under Section 14.52.290(A).

(Ord. 2187 § 6 (part), 2008.)

Article VII. Compliance Monitoring

14.52.400 Right of entry—Inspection and sampling.

The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permit or order

issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated weekly to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this chapter.

(Ord. 2187 § 7 (part), 2008.)

**14.52.410 Search warrants.**

If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that

there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the utility designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the district court judge of the city of West Memphis, Arkansas, or any other court of competent jurisdiction. (Ord. 2187 § 7 (part), 2008.)

**Article VIII. Confidential Information**

**14.52.420 Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 2187 § 8, 2008.)

**Article IX. Publication of Users in Significant Noncompliance**

**14.52.430 Publication of users in significant noncompliance.**

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates subsection C, D or H of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Article II;
- B. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Article II multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined by Article II (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director 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 the public or to the environment, or has resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 2187 § 9, 2008.)

**Article X. Administrative Enforcement Remedies**

**14.52.440 Notification of violation.**

When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within fifteen days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall

be submitted by the user to the director. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 2187 § 10 (part), 2008.)

**14.52.450 Consent orders.**

The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 14.52.470 and 14.52.480 of this chapter and shall be judicially enforceable. (Ord. 2187 § 10 (part), 2008.)

**14.52.460 Show cause hearing.**

The director may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in Section 14.52.040(3). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 2187 § 10 (part), 2008.)

**14.52.470 Compliance orders.**

When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 2187 § 10 (part), 2008.)

**14.52.480 Cease and desist orders.**

When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a

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prerequisite for, taking any other action against the user.

(Ord. 2187 § 10 (part), 2008.)

### 14.52.490 Administrative fines.

- A. When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed one thousand dollars. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within ten days of being notified of the fine. Where a request has merit, the director may convene a hearing on the matter. In the event the user's request is granted, the payment shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- C. Issuance or pursuit of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 2187 § 10 (part), 2008.)

### 14.52.500 Emergency suspensions.

The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The director 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 may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in Section 14.52.510 of this chapter 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 prior to the date of any show cause or termination hearing under Section 14.52.460 or 14.52.510 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 2187 § 10 (part), 2008.)

### 14.52.510 Termination of discharge.

In addition to the provisions in Section 14.52.250 of this chapter, any user who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

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- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Article II of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 14.52.460 of this chapter why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 2187 § 10 (part), 2008.)

### Article XI. Judicial Enforcement Remedies

#### 14.52.520 Injunctive relief.

When the director finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition district court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 2187 § 11 (part), 2008.)

#### 14.52.530 Civil penalties.

- A. A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment

standard or requirement shall be liable to the utility for a maximum civil penalty of one thousand dollars per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation; and, each day of continuing violation may be deemed a separate violation.

- B. The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2187 § 11 (part), 2008.)

#### 14.52.540 Criminal prosecution.

- A. A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars per violation, per day, or imprisonment for such term as allowed by the law or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misde-



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meanor and be subject to a penalty of at least one hundred dollars but not more than five hundred dollars for any one specified offense or violation thereof, and not less than one hundred dollars but not more than one thousand dollars for each repetition of such event or violation, or be subject to imprisonment for such term as allowed by law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

- C. A user who 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 chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of one hundred dollars but not more than five hundred dollars for any one specified offense or violation thereof, and not less than one hundred dollars but not more than one thousand dollars for each repetition of such event or violation, or be subject to imprisonment for such term as allowed. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(Ord. 2187 § 11 (part), 2008.)

### **14.52.550 Remedies nonexclusive.**

The remedies provided for in this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the utility's enforcement response plan. However, the director may take other action against any user when the circum-

stances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user. (Ord. 2187 § 11 (part), 2008.)

## **Article XII. Supplemental Enforcement Action**

### **14.52.560 Performance bonds.**

The director may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (Ord. 2187 § 12 (part), 2008.)

### **14.52.570 Liability insurance.**

The director may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, 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. (Ord. 2187 § 12 (part), 2008.)

### **14.52.580 Payment of outstanding fees and penalties.**

The director may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder. (Ord. 2187 § 12 (part), 2008.)

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### 14.52.590 Water supply severance.

Whenever a user has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply. (Ord. 2187 § 12 (part), 2008.)

### Article XIII. Affirmative Defenses to Discharge Violations

#### 14.52.600 Upset.

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and the user can identify the cause(s) of the upset;
  2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the director within twenty-four hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

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

(Ord. 2187 § 13 (part), 2008.)

#### 14.52.610 Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 14.52.050(A) of this chapter or the specific prohibitions in Section 14.52.050(B)(3) through (B)(14) of this chapter if it can

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prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

(Ord. 2187 § 13 (part), 2008.)

### 14.52.620 Bypass.

- A. For the purposes of this section:
  - 1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.
- C. Bypass Notifications.
  - 1. If a user knows in advance of the need for a bypass, it shall submit prior no-

- 2. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

### D. Bypass.

- 1. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equip-

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ment downtime or preventive maintenance; and

- c. The user submitted notices as required under subsection C of this section.
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 in subsection (D)(1) of this section.

(Ord. 2187 § 13 (part), 2008.)

### Article XIV. Miscellaneous Provisions

#### 14.52.630 Pretreatment charges and fees.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs associated with the enforcement activity taken by the director to address IU non-compliance; and
- F. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. 2187 § 14, 2008.)

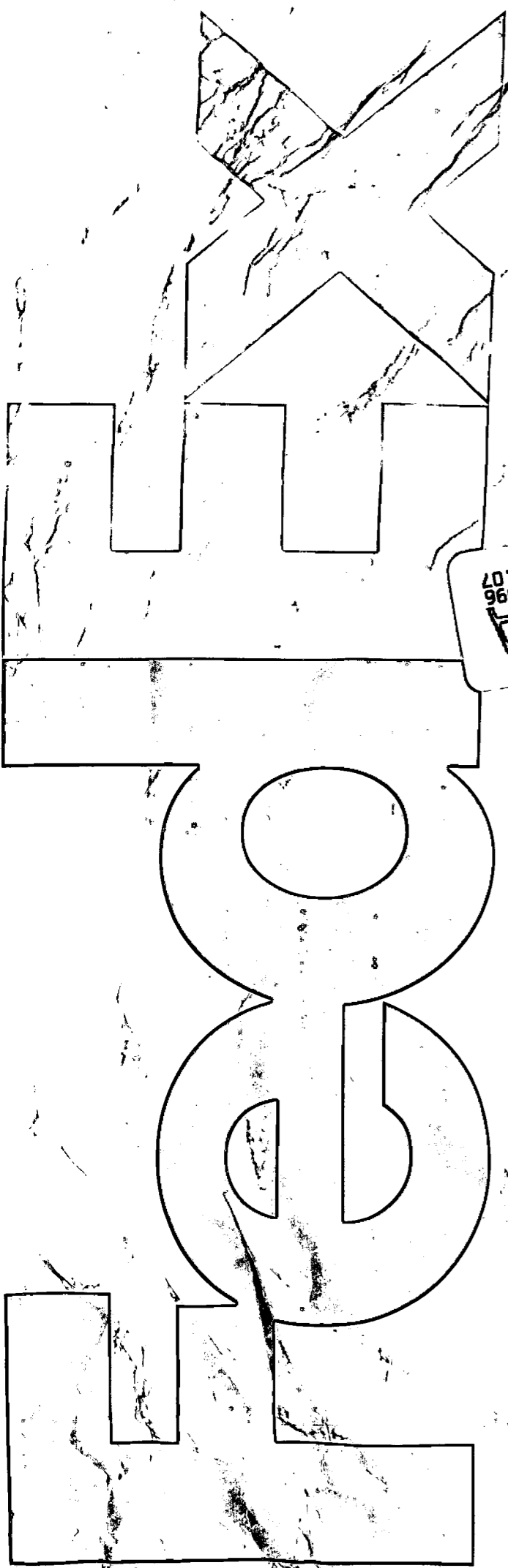
### Article XV. Severability

#### 14.52.640 Severability.

The provisions of the ordinance codified in this chapter are severable, and if any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, it shall not affect the remainder of this chapter and the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect. (Ord. 2187 § 15, 2008.)

**TITLE 14 FOOTNOTES**

1. For additional gas provisions, see Chapters 5.20 and 12.16, this code.



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52 FedEx US Airbill Express

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**1 From** This portion can be removed for Recipient's records.  
 Date 5-4-12 FedEx Tracking Number 875396744996  
 Sender's Name Denise Bosnick 422 Phone 870 735-3355  
 Company WEST MEMPHIS UTILITY COMM.  
 Address 604 E COOPER AVE  
 City WEST MEMPHIS State AR ZIP 72301-3249

**2 Your Internal Billing Reference**

**3 To**  
 Recipient's Name Rufus Torrence, Water Division  
 Company Arkansas Dept. of Environmental Quality  
 Address 5301 Northshore Drive  
 City North Little Rock State AR ZIP 72118



8753 9674 4996

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Form ID No. 0215 Recipient's Copy

**4a Express Package Service** \*To most locations. Packages up to 150 lbs.  
 FedEx Priority Overnight Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx Standard Overnight Next business afternoon.\* Saturday Delivery NOT available.  
 FedEx First Overnight Earliest next business morning delivery to select locations.\*  
 FedEx 2Day Second business day.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx Express Saver Third business day.\* Saturday Delivery NOT available.

**4b Express Freight Service** \*\*To most locations. Packages over 150 lbs.  
 FedEx 1Day Freight Next business day.\*\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx 2Day Freight Second business day.\*\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx 3Day Freight Third business day.\*\* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500.  
 FedEx Envelope\*  FedEx Pak\* Includes FedEx Small Pak and FedEx Large Pak.  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options**  
 SATURDAY Delivery NOT available for FedEx Standard Overnight, FedEx Express Saver, or FedEx 3Day Freight.  
 No Signature Required Packages may be left without obtaining a signature for delivery.  
 Direct Signature Someone at recipient's address may sign for delivery. Fee applies.  
 Indirect Signature If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?  
 One box must be checked.  
 No  Yes As per attached Shipper's Declaration.  Yes Shipper's Declaration not required.  Dry Ice Dry Ice, 9, UN 1845 kg  Cargo Aircraft Only  
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

**7 Payment Bill to:**  
 Sender Acct. No. in Section  Recipient  Third Party  Credit Card  Cash/Check  
 Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.   
 Total Packages Total Weight Credit Card Auth.   
 lbs.

Your liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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