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July 28, 2014

Allen Gilliam  
State Pretreatment Coordinator  
ADEQ  
5301 Northshore Dr.  
Little Rock, AR 72118-5317

Dear Mr. Gilliam

Please find the updated Pretreatment Program enclosed. All streamlining rules have been added to meet Federal Regulations. Local Limits section has been updated and Best Management Practices have been added with enforcement actions. Please accept and approve this program. Thanks for your time on this matter.

Sincerely

Pretreatment Coordinator

Pam Smith

Superintendent

Gregg Rainey

**INDUSTRIAL PRETREATMENT  
PROGRAM**

**FOR**

**CLARKSVILLE, ARKANSAS**

**NPDES Permit No. AR0022187**

**Administered By  
CLARKSVILLE LIGHT AND WATER COMMISSION**

**Revised  
July 18, 2014**

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With Effective Date February 22,2012

## SECTION 1

### INTRODUCTION

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

The Clarksville Industrial Pretreatment Program was adopted originally by the Clarksville Light and Water Commission (CL&W) in March 1, 1981. The CL&W has administered the program, by Permit Control Mechanism, beginning in 1990.

Clarksville's Program was once again modified on September 27, 1994 to include an Enforcement Plan and incorporation of a section dealing with the need for Technically Based Local Limits (TBLL). At that time local limits were not deemed necessary.

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

1. Provide a mechanism for preventing the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which would interfere with the operation of the POTW;
2. Prevent the introduction of pollutants into the POTW which might pass through the POTW inadequately treated, into the receiving waters or otherwise be incompatible with the POTW;
3. Ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

4. Protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
5. Improve the opportunity to recycle and reclaim wastewater or sludge from the POTW;
6. Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;
7. Enable the CL&W to comply with its National Pollution Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other Federal or State Laws to which the POTW is subject;
8. To encourage Industrial User waste minimization; recycling/reuse; and best management practices through Pollution Prevention Activities.
9. Incorporate into the program revisions to the General Pretreatment Regulations for Existing and New Sources of Pollution--40 CFR 403-- through July 1, 2009: and
10. Assess the need for and develop Technically Based Local Limits. The required assessment and development of needed Technically Based Local Limits is included in Appendix K.

Industrial Users which discharge wastewater into the CL&W POTW may be required to obtain Industrial Wastewater Discharge Permits. The discharge of certain pollutants into the CL&W POTW by such Industrial Users may either be prohibited or regulated (limited) in accord with limits or prohibitions established by CL&W, by Clarksville City Ordinances, Arkansas state laws or regulations, or National

Pretreatment Regulations or National Categorical Standards in order to continue to discharge wastewaters to the CL&W POTW.

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



## SECTION 2

### CLARKSVILLE WASTEWATER TREATMENT PLANT

Clarksville Light and Water (CL&W) discharges effluent from its wastewater treatment plant to back waters of Lake Dardanelle of the Arkansas River Basin under authority of NPDES Permit No. AR0022187.

The CL&W wastewater treatment plant, in its present configuration, utilizes preliminary treatment in the form of an automatic bar screen and grit removal basin, followed by biological treatment in the form of two parallel oxidation ditches activated sludge treatment process, and two final clarifiers. The effluent from the final clarifiers is disinfected using chlorine and sulfur dioxide to de-chlorinate prior to discharging to Back Waters of Lake Dardanelle.

Waste activated sludge's are thickened and deposited in aerated sludge storage tank for further solids reduction prior to disposal by land application on an approximate 1570 acre site within ten (10) miles of the wastewater treatment plant.

A schematic of the CL&W wastewater treatment plant is included in Appendix C.

The 30-day average discharge limits for the CL&W wastewater treatment plant set forth in the current NPDES permit are 10 mg/l for CBOD<sub>5</sub>, 15 mg/l for TSS, 1.3 mg/l April – October and 4.0 mg/l November- March for NH<sub>3</sub>-N.

The design daily average flow is 2.5 MGD. The plant is designed to accommodate the following daily organic pollutant loading:

	<u>Concentration</u> <u>mg/l</u>	<u>Mass Loading</u> <u>Lbs.</u>
BOD <sub>5</sub>	200	4,170
TSS	200	4,170

**Table 2.1**  
**Average 30-Day Influent Loading**  
**of**  
**Treatment Plant for Period**  
**March 2012 – September 2013**

	<u>MGD</u> Avg. Flow	<u>Lb./Day</u> Avg. BOD <sub>5</sub>	<u>Lb./Day</u> Avg. TSS
March	0.978	384	558
April	0.873	607	530
May	0.887	2082	2202
June	0.824	850	660
July	0.762	754	562
Aug	0.789	1,113	821
Sept	0.886	926	763
Oct	0.878	983	729
Nov	0.715	1,116	1466
Dec	0.645	1288	873
Jan 2013	0.589	367	390
Feb	0.752	354	353
March	1.013	488	445
April	1.009	524	492
May	1.168	709	627
June	1.264	383	323
July	1.201	650	971
Aug	1.156	618	692
Sept	0.971	804	773
Avg.	0.914	789	749

Table 2.2 on page 2-4, Available Average Influent Concentrations of Pollutants of Concern for periods of 2001 and 2012, does not show any significant change in the concentrations of Pollutants of Concern in the influent of the wastewater treatment plant.

Table 2.3 on page 2-5, Available Average Effluent Concentrations of Pollutants of Concern for periods of 2001 and 2012, shows reductions of most concentrations of pollutants. However this table also shows an increase in the concentrations of Nickel, Arsenic, Phenols, Copper and Mercury. The test method for all metals, are more sensitive now.

Table 2.4 on page 2-6, Available Average Concentrations of Pollutants in Bio-solids for the period 2001 and 2012, shows some increase in concentrations of the pollutants for which 2001 data is available. However, none of the parameters exceed the ceiling concentrations for disposal by land application, as set forth in Table 1 of 40 CFR 503.13.

The results of the above comparisons of pollutant concentrations for these periods do not present dramatic "changing trends" in pollutant loadings. Clarksville Light and Water Commission has administered its Industrial Pretreatment Program by issuing individual Industrial User Waste Discharge Permits, since 1990. The Industrial Users have generally attained very good compliance with Permit limits. Therefore, any further dramatic "downward trends" in pollutant loadings in the POTW are not expected.

**Table 2.2**  
**Average Influent Concentrations**  
**of**  
**Pollutants of Concern for periods – 2001 and 2012**  
**ug/l**

<u>Pollutant</u>	<u>2001</u>	<u>2012</u>
Antimony	0	0
Arsenic (As)	0	0.89
Cadmium (Cd)	2.5	0
Chromium (Cr)	2.5	0
Copper (Cu)	2.7	29.23
Cyanide (Cn)	0	0
Lead (Pb)	3.25	2.38
Mercury (Hg)	0	0.81
Molybdenum (Mo)	37.5	0
Nickel (Ni)	3.0	5.98
Selenium (Se)	0	0
Silver (Ag)	5.75	107
Zinc (Zn)	112.75	80.75
Phenols		63.5
Beryllium		0
Thallium		0

Table 2.3

Average Effluent Concentrations  
of  
Pollutants of Concern for periods – 2001 and 2012  
ug/l

<u>Pollutant</u>	<u>2001</u>	<u>2012</u>
Antimony (Sb)	0	0
Arsenic (As)	0	0.43
Cadmium (Cd)	0	0
Chromium (Cr)	1.75	0
Copper (Cu)	0	16.6
Cyanide (Cn)	0	0
Lead (Pb)	0.0	0.0
Mercury (Hg)	0	0.012
Molybdenum (Mo)	27.5	0
Nickel (Ni)	2.75	4.83
Selenium (Se)	0	0
Silver (Ag)	2.75	0.0
Zinc (Zn)	86.25	28.5
Phenols	0	17.75
Beryllium (Be)	0	0
Thallium (Ti)	0	0

**Table 2.4**  
**Average Concentrations of Pollutants of Concern**  
**In Biosolids**  
**For Periods – 2001 and 2012**  
**mg/kg (Dry Wt. Basis)**

<u>Pollutant</u>	<u>2001</u>	<u>2012</u>
Arsenic (As)	0	12.65
Cadmium (Cd)	0	6.23
Chromium (Cr)	0	125.8
Copper (Cu)	0	798.3
Cyanide (Cn)	-	-
Lead (Pb)	175	106.1
Mercury (Hg)	1.388	0
Molybdenum (Mo)	-	30.56
Nickel (Ni)	23.85	83.14
Selenium (Se)	0	4.65
Silver (Ag)	-	-
Zinc (Zn)	124	2351
TKN	1399	14351
N02-N	1.2	20.83
N03-N	77.65	80.02
Total Phosphorus	708	14503
Total Potassium	2873	15082
Nh3-N	124	9117

## SECTION 3

### INDUSTRIAL / NON-RESIDENTIAL USER SURVEYS

#### 3.1 SOURCES

The Clarksville Light & Water (CL&W) may use the following listed sources for identifying non-residential Industrial Users (IUs) of the CL&W Publicly Owned Treatment Works (POTW) who may require regulation under the authority of the Clarksville Industrial Pretreatment Program:

- A. Clarksville water customer listing, particularly new service accounts.
- B. Clarksville telephone directory.
- C. Clarksville area Chamber of Commerce industrial listing, included in Appendix D.
- D. City Inspector

#### 3.2 UPDATED SURVEY

The CL&W should complete a survey of approximately 25 selected non-residential water customers to determine if there are additional IUs discharging wastewater to the CL&W POTW who may require regulation under authority of the Clarksville Industrial Pretreatment Program either as Categorical Industries, or as SIUs as defined in Section 10.04.04 (64), of the Clarksville Sewer Use--Pretreatment Ordinance. The non-residential survey will also serve to identify those sewer users who operate, or should operate, grease interceptors. The sources identifying IUs as candidates for initial survey are listed in Section 3.1 (A-D) above.

The procedure for the survey should be initiated by the CL&W Laboratory Supervisor/Pretreatment Coordinator (PC), first excluding those users who aren't CL&W wastewater customers. The PC should then mail the survey form which is included in Appendix F to the selected non-residential water customers with a letter requesting the recipient's response. The CL&W PC should then follow up with telephone contact with those recipients who failed to respond within thirty (30) days to assure that the recipient has received the survey form and remains cooperative with apparent intent to complete and return it per the CL&W request. The CL&W PC may then follow with additional mailings to those recipients who failed to respond. Those non-residential wastewater system users who continue to be nonresponsive to industrial survey requests may then be served a Notification of Violation of the Clarksville Sewer Use--Pretreatment Ordinance, followed by appropriate progressive enforcement remedies as provided for in Sections 10.04.14, 10.04.15 and 10.04.16 of the Clarksville Sewer Use--Pretreatment Ordinance.

### **3.3 NON-RESIDENTIAL, NON-SIGNIFICANT USERS**

Table 3.1 on the following pages is a listing of non-residential POTW users which have been identified by the sources listed in Section 3.1 (A-D) below, as Potential Significant Industrial Users. Surveillance of these non-residential users should be continued to identify changes in processes or wastewater characteristics which might cause them to be considered SIUs and to assure their compliance with requirements of the Clarksville Sewer Use--Pretreatment Ordinance.



TABLE 3.1

**NON-RESIDENTIAL, NON-SIGNIFICANT, POTENTIALLY SIGNIFICANT  
CLARKSVILLE WASTEWATER SYSTEM USERS  
DECEMBER 2001**

<u>Insustry</u>	<u>NAICS No.</u>	<u>Principal Activities</u>
Baldor Electric Co. No. 1 Boreham Dr. Clarksville, AR 72830	333612 335312	Motors
Clarksville Footwear Co. 401 Cline St. Clarksville, AR 72830	316219	Shoes
Hilton Machine & Tool, Inc. 614 E. Main Clarksville, AR 72830	333514 333999	Tooling, Machinery
Johnson County Graphic 203 E. Cherry Clarksville, AR 72830	51111	Newspaper
King & Co., Inc. Hwy. 64E Clarksville, AR 72830	32614 326199	Molding
Mid South Roller Co. 200 Porter Industrial Rd. Clarksville, AR 72830	326291 326299	Roller Molding
Nite Lite Co. Masingale Rd. Clarksville, AR 72830	314999 335129	Belts & Lighting
Tyson Foods, Inc. 200 E. Cherry Clarksville, AR 72830	311615	Poultry Processing

### 3.4 SIGNIFICANT INDUSTRIAL USERS

The following are three (3) non-residential dischargers to the POTW which currently are identified as SIUs as defined by Section 10.04.04 (56), of the Clarksville Sewer Use--Pretreatment Ordinance and which have been issued permits and are regulated by the CL&W Industrial Pretreatment Program:

**Greenville Tube**  
**South Montgomery Street**  
**Clarksville, AR 72830**

**SIC No. 3356 / 3317**

**CL&W Permit No. 06**

Greenville Tube is a categorical industry classified as a metals finisher – 40 CFR 433.17, and has been monitoring and reporting to CL&W as required by the original CL&W industrial pretreatment program. Greenville Tube manufactures stainless steel tubing discharging an average of 20,000 gallons per day of pretreated wastewater to the CL&W POTW.

**Bright Harvest Sweet Potato Co.**  
**Taylor Road**  
**Clarksville, AR 72830**

**SIC No. 2037**

**CL&W Permit No. 01**

Bright Harvest Sweet Potato Co. is a non-categorical SIU, producing a significant organic wastewater loading, which has been monitoring and reporting to CL&W as required by the original CL&W industrial pretreatment program. Bright Harvest Sweet Potato Co. processes and packages frozen vegetables, sweet potato patties, mashed sweet potatoes and discharging an average of 120,000 gallons per day of pretreated wastewater to the CL&W POTW.

**Hanesbrand Inc.**  
**Clark Road**  
**Clarksville, AR 72830**

**SIC No. 2251**

**CL&W Permit No. 02**

Hanesbrand Inc. is a non-categorical SIU, producing a significant organic wastewater loading, which has been monitoring and reporting to CL&W as required by the original CL&W industrial pretreatment program. Hanesbrand Inc. manufactures women's full-length and knee-length hosiery, discharging an average of 200,000 gallons per day of pretreated wastewater to the CL&W POTW.

### **3.5 MAINTENANCE OF INVENTORY OF NON-RESIDENTIAL USERS**

Significant Industrial Users subsequently discovered by CL&W will be appropriately regulated.

Clarksville Light and Water Commission will update its Industrial User Survey on an ongoing basis to identify and characterize new non-residential users and to document changes in processes and characteristics of wastewaters discharged by existing non-residential users of the POTW. Prior to initiation of sewer service for new non-residential customers, the General Manager (GM) will appropriately request such a potential customer to complete an Industrial User Survey. If the potential customer will be a SIU, the potential customer shall complete an application for an Industrial Wastewater Discharge Permit.

The size of Clarksville and the number of its non-domestic dischargers does not dictate anything other than an in-house spreadsheet to create an index of the most pertinent information from all of the IU surveys. This index or inventory should be kept up-to-date to avoid any duplicative or needless surveys being sent. Any compilation, index or inventory of Industrials Users made under this section shall be made available to ADEQ upon request.

A comprehensive Industrial User Survey, such as the one proposed hereby by CL&W to include those non-residential users not being monitored by industrial inspection, should be performed.

## SECTION 4

### LEGAL AUTHORITY

Section 403.8 (f) (1) of the General Pretreatment Regulations, as amended through July 1,2009 requires POTW's to operate pursuant to legal authority enforceable in Federal, State or local courts, which authorize or enable the POTW to apply and to enforce the requirements of Sections 307 (b) and (c), and 402 (b) (8) of the Clean Water Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to carry out the requirements of 40 CFR 403.8 (f) (1) (i-vii).

The CL&W has developed the legal authority to extend over its IUs, including those located outside the corporate limits of the City of Clarksville and who discharge wastewater into the CL&W POTW. As specifically referred to in the CL&W Attorney's letter of opinion included in of Appendix G, CL&W has the authority to:

- A. Deny or condition new or increased contributions of pollutants, or changes in the nature thereof, when such contributions will exceed pretreatment standards or would cause violation of the POTW's NPDES permit;
- B. Require IUs to comply with applicable Pretreatment Standards and Requirements;
- C. Control the contribution to the POTW by each IU by permit or other means to ensure compliance with applicable Pretreatment Standards and Requirements listed in section 5 (5-3).

- D. Require IUs to develop compliance schedules for installation of technology necessary to meet pretreatment standards and to submit notices and self-monitoring reports to the POTW to assess compliance measures;
- E. Enter the premises of an IU to perform all inspection, surveillance, and monitoring procedures necessary to evaluate compliance;
- F. Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. CL&W shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. CL&W shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements.

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

- G. Provide confidentiality where necessary to protect IU's "confidential business information."

To demonstrate CL&W's legal authorities to apply and to enforce the requirements of Sections 307 (b) and (c) and 402 (b) (8) of the Act and regulations implementing those sections, as codified in 40 CFR 403.8 (f) (1) (i-vii), the following

documents are included in Appendix G.

Clarksville Light and Water Commission Attorney's letter of opinion outlining the legal authorities for enforcement of the Clarksville Industrial Pretreatment Program.

Resolution by the CL&W endorsing the implementation of the Clarksville Industrial Pretreatment Program.

Resolution of support by City of Clarksville.

Ordinance Section. Clarksville Sewer Use--Pretreatment Ordinance, Ordinance No. 12-651, enacted with an effective date of February 22, 2012

## SECTION 5 DEFINITIONS

1. ADEQ Arkansas Department of Environmental Quality
2. CL&W Clarksville Light & Water
3. CFR Code of Federal Regulations
4. EPA U.S. Environmental Protection Agency
5. GM General Manager
6. IU Industrial User
7. MSDS Material Safety Data Sheet
8. NPDES National Pollution Discharge Elimination System
9. PC Pretreatment Coordinator
10. POTW Publicly Owned Treatment Works
11. SIU Significant Industrial User
12. SNC Significant Noncompliance
13. S Superintendent

## SECTION 5

### PROGRAM PROCEDURES

Clarksville Light and Water, Pollution Control Facility (CL&W) (PCF) has developed the following program element procedures to assist implementation and enforcement of the Clarksville Industrial Pretreatment Program:

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

#### 5.1 MAINTENANCE OF INDUSTRIAL SURVEY AND PERMITTING PROCESS

The CL&W Pretreatment Coordinator (PC) will maintain a current inventory of non-residential Publicly Owned Treatment Works (POTW) users who potentially may, by changes in the characteristics, quantities or sources (from an activity which makes the industry a categorical industry) of their wastewater stream, be classified as a Significant Industrial Users (SIU) as defined by Section 10.04.04 (64), of the Clarksville Sewer Use--Pretreatment Ordinance.

The Industrial User inventory shall be updated continuously using Arkansas Hazardous Waste Generators Facility Summary (provided by ADEQ) to assist in identifying any Industrial User (IU) that may meet criteria for reclassification as an SIU. In addition to hard copy files of responses to Industrial Surveys should be



maintained along with all available information pertinent to industrial users, such as periodic inspection reports by Pretreatment Coordinator, water usage records and newspaper articles. All SIUs are required to obtain an industrial wastewater discharge permit. The Pretreatment Coordinator should, within 30 days of determining that an IU is a SIU, notify the SIU of its status and of the requirement to obtain a permit and furnish the SIU the appropriate permit package. The permit package will include a cover letter, permit application form, a copy of the City of Clarksville Sewer Use--Pretreatment Ordinance and any National Categorical Standards which may apply to the SIU's wastewater discharge. The CL&W Pretreatment Coordinator will evaluate the data furnished by the IU and may require additional information. Within ninety (90) days of receipt of all requested information to complete the Industrial Wastewater Discharge Permit application, the Superintendent will determine whether or not to issue a permit. The CL&W Superintendent will, on a case by case basis, based on the IU's wastewater discharge characteristics determined by IU's priority pollutant scan or review of IU's MSDS file and the most stringent applicable limitations posed by general pretreatment standards, categorical pretreatment standards, local limits, and State and local law, determine appropriate:

- A. Specific permit effluent limitations;
- B. Monitoring requirements;
- C. Reporting requirements; and
- D. Special conditions.

If additional technology is required for the SIU to meet applicable pretreatment standards, the SIU shall develop a compliance schedule showing milestone events for attaining compliance.

Provided that the CL&W Superintendent can determine that the contribution of permitted pollutants will not cause the POTW to violate its NPDES permit, the Superintendent will then issue the Industrial Wastewater Discharge Permit. If no determination is made within ninety (90) days, the application will be deemed denied.

Such permit or "Control Mechanism" shall contain, at a minimum and in compliance with 40 CFR 403.8 (f) (1) (iii), the following conditions:

- A. Statement of duration (in no case more than five (5) years);
- B. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- C. Effluent limits, including Best Management Practices based on applicable general pretreatment standards in Part 40 CFR 403, categorical pretreatment standards, technically based local limits, and state and local law;
- D. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, monitoring frequency, sample type, based on applicable general pretreatment standards in Part 40 CFR 403, categorical pretreatment standards, local limits and state and local law;
- E. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedules. Such schedules may not extend compliance date beyond applicable federal guidelines. [Arkansas Code Annotated, Section 8-4-103 (g) et seq. provides for maximum Civil or Criminal penalties of one thousand dollars (\$1,000) for each violation by industrial users of pretreatment standards or requirements.] Each day of a continuing violation may be deemed a separate violation.
- F. Requirements to control Slug Discharge's if determined by the Superintendent to be necessary.

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

The costs incident to the evaluation and issuance of an Industrial Wastewater Discharge Permit shall be borne by the permitted SIU, as provided for by Section 10.04.19 (1) of the Clarksville Municipal Code.

Any person, including the permitted Industrial User, may, as provided for by Section 10.04.09 (3) of the Clarksville Municipal Code, petition the CL&W to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days of the date issued by the General Manager

## **5.2 NOTIFICATION OF REQUIREMENTS TO INDUSTRIAL USERS**

The CL&W Superintendent will notify all IUs subject to the requirements of the Clarksville Industrial Pretreatment Program of any applicable Pretreatment Standards or applicable requirements under Sections 204 (b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act. The CL&W Superintendent will rely on information provided by contract consulting engineer and that provided at regularly scheduled Region VI Environmental Protection Agency (EPA) and ADEQ seminars and workshops for the promulgation of new regulations affecting the administration of their approved Industrial Pretreatment Program.

CL&W will evaluate whether each such Significant Industrial User needs a plan or other action to control Slug Discharges. For purposes of this subsection, a Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. Significant Industrial Users are

required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

Documentation of the evaluation and the final determination should be kept in each of the SIU files. Clarksville Light and Water POTW may, in compliance with 40 CFR 403.8 (f) (2) (vi), require SIUs (permitted IUs) to develop and continue implementation of an approved slug control plan. If such control plan is required, it should contain, at a minimum, the following elements:

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

### **5.3 INDUSTRY SELF-MONITORING AND OTHER REPORTS**

Clarksville Light and Water Commission may require self-monitoring and other reports from IUs as required by 40 CFR 403.8 (f) and 403.12. As required, IUs shall submit reports directly to the CL&W Pretreatment Coordinator. All sampling and analyses necessary for meeting reporting requirements shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto.

Test methods sensitive enough to determine compliance with each IU's permit limits will be required.

Grab samples must be collected for temperature, pH, cyanide, total phenols, oil and grease, sulfides, and volatile organics. For all other pollutants, 24 hour composite samples must be collected. All analyses shall be performed by a laboratory acceptable by the CL&W.

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

- A. Baseline Report. This report is required to be submitted by SIUs within 180 days after POTW's finding that the SIU is subject to a Categorical Pretreatment Standard. An application for Industrial Wastewater Discharge Permit (permit) containing required information, properly completed and certified, will meet the requirement of 40 CFR 403.12 (b) (1) - (7) for baseline report.
- B. The following conditions shall apply to the compliance schedule required by Section 10.04.10(1) (c) (7) of the ordinance. 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 conduction routine operation). No increment referred to above shall exceed nine (9) months; User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

- C. 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 industrial user subject to such pretreatment standards and requirements shall submit to the general manager a report containing the information described in section 10.04.10(1)(c)(4-6) of the ordinance: Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 10.04.08(7) of the ordinance.
- D. Periodic Reports on Continued Compliance. This report, if self-monitoring is required by the permit, shall be submitted by the permitted SIU at the frequency set forth in the permit.
- E. Notice of Potential Problems, including Slug Loading. All IUs are required to notify the CL&W Pretreatment Coordinator immediately of all discharges that could cause problems to the POTW, including slug loadings, as defined by Section 10.04.04(65) of the Clarksville Municipal Code.
- F. Notification of Changed Discharge. All IUs shall promptly notify the CL&W Pretreatment Coordinator in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification required by 40 CFR 403.12 (p).

All IU reports and notifications shall contain the certification statement set forth in Section 10.04.08 (7) of the Clarksville Municipal Code and be properly signed by an authorized representative of the IU, as defined in Section 10.04.04 (4) of the Clarksville Municipal Code.

Industrial Users subject to the above reporting requirements shall maintain records of all information resulting from any monitoring activity, whether or not required by the CL&W Superintendent, the State, or by the U. S. Environmental Protection

Agency for a minimum of three (3) years and shall make such records available for inspection and copying by the CL&W Superintendent. This period of retention shall be extended during the course of any unresolved litigation regarding the IU or when requested by the CL&W Superintendent.

At the request of an IU, information submitted for evaluation of application for an Industrial Wastewater Discharge Permit or information contained in monitoring reports which would divulge methods or processes entitled to protection as trade secrets will, as provided for in Section 10.04.12 of the Clarksville Municipal Code and insofar as possible under the provisions of 40 CFR Part 2, be held confidential by CL&W. In order for submittals to be considered for confidentiality, the submitter must assert their claim at the time of submittal by stamping the words "Confidential Business Information" on each page containing such information. Wastewater constituents, characteristics and other "effluent data," as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

#### **5.4 MONITORING AND INSPECTION ACTIVITIES**

The CL&W Pretreatment Coordinator shall endeavor to locate and identify all IUs which might meet the criteria for classification as SIUs, as defined by Section 10.04.04 (64) of the Clarksville Municipal Code and, therefore, be subject to regulation by Industrial Wastewater Discharge Permit. An ongoing random monitoring program of existing non-residential users discharging, other than normal domestic wastes to the POTW, will be continued by CL&W Pretreatment Coordinator to ascertain the quality of wastewaters discharged by non-permitted users.

Significant Industrial Users which are permitted under the provisions of this program may be required to self-monitor their discharge of wastewater into the CL&W POTW to determine compliance with the SIU's wastewater discharge permit and to establish surcharges for SIU's discharging Unusual BOD<sub>5</sub> (above 300 mg/l) and Unusual TSS (above 300 mg/l). The frequency of monitoring and reporting, if required, shall be specified in the SIU's permit. However, the frequency of self-monitoring and reporting, if required, shall be no less than twice per year. If the SIU's Industrial Wastewater Discharge Permit requires self-monitoring, the CL&W Pretreatment Coordinator shall perform compliance monitoring (sampling and analyses) of the SIU's effluent at least once per year. Clarksville Light and Water Commission's monitoring activities shall document all data required by 40 CFR 403.12 of industries who are required to perform self-monitoring, thereby eliminating the requirement for SIUs to submit semi-annual reports of continued compliance.

In addition to compliance monitoring, CL&W (the Pretreatment Coordinator), will inspect each SIU at least once per year. The Pretreatment Coordinator will document the results of the industrial inspections by completing an Industrial Inspection Report, a copy of which is included in the Pretreatment Program. All sampling and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Per 40 CFR 403.12 (g) (3), grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained, EXCEPT that CL&W may use grab sample(s) as a compliance screening tool. Where grab sample(s) suggest



noncompliance, the Pretreatment Coordinator and/or the Industrial User should re-sample the user's effluent using composite techniques until consistent compliance is demonstrated.

All analyses shall be performed by a certified lab in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto.

## **5.5 INVESTIGATION OF NONCOMPLIANCE**

The results of compliance self-monitoring shall be analyzed by the CL&W Pretreatment Coordinator to determine the SIU's compliance with their Industrial Wastewater Discharge Permit. If analysis indicates a violation, the Superintendent may require the IU to perform supplemental sampling and analyses and submit the to the CL&W Superintendent. However repeat sampling after discovery of a limit violation **MUST** be conducted and submitted within 30 days per the 403.12 (g) (2) regs

All sampling and analyses and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, composite samples must be obtained, EXCEPT that Superintendent may, in accord with Section 10.04.10 (12) of the Clarksville Municipal Code, use grab sample(s) to determine noncompliance with a pretreatment standard.

All analyses shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Chain of Custody documents should be utilized to document the validity of results of compliance monitoring.

## 5.6 STANDARD OPERATING PROCEDURE

Standard operation procedures for each Industrial User are on the following pages.

# **Standard Operating Procedures**

**Clarksville Light & Water  
Pollution Control Facility**

## **SOP Pretreatment Inspection**

I began by reviewing last years inspection form, all of the analysis and how many, if any violations.

Next I will fill out as much of the inspection form as I can, such as address phone numbers ect...

Then I will schedule a time to go with a pollution control employee. I usually don't let the industry know that I am coming.

Next we go to the industry and usually perform the inspection with an environmental person from that industry.

First we go over the paperwork note any changes in chemical usage or in process. I have them to pull their permit and all analysis from that year and we review them.

Then we do a thorough walk through of the facility noting any changes that we might see.

During the exit review we will ask about any changes we noticed or any other questions we may have.

We always follow company rules, safety glasses sign in ect...

## **SOP For Sampling SIU**

I start by cleaning or by making sure the sampler is clean and in working order.

Next we decide who or where we are going to sample and make sure that the industry is under a normal operating day, and then ice the sampler down.

Then pollution control personal will set the sampler out in a location nearest the industries discharge point. At this time we will usually check pH and temp. If not now when we pick it up.

The sampler is usually set out for 20 to 24 hours taking a sample every hour.

The following day pollution control personal will pick up the sampler, bring it back to the lab and prepare it for analysis.

### **SOP For Day To Day Actives**

When we receive analysis from the industries I will review the results, date the day received enter them into the computer if any violations I will note them. Also I will go over the QA-QC results. I will then file the results in the individual files.

When an industry calls to let me know they have a violation I will note this in their file. I will send them a letter of violation. They will send us a letter of corrective action, and resample.

## Standard Operating Procedures for Review of Pre-Treatment IU

- I. Each permitted IU sends monthly reports
  - A. Upon receipt of the IU monthly reports, review all paperwork, results, and QA/QC data to make sure that all requirements are there.
    1. Certification statement and signature of responsible person.
    2. All parameters in permit are represented in data and within limits
    3. QA/QC of lab that preformed testing is included
    4. Chain of custody is included and filled out properly.
      - a. Check dates, times, signatures
  - B. What to do if violation is detected.
    1. IU should notify us within 24hrs of them receiving data, If not :
      - a. Call the IU. Inform them of violation, and of the no phone call violation.
    2. A letter of corrective action is to be submitted by the IU to the POTW of any violation of their permit.
    3. POTW will send a letter of reply to the IU's letter of corrective action with instructions of what the IU needs to do if anything.
  - C. Record all data on IU's personal spreadsheet.
- II. POTW sampling of IU's
  - A. The POTW samples each IU semi-annual with one of these samples being split with the IU.
  - B. The POTW will sample more if there is suspicion of problems with the IU.
  - C. Sampling procedure
    1. Before going to the IU, POTW personnel will inspect sampling equipment for cleanliness and proper working order, calibrate pH meter and record calibration on portable pH meter calibration worksheet, and get all necessary sample bottles, ice packs, and Chain of Custody.
    2. Upon arrival at the IU property, make sure all necessary equipment is there and sign in and inform them of our presence and what we are there to do.
    3. IU personnel may or may not accompany us to the sampling site
    4. The sampling procedure is different for each IU because of the different parameters that are in their individual permit. Refer to each IU sampling procedure by IU's name.
- III. POTW inspecting of IU
  - A. Inspections of IU's are performed annually

- B. Prior to going to IU, review previous year's inspection report. Fill out as much of the basic information as possible.
- C. Arrive at IU. Fill out proper sign in procedure for each IU. Meet with IU contact and go through the inspection report. Asking all appropriate questions.
- D. Following filling out the inspection report, the POTW will perform a walk-through of the IU's facility. Look for any possible wastewater contaminates.
- E. After the walk through we will meet with the IU contact and discuss in findings with them.
- F. At periodic times throughout the year we will look around the outside of each IU's property to check for any changes in process, excess oil, trash, etc. If any of these things are found, the POTW will immediately notify the IU.

## Hanesbrand Sampling Procedure

- I. Before the day of sampling:
  - A. Check sampler for cleanliness and working order.
    1. Make sure hoses are clean. If not, change them out.
    2. Make sure the sampler is working and pumping properly. If not, charge battery and if need be recalculate sample volumes and times.
    3. Install clean sample container.
  - B. Get all paper work together
    1. Chain of Custody
    2. Hanesbrand pretreatment worksheet.
  - C. Get all sampling bottles together and make sure proper preservative is added if any.
    1. CBOD – 1L plastic bottle preserved with ice.
    2. Oil and Grease – 1L glass jar preserved with Sulfuric Acid
- II. Right before leaving to IU
  - A. Pack everything you got ready previously in the truck.
  - B. Calibrate pH meter and record calibration on portable pH meter calibration log.  
Put in truck
  - C. Have proper safety equipment required of Hanesbrand.
- III. Arriving at IU
  - A. Go to office to sign in.
  - B. Proceed to heat recovery pit.
- IV. Sampling
  - A. CBOD
    1. Set out 24 hour composite sampler.
    2. Putting sample hose in the heat recovery pit and turn on sampler for the CBOD test.
    3. After seeing sampler is working properly put the ice packs in and close the sampler.
    4. Leave the sampler working for approximately 24 hours.
    5. After the 24 hours, go back to Hanesbrand, follow sign in procedure and proceed to heat recovery pit.
    6. Turn sampler off. Put all sampler equipment in truck and strap down, proceed to lab.
    7. Put the sample container in refrigerator to be analyzed the next day.
  - B. Oil and Grease



1. Using a glass bottle on a stick, we dip out sample from effluent pit at the pretreatment facility.
  2. Pour it in proper oil and grease container with preservative already added.
  3. Bring the filled container back to lab and set in refrigerator until outside lab picks up sample to be analyzed not to exceed 28 days.
- V. The POTW takes care of the pre-treatment facility at Hanesbrand.
- A. POTW personnel go to the pretreatment facility daily.
    1. Record flow
    2. Check sludge level in clarifiers
    3. Get samples from ditches to preform suspended solids.
    4. Get D.O. of ditches.
    5. Pump out pit
    6. Make adjustments as needed for treatment plant efficiency.
  - B. CBOD, TSS, and pH are run on the effluent from the treatment plant quarterly to provide the POTW with the efficiency of the plant.

## Greenville Tube Sampling Procedure

- I. Before the day of sampling:
  - A. Check sampler for cleanliness and working order.
    1. Make sure hoses are clean. If not, change them out.
    2. Make sure the sampler is working and pumping properly. If not, charge battery and if need be recalculate sample volumes and times.
    3. Install clean sample container.
  - B. Get all paper work together
    1. Chain of Custody
  - C. Get all sampling bottles together and make sure proper preservative is added if any.
    1. Metals – 250-500mL plastic bottle preserved with Nitric Acid
    2. Oil and Grease – 1L glass jar preserved with Sulfuric Acid
    3. Cyanide – 500mL plastic bottle preserved with Sodium Hydroxide
- II. Right before leaving to IU
  - A. Pack everything you got ready previously in the truck.
  - B. Calibrate pH meter and record calibration on portable pH meter calibration log.  
Put in truck
  - C. Have proper safety equipment required of Greenville Tube.
- III. Arriving at IU
  - A. Go to office to sign in.
  - B. Proceed to passivator rinse tank with IU representative.
- IV. Sampling
  - A. Metals
    1. Set out 24 hour composite sampler.
    2. Putting sample hose in the flow of discharge and turning on sampler for the metals test.
    3. After seeing sampler is working properly put the ice packs in and close the sampler.
    4. Leave the sampler working for approximately 24 hours.
    5. After the 24 hours, go back to Greenville Tube, follow sign in procedure and proceed to passivator rinse tank with IU representative.
    6. Turn sampler off. Put all sampler equipment in truck and strap down, proceed to lab.
    7. Pour sample in preserved sample bottle and put in refrigerator till outside lab picks it up to analyze it. Not to exceed 28 days.
  - B. Oil and Grease

1. Using a glass beaker, we dip out sample from passivator rinse tank.
2. Pour it in proper oil and grease container with preservative already added.
3. Bring the filled container back to lab and set in refrigerator until outside lab picks up sample to be analyzed not to exceed 28 days.

C. Cyanide

1. Dip out sample from passivator rinse tank.
2. Pour it in proper cyanide container with preservative already added.
3. Bring the filled container back to lab and set in refrigerator until outside lab picks up sample to be analyzed not to exceed 28 days.

## Bright Harvest Sampling Procedure

- I. Before the day of sampling:
  - A. Check sampler for cleanliness and working order.
    1. Make sure hoses are clean. If not, change them out.
    2. Make sure the sampler is working and pumping properly. If not, charge battery and if need be recalculate sample volumes and times.
    3. Install clean sample container.
  - B. Get all paper work together
    1. Chain of Custody
    2. CBOD worksheet
  - C. Get all sampling bottles together and make sure proper preservative is added if any.
    1. CBOD – ½ gallon or gallon plastic jug and iced
    2. Oil and Grease – 1L glass jar preserved with Sulfuric Acid
- II. Right before leaving to IU
  - A. Pack everything you got ready previously in the truck.
  - B. Calibrate pH meter and record calibration on portable pH meter calibration log.  
Put in truck
  - C. Have proper safety equipment required of Bright Harvest.
- III. Arriving at IU
  - A. Go to office to sign in and get visitor badges.
  - B. Proceed to sampling site which is located on the west end of property. The exact location is in IU's fact sheet.
- IV. Sampling
  - A. CBOD
    1. Set out 24 hour composite sampler.
    2. Putting sample hose in the flow of discharge and turning on sampler for the CBOD test.
    3. After seeing sampler is working properly put the ice packs in and close the sampler.
    4. Leave the sampler working for approximately 24 hours.
    5. After the 24 hours, go back to Bright Harvest, follow sign in procedure and proceed to sample hut.
    6. Turn sampler off. Put all sampler equipment in truck and strap down, proceed to lab and put the sample container in refrigerator to be analyzed the next day.
  - B. Oil and Grease

1. Using a glass beaker, we dip out sample from discharge stream.
2. Pour it in proper oil and grease container with preservative already added.
3. Bring the filled container back to lab and set in refrigerator until outside lab picks up sample to be analyzed not to exceed 28 days.

## SECTION 6

### ENFORCEMENT RESPONSE PLAN

All violations of the Clarksville Industrial Pretreatment Program shall be met with an enforcement response. The purpose of this flexible plan is to provide guidance with which the persons responsible for the administration and enforcement of this program can determine appropriate investigative and enforcement responses to remediate violations of elements of the Program. Clarksville Light and Water Commission (CL&W) has developed this response plan to assist the responsible individuals and entities – Laboratory Supervisor/Pretreatment Coordinator (PC), Wastewater Treatment Plant Superintendent (“S”), General Manager (GM), Clarksville Light and Water Commission (Com), Clarksville Light and Water Commission Attorney (CA), and the City of Clarksville Prosecuting Attorney (CPA) -- in selecting appropriate enforcement to meet the following range of violations:

- A. Administrative violations, unauthorized discharge (not permit or discharge limit violations), such as a non-permitted discharge for which the IU was unaware of requirement or has failed to apply for an Industrial Wastewater Discharge Permit (Permit) when informed of the requirement to do so or failure to apply for a renewal of an existing permit.
- B. Discharge limit violation (exceedance of a pretreatment standard) from isolated to recurring.
- C. Reporting violations, from omitting proper signatory or certification, to late submittals, to total failure to submit required reports, to falsification of reports.
- D. Monitoring violations, from failure to monitor in accord with 40 CFR 136, to recurring failure to monitor correctly, to failure to install monitoring equipment required by Clarksville Light and Water, to tampering with monitoring equipment or falsifying monitoring information.

- E. Violation of compliance schedules, from failure to meet a compliance milestone or late report for good cause, to failure to meet a compliance milestone which will affect final compliance date, to failure to report, to refusal to comply or reporting false information.
- F. Other permit violations, or violations discovered during inspections and/or investigations, from dilution of wastestream, to failure to mitigate a noncompliance or observe a suspension, to denial of entry, to inadequate record keeping or failure to report additional monitoring.

## 6.1 INVESTIGATIONS OF VIOLATIONS

All elements -- responses, actions and reporting requirements -- of the Clarksville Industrial Pretreatment Program shall be performed within a prescribed period of time. Therefore, all notifications of requirements for or requests for responses, actions or reports shall be delivered by a conveyance which will furnish hard "Proof of Delivery." All findings of investigations of indicated or alleged violations, performed primarily by the PC, shall be sufficiently documented so that it would meet the test for "Admissible Evidence" in a court of competent jurisdiction.

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

The PC should keep the "S" and the GM informed of chronically recurring violations and recommend appropriate enforcement from those responses listed in the Enforcement Response Guide (ERG) which are commensurate with damages which may or may not have been caused to the POTW or the environment by any type of the following listed violations:

- A. Administrative Violations. Investigation of "administrative violations" (not permit or discharge limit violations) should first ascertain that the IU was properly notified of the program requirement that they appear to be violating. Such requirement could be from failure by an IU to respond to a request for response to an industrial survey, to a prohibited discharge, as

identified by Section 10.04.06 (1) of the Clarksville Municipal Code by a non-permitted IU who may or may not be aware of the prohibition, to failure to apply for a permit, a permit renewal or other.

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

The PC should log notifications of program requirements and track responses. Hard copy files of responses and "Proof of Deliveries" should also be maintained.

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

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

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

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

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

If investigation of discharge limit violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment, the investigation should then, through the "S," the GM and Com., be referred to the CA for Civil action to recover damages under the provisions of Arkansas Code Annotated, Section 8-4-103 (g) et seq.

- C. Reporting Violations. The PC should log due dates and required content of all IU reports and track response. Hard copy files of responses and "Proof of Deliveries" of all notifications should also be maintained. The PC should conclude investigation of apparent Reporting Violations and initiate appropriate enforcement response within thirty (30) days of discovery of the violation.



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

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

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

If investigation of reporting violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent," the investigation should then, through the "S," the General Manager and Com., be referred to the CA and/or the CPA for Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code Annotated, Section 8-4-103 (g) et seq.

- D. Monitoring Violations. The PC should log and track compliance monitoring of all SIU Permit monitoring requirements and parameters and the required sampling and analyses methods prescribed by 40 CFR 136. Hard copy files of all compliance monitoring reports should be maintained.

Part II - Monitoring Requirements of SIU Permits - require, where the IU is providing compliance self-monitoring, that the IU notify the PC within 24 hours of becoming aware of a permit violation. The IU shall also repeat the sampling and analyses and submit the results of the repeat analyses to the PC within thirty (30) days after becoming aware of the violation. Therefore, if analyses indicates a violation, the SIU should have already notified the PC of such indication of violation and should have initiated repeat sampling and analyses in compliance with Monitoring requirements of their Permit. The PC shall document confirmation whether or not the SIU has notified the PC of the indication of violation and has initiated repeat sampling and analysis in compliance with the requirements of their permit.

The PC should document failures of SIUs to provide notification of indicated violations and repeat sampling and analyses by issuing a written Notice of Violation to the SIU citing them for Permit Violation, specifically that of not providing the notification or repeat sampling and analyses required by Part II - Monitoring Requirements of the SIU's Permit, in compliance with 40 CFR 403.12 (g) (2). The written Notice of Violation should be issued no more than fifteen (15) days after the PC is aware of the indicated violation.

Investigation by the PC of improper monitoring or analyses by SIUs should document any damage to the POTW or environment which may have been the result of such violation.

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

If investigation of a monitoring violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent," the investigation should, through the "S," the GM and Com., be referred to the CA and/or the CPA for Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code Annotated, Section 8-4-103 (g) et seq.

- E. Compliance Schedules Violations. The PC should log due dates and required content of all scheduled milestone compliance reports and final compliance. Hard copy files of responses and "Proofs of Delivery" of all notifications should also be maintained.

The PC should conclude investigation of apparent compliance schedules violations and initiate or recommend to the "S" and GM appropriate enforcement response within thirty (30) days of discovery of the violation.

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

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

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

If investigation of a compliance schedule violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent," the investigation should then, through the "S," GM and Com., be referred to the CA and/or the CPA for Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code Annotated, Section 8-4-103 (g) et seq.

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

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

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

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

If investigation of apparent violation should provide documentation of reasonable proof that the violation caused damage to the POTW or environment or reasonable proof of "falsification" or "intent," the investigation should then, through the "S," the GM, and Com., be referred to the CA and/or the CPA for Civil action to recover damages or for criminal investigation and prosecution under the provisions of Arkansas Code Annotated, Section 8-4-103 (g) et seq.

## 6.2 ENFORCEMENT RESPONSE GUIDE (ERG)

All IU noncompliance will be met with some response by the CL&W. However, the type and severity of the selected final response remains to be determined, on a case-by-case basis, by the S and GM. All formal responses to noncompliance (administrative orders, civil actions, or criminal prosecution), must be expressly authorized by State or local law. Monetary punitive penalties sought from an IU by the Com. for noncompliance, either by civil actions or criminal prosecution, should be determined in accord with EPA publications.

Pages 6-8 through 6-19 of this document set forth the current Clarksville Light and Water Industrial Pretreatment ERG. This ERG provides for a range of enforcement actions which may be initiated to meet industry non-compliances based on the severity of violations and their effect on the POTW and the environment.

**CLARKSVILLE LIGHT AND WATER COMMISSION  
INDUSTRIAL PRETREATMENT ENFORCEMENT RESPONSE GUIDE<sup>1</sup>**

**Abbreviations and Acronyms Used in Enforcement Response Guide**

AO	Administrative Order
Civil Action	Civil Litigation seeking equitable relief, monetary penalties or monetary damages through a court of law.
Commission (Com.)	Clarksville Light and Water Commission
CA	Clarksville Light and Water Commission Attorney
CMC	Clarksville Municipal Code
CPA	Clarksville Prosecuting Attorney
Compliance Meeting	Informal meeting with IU to discuss resolution of recurring noncompliance.
Consent Order	An administrative order which constitutes a negotiated two party agreement which may include compliance schedules, stipulated fines or remedial actions.
Council	The Clarksville City Council
Criminal Prosecution	Prosecution of a criminal charge through a court of law.
GM	General Manager of Clarksville Light and Water Commission
IU	Industrial User
NOV	Notice of Violation, written

PC	Pretreatment Coordinator
"S"	WW Treatment Plant Superintendent
SNC	Significant Noncompliance
SV	Significant Violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the Control Authority (Clarksville Light and Water) should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

**LEGAL AUTHORITIES FOR RESPONSES SHOWN  
BY THE  
ENFORCEMENT RESPONSE GUIDE**

**Enforcement Response**

**Legal Authority**

Phone Call

Section 10.04.10 (8) of Clarksville Pretreatment Ordinance  
(CPO)

Notice of Violation

Section 10.04.14 (1) (CPO)

Consent Orders

Section 10.04.14 (2) of (CPO)

Compliance Orders

Section 10.04.14 (4) of (CPO)

Cease and Desist Order

Section 10.04.14 (5) of (CPO)

Show Cause

Section 10.04.14 (3) of (CPO)

Emergency Suspension

Section 10.04.14 (7) of (CPO)

Termination of Discharge

Section 10.04.14 (8) of (CPO)

Civil Action

Section 10.04.15 (2) of (CPO) and Arkansas Code  
Annotated,  
Section 8-4-103 (g) et seq.

Criminal Prosecution

Section 10.04.15 (3) of (CPO) and Arkansas Code  
Annotated, Section 8-4-103 (g) et seq.

Administrative Fine

Section 10.04.14 (6) of (CPO)

**UNAUTHORIZED DISCHARGES (Not a Permit Violation)**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Responses</b>	<b>Personnel</b>
1.	Unpermitted Discharge	IU unaware of requirement; no known harm to POTW or environment	Phone call; Informal letter NOV; AO requiring permit application and wastewater analyses	PC, "S," GM
		Results in damage to the POTW or significant environmental effect	NOV; AO requiring permit application and wastewater analyses; show cause; civil action to recover monetary loss; order to suspend source; termination of service	PC, "S," GM, CA, Com.
2.	Non-Permitted Discharge (failure to apply for renewal)	Failure to apply for permit or renewal; no known harm to POTW or environment	Phone call; Informal letter NOV; AO requiring permit application	PC, "S," GM, CA



**DISCHARGE LIMIT VIOLATION**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Responses</b>	<b>Personnel</b>
1.	Exceedance of Pretreatment Standard (discharge limits)	Isolated, not significant	Phone call; Informal Letter NOV (isolated and 2nd offense)	PC, "S," GM
		Isolated, significant with no known damage resulting	NOV; Compliance meeting; AO to develop spill prevention plan	PC, "S," GM, CA
		Isolated, resulting in damage to POTW or environment	Show cause; civil action to recover monetary loss	PC, "S," GM CA, Com.
		Recurring, with no known damage resulting	NOV; compliance meeting; AO to develop compliance plan; consent order with penalties	PC, "S," GM, CA, Com.
		Recurring; resulting in damage to POTW or environment	Order to suspend discharge; AO to show cause; civil action to recover monetary loss; consent order; termination of service	PC, "S," GM, CA, Com.
2	Violation of Best Management Practices	Isolated, not significant	Phone call; Informal Letter NOV (isolated and 2 <sup>nd</sup> offense)	PC, "S," GM
		Isolated, significant with no known damage resulting	NOV; Compliance meeting; AO to develop spill prevention plan	PC, "S," GM, CA
		Isolated, resulting in damage to POTW or environment	Show cause; civil action to recover monetary loss	PC, "S," GM, CA, Com.
		Recurring; with no known damage resulting	NOV; compliance meeting; AO to develop compliance plan; consent order with penalties	PC, "S," GM, CA, Com.
		Recurring; resulting in damage to POTW or environment	Order to suspend discharge; AO to show cause; civil action to recover monetary loss; consent order; termination of service	PC, "S," GM, CA, Com.

## MONITORING AND REPORTING VIOLATIONS

Noncompliance		Nature of the Violation	Range of Enforcement Responses	Personnel
1.	Report Violations	Report is improperly signed or certified	Phone call; Informal Letter NOV	PC, "S", GM
		Report is improperly signed or certified after notice	AO requiring proper signature or certification within 20 days	PC, "S", GM
		Late, 5-10 days; isolated	Phone call; Informal letter NOV	PC, "S", GM
		Late, 10-45 days	Phone call; Informal letter NOV	PC, "S", GM
		Late, 45 days or more	AO requiring to submit; compliance meeting	PC, "S", GM, CA,
		Frequent, repeatedly or continuously late reports (No required reports ever submitted)	Show cause; civil action or criminal prosecution seeking penalties	PC, "S", GM, CA, Com., CPA
		Failure to report isolated slug (spill) or changed discharge (permit violation) no known damage	Phone call; Informal letter NOV	PC, "S", GM
		Failure to report isolated, frequent or continued slug (spill) or changed discharge which results in damage to POTW or environment.	Show cause; consent order with penalties; civil action to recover losses or criminal prosecution seeking penalties; terminate service	PC, "S", GM, Com., CPA

**MONITORING AND REPORTING VIOLATIONS (Cont'd.)**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
		Falsification	Criminal investigation; show cause; criminal prosecution; terminate service	PC, "S," GM, CA, Com., CPA
2.	Failure to monitor correctly	Failure to monitor all permit parameters, or monitoring not in accord with 40 CFR 136	Phone call; NOV	PC, "S," GM
		Recurring failure to monitor correctly	Compliance meeting; show cause; consent order with penalties; civil action seeking penalties	PC, "S," GM, CA, Com.
3.	Criminal Acts	Improper monitoring or tampering with monitoring equipment to render monitoring results inaccurate or falsify monitoring information	Criminal investigation; show cause; criminal prosecution; terminate service	PC, "S," GM, CA, Com., CPA
4.	Failure to install monitoring equipment required by Clarksville Light and Water Commission	5-10 days late	Phone call; NOV	PC, "S," GM
		30 days late, without documentation of good cause acceptable to Clarksville Light and Water	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties; termination of service.	PC, "S," GM, CA, Com., CPA

**COMPLIANCE SCHEDULES**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
1.	Missed Milestone	Missed milestone for good cause acceptable to Clarksville Light and Water which will not affect subsequent milestone dates or final compliance date	Phone call; Informal letter NOV	PC, "S," GM
		Missed milestone for no good cause acceptable to Clarksville Light and Water which will affect subsequent milestone dates or final compliance date	Compliance meeting; show cause; consent order with penalties; civil action or criminal prosecution seeking penalties	PC, "S," GM, CA, Com., CPA
		Missed final compliance date for good cause acceptable to Clarksville Light and Water	Phone call; Informal letter NOV	PC, "S," GM

**COMPLIANCE SCHEDULES (Cont'd.)**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
		Missed final compliance date or refusal to comply for no good cause acceptable to Clarksville Light and Water	Show cause; civil action or criminal prosecution seeking penalties; termination of service	PC, "S," GM, CA, Com. CPA
2.	Failure to meet reporting requirements	Completed milestone on schedule but failed to report in accord with compliance schedule	Phone call; Informal letter NOV	PC, "S," GM
		Reporting false information	Criminal investigation; show cause; criminal prosecution; terminate service	PC, "S," GM, CA, Com., CPA

**OTHER PERMIT VIOLATIONS**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
1.	Wastestreams are diluted in lieu of pretreatment	Initial or isolated violation	NOV; compliance meeting; consent order with penalties	PC, "S," GM, CA, Com.
		Repeated or chronic violation continuing in disregard of enforcement for initial or isolated violation	Show cause; consent order with penalties; terminate service	PC, "S," GM, CA, Com.
2.	Failure to mitigate noncompliance or observe suspension	No known harm to POTW or environment	NOV; compliance meeting; show cause; consent order with penalties	PC, "S," GM, CA, Com.
		Isolated or recurring resulting in damage to POTW or environment	Show cause; consent order with penalties; civil action to recover losses criminal prosecution seeking penalties; terminate service	PC, "S," GM, CA, Com., CPA

**VIOLATIONS DETECTED DURING INDUSTRIAL INSPECTIONS AND INVESTIGATIONS**

	<b>Noncompliance</b>	<b>Nature of the Violation</b>	<b>Range of Enforcement Response</b>	<b>Personnel</b>
1.	Entry or access denial	Entry or access denied or copies of records denied	Obtain search warrant and proceed with inspection or investigation	PC, "S," GM, CA
2.	Inadequate record-keeping	Incomplete or missing files (no evidence of intent)	NOV	PC, "S," GM
		Recurring, chronic	Compliance meeting; show cause; consent order with penalties	PC, "S," GM, CA
3.	Failure to report additional monitoring	Inspection or investigation yields additional analyses required to be reported	NOV	PC, "S," GM
		Recurring, chronic	Compliance meeting; show cause; consent order with penalties	PC, "S," GM, CA

## TIME FRAMES FOR RESPONSES

- A. Violations will be identified, documented, and initial enforcement response initiated as set forth in Enforcement Response Plan Sections 6.1 (A-F). However, if a violation is not as defined clearly by either of Sections 6.1 (A-F), then initial enforcement response should be initiated within 20 working days of documentation.
- B. Violations which endanger or appear to cause endangerment to the health or welfare of persons; or which interfere or threaten to interfere with the operation of the POTW; or which present or may present an endangerment to the environment will receive immediate enforcement response of order to suspend discharge or terminate service.
- C. Significant noncompliance will be addressed with an enforceable order within 60 days of identification and documentation of noncompliance.
- D. Follow-up escalated enforcement actions for continuing or recurring violations will be initiated within 60 days of the final event (such as final compliance date of a compliance schedule) of the initial or previous enforcement action.



## SECTION 7

### PUBLIC PARTICIPATION

The public participation activities of Clarksville Light and Water (CL&W) in the administration of its Industrial Pretreatment Program shall conform with the requirements of 40 CFR 403.

In addition to solicitation of public comment regarding legislation affecting Industrial Pretreatment and Industrial Pretreatment Program modification, CL&W shall provide the following reports as public information:

#### 7.1 LOCAL PUBLICATION

Clarksville Light and Water will determine incidences of significant noncompliance as defined by Section 10.04.13 of the Clarksville Municipal Code in compliance with the public participation requirements of 40 CFR 403.8 (f) (2) (vii), Industrial Users (IUs) in significant noncompliance will, at least annually, be reported to the ADEQ and published in the Johnson County Graphic, or the largest daily newspaper published in the City of Clarksville, of IUs which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements.

#### 7.2 ANNUAL POTW REPORTS

In compliance with 40 CFR 403.12 (i), the CL&W shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted during the month of February of each year and shall include, at a minimum, the following:

- (1) An updated list of the POTW's IUs, including their names and addresses and a list of any deletions. The list shall identify which IUs are subject to categorical

pretreatment standards and specify which standards are applicable to each IU. The list shall indicate which IUs are subject to Categorical Pretreatment Standards and specify which standards are applicable to each IU. The list shall indicate which IUs are subject to local standards that are more stringent than the applicable Categorical Pretreatment Standards. The POTW shall also list the IUs that are subject only to local requirements.

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

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

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

## SECTION 8

### ORGANIZATION AND FUNDING

#### 8.1 PERSONNEL

The City of Clarksville operates under the Mayor/City Council form of government. The Clarksville Light and Water Commission (CL&W) is empowered by the Clarksville City Council to operate the City-owned electric power and water utilities. The CL&W is responsible for all activities including or affecting the City's POTW. Therefore, CL&W is responsible for implementation of the Clarksville Industrial Pretreatment Program, as shown by Figure 8.1, Clarksville Pretreatment Organization Chart, on page No. 8-2. The General Manager (GM), representing the CL&W, manages and administers the program and provides policy for direction of and cooperation between CL&W and its Industrial Users. The implementation of the Clarksville Pretreatment Program is under the principal supervision of the Wastewater Treatment Plant Superintendent ("S"). The "S" assesses staffing, equipment and budgetary needs of the program and provides direction to the Laboratory Supervisor/Pretreatment Coordinator (PC). The PC provides direction to laboratory technicians and contract laboratories as required by the program. The POTW laboratory is equipped to perform required analyses except for those which are best determined by use of a spectrophotometer or a gas chromatograph--generally metals and organics. The services of contract laboratories are used for these analyses requiring specialized equipment. The costs of contract laboratory services for compliance monitoring of SIU's may be billed to the permitted SIU.

The following is a summary of the specific responsibilities of the individuals involved in the administration and enforcement of the Clarksville Industrial Pretreatment Program:

A. General Manager (GM)

The GM has final responsibility for policy direction for administration of the Clarksville Industrial Pretreatment Program. The GM is, therefore, the signatory authority for all reports and notices required for administration of the program.

B. Wastewater Treatment Plant Superintendent ("S")

Under the policy direction of the GM, the "S" has final responsibility for the operation of the Clarksville Industrial Pretreatment Program.

C. Laboratory Supervisor/Pretreatment Coordinator (PC)

Under the direction of the "S", the PC is responsible for the following activities:

- 1) Maintain industrial pretreatment program files.
- 2) Identification of IU's by industrial surveys and industrial inspections and notification of IU's of pretreatment standards and requirements.
- 3) Review industrial wastewater discharge permit applications, recommend permit limits and conditions to the "S," and monitoring of compliance schedules.
- 4) Inspection of SIU's production areas, monitoring, and pretreatment facilities at least annually (no responsibility shall be assumed for the O & M of the SIU's pretreatment facilities).
- 5) Establish and administer compliance self-monitoring schedules for permitted SIU's.

- 6) Random monitoring of non-significant non-residential POTW users who are found by industrial inspection to have changed operations or wastewater characteristics to likely result in their being SIU's.
- 7) Once per year compliance monitoring of all permitted SIU's.
- 8) Review analyses of compliance self-monitoring for documentation and reporting of instances of noncompliance to the "S" and the GM.
- 9) Preparation of samples for transport to contract laboratory to obtain required analyses which are beyond the capabilities of the POTW laboratory equipment.
- 10) Splitting of samples with industries, as required by CFR 40 403.8 (f)(2)(v).
- 11) Initiate the informal enforcement action of phone calls and/or informal letters to notify IU's of non-significant noncompliances.
- 12) Operation and maintenance of wastewater sampling equipment.
- 13) Issuance of industrial wastewater discharge permits.
- 14) Report instances of significant noncompliance to the "S" and to the GM with recommendations for appropriate enforcement actions.
- 15) Compilation of surcharges for unusual BOD<sub>5</sub> and TSS to be assessed to SIU's.
- 16) Compilation and invoicing of costs of in-house and contract laboratory services to SIU's for compliance monitoring.
- 17) Maintenance of Chains of Custodies for samples and analyses and sample collection, analyses and collection of other pertinent information with sufficient care to produce evidence admissible in a Court of competent jurisdiction in enforcement proceedings or in other judicial actions.

D. Laboratory Staff

Under the supervision of the PC, the POTW laboratory staff (Technician), is responsible for the following Industrial Pretreatment Program activities:

- 1) Required sample collection from IU outfalls and analyses within the capabilities of the POTW laboratory equipment.
- 2) Reporting of results of analyses to the PC.

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

The CL&W Attorney provides legal counsel to assist the PC, the "S" and the GM with administration and enforcement of the Clarksville Industrial Pretreatment Program.

The consulting engineer for CL&W assists either the PC, the "S", the GM or the CL&W Attorney by providing technical consultation, as needed, for the administration and enforcement of the pretreatment program.

## 8.2 EQUIPMENT

Clarksville Light and Water Commission has sufficient equipment to operate the pretreatment program. The PC has access to a motor vehicle, automatic samplers, flow meters, word processing and records keeping software, telephone, and an office available for his/her use.

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

### **8.3 PROGRAM COSTS AND FUNDING SOURCES**

The estimated annual operating costs of the Clarksville Pretreatment Program is as shown in Table 8.1, on the following page.

TABLE 8.1

ANNUAL OPERATING COSTS FOR  
INDUSTRIAL PRETREATMENT PROGRAM

Salaries & Benefits		
Administration		
General Manager		
Clerical		
Subtotal Administration	<u>\$ 6,500</u>	
Operations		
WW Treatment Plant Superintendent		
Pretreatment Coordinator/		
Laboratory Supervisor		
Laboratory Technician		
Plant Operators		
Subtotal Operations	<u>\$23,500</u>	<u>\$30,000</u>
Contract Laboratory		16,000
Legal Counsel		5,000
Consulting Engineer		2,000
Operating Costs		
Vehicle	5,000	
Supplies	<u>5,000</u>	<u>\$ 10,000</u>
TOTAL ANNUAL COSTS .....		\$58,000



The \$58,000 annual operating cost of the pretreatment program is recovered in revenues generated by general sewer service user fees. The present sewer service user fee for industrial customers for usages above 1,000 gallons per month is \$15.00 plus \$2.30 per 1,000 gallons. The proposed surcharge rates for unusual BOD<sub>5</sub> is \$1.00 per pound and for unusual TSS is \$0.40 per pound. The CL&W 2011-2012 Budget projects total annual operating revenues of \$911,000. Approximately twelve (12) percent, \$109,000, of sewer service revenue, will be from SIU's whose Industrial Wastewater Discharge Permits are administered by the pretreatment program.

Section 10.04.19 of the Clarksville Municipal Code provides that CL&W may adopt IU charges and fees for reimbursement of costs for evaluation of applications for and issuance of Industrial Wastewater Discharge Permits and for monitoring of IU's wastewater discharge. Therefore, the costs of permitting and monitoring IU's, particularly costs of services of consulting engineer for evaluating permit applications and for contract laboratories for analyses, should be at no net cost to CL&W.

Budgeted line item expenses, adequately funded by general sewer service fees, should provide for adequate funding of the operation of Clarksville Industrial Pretreatment Program.

**APPENDIX A**

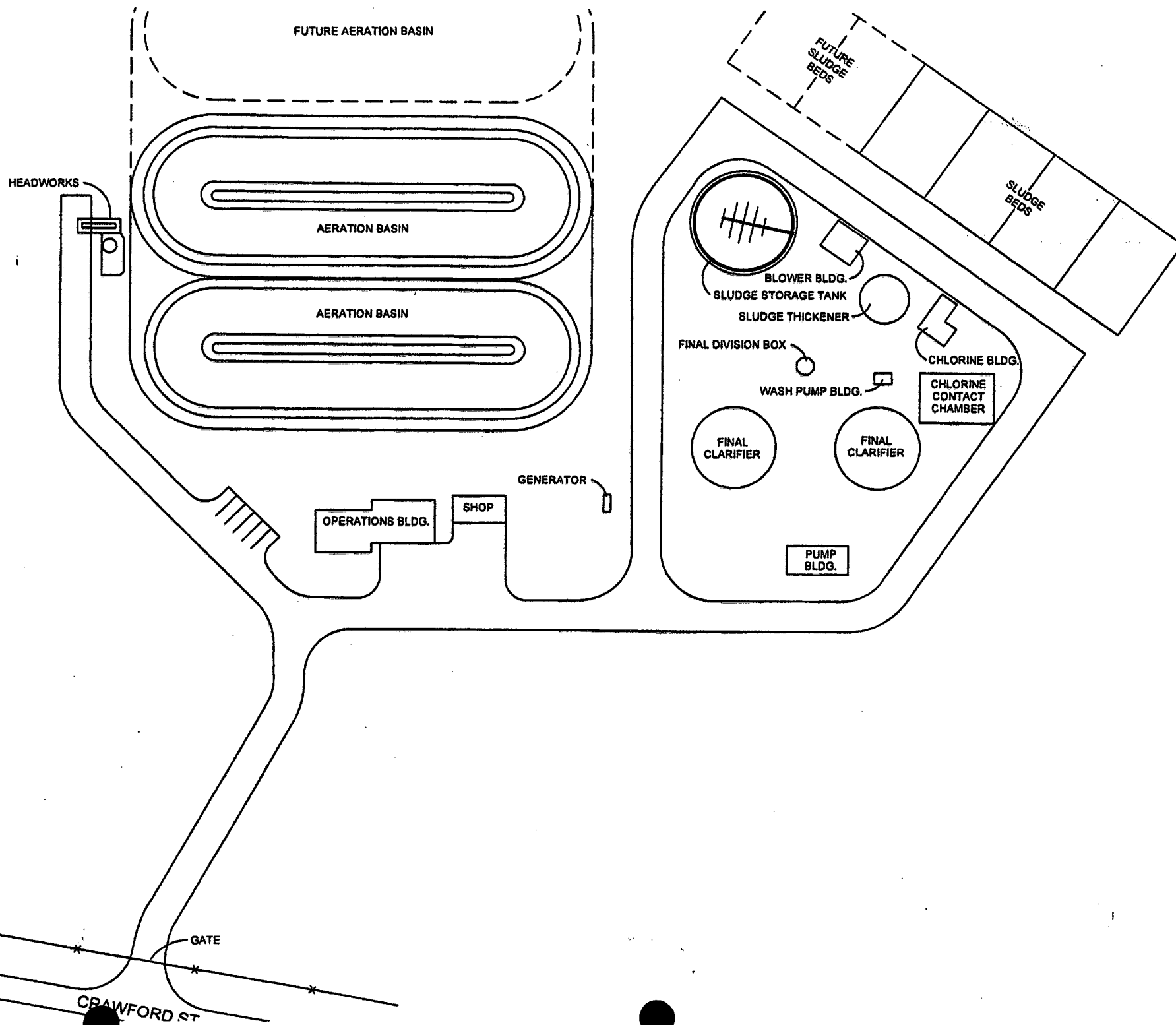
**Priority Pollutant Scan  
Synonym Listings**

**APPENDIX A - PRIORITY POLLUTANT SYNONYM LISTING**

<b>CHEMICAL COMPOUND</b>	<b>SYNONYM</b>	<b>CHEMICAL COMPOUND</b>	<b>SYNONYM</b>
benzo(a)anthracene	1,2-benzanthracene	di-n-octyl phthalate	di(2-ethylhexyl)phthalate
	2,3-benzphenanthrene	4,7-dinitro-2-methylphenol	4,6-dinitro-ortho-cresol
benzo(a)pyrene	3,4-benzopyrene	1,2-diphenylhydrazine	hydrazobenzene
benzo(g,h,i)perylene	1,12-benzoperylene	endosulfan I	a-endosulfan-alpha
benzo(k)fluoranthene	11,12-benzofluoranthene	endosulfan II	b-endosulfan-beta
g-BHC	lindane	fluorene	(alpha)-diphenylene methane
bis(2-chloroethyl)ether	2,2'-dichloroethyl ether	hexachlorobenzene	perchlorobenzene
bis(2-chloroethoxy)methane	2,2'-dichloroethoxy methane	hexachlorocyclopentadiene	perchlorocyclopentadiene
bis(2-chloroisopropyl)ether	2,2'-dichloroisopropyl ether	hexachloroethane	perchloroethane
bis(chloromethyl)ether	(sym)dichloromethyl ether	indeno(1,3,3-cd)pyrene	2,3-ortho-phenylene pyrene
bis(2-ethylhexyl)phthalate	2,2'-diethylhexyl phthalate	isophorone	3,5,5-trimethyl 1-2-cyclohexen-1-one
bromodichloromethane	dichlorobromomethane	methylene chloride	dichloromethane
bromoform	tribromomethane	2-nitrophenol	para-nitrophenol
bromomethane	methyl bromide	4-nitrophenol	ortho-nitrophenol
carbon tetrachloride	tetrachloromethane	N-nitrosodimethylamine	dimethyl-nitrosoamine
4-chloro-3-methylphenol	para-chloro-meta-cresol	N-nitrosodipropylamine	N-nitroso-di-n-propylamine
chloroethane	ethylchloride	N-nitrosodiphenylamine	diphenyl-nitrosoamine
chloroform	trichloromethane	PCB-1016	Arochlor-1016
chloromethane	methyl chloride	PCB-1221	Arochlor-1221
2-chlorophenol	para-chlorophenol	PCB-1232	Arochlor-1232
chrysene	1,2-benzphenanthrene	PCB-1242	Arochlor-1242
4,4'-DDD	dichlorodipenyldichloroethane	PCB-1248	Arochlor-1248
	p,p'-TDE	PCB-1254	Arochlor-1254
	tetrachlorodiphenylethane	PCB-1260	Arochlor-1260
4,4'-DDE	dichlorodipenyldichloroethylene	2,3,7,8-tetrachlorodibenzo-p-dioxin	
	p,p'-DDX		TCDD
4,4'-DDT	dichlorodipenyltrichloroethane	1,1,2,2-tetrachloroethane	acetylene tetrachloride
dibenzo(a,h)anthracene	1,2,5,6-dibenzanthracene	tetrachloroethene	perchloroethylene
dibromochloromethane	chlorodibromomethane		tetrachloroethylene
1,2-dichlorobenzene	ortho-dichlorobenzene	toluene	methylbenzene
1,3-dichlorobenzene	meta-dichlorobenzene		toluol
1,4-dichlorobenzene	para-dichlorobenzene	1,1,1-trichloroethane	methyl chloroform
dichlorodifluoromethane	difluorodichloromethane	1,1,2-trichloroethane	vinyl trichloride
	fluorocarbon-12	trichloroethene	trichloroethylene
1,1-dichloroethane	ethylidene chloride	trichlorofluoromethane	fluorocarbon-11
1,2-dichloroethane	ethylene chloride		fluorotrichloromethane
	ethylene dichloride	vinyl chloride	chloroethene
1,1-dichloroethene	1,1-dichloroethylene		chloroethylene
(trans)-1,2-dichloroethene	acetylene dichloride		
	1,2(trans)-dichloroethylene		
1,2-dichloropropane	propylene dichloride		
(cis & trans)1,3-dichloropropene	(cis & trans)1,3-dichloropropylene		
diethyl phthalate	ethyl phthalate		
2,4-dimethylphenol	2,4-xyleneol		

**APPENDIX C**

**Schematic of  
Clarksville Light and Water  
Wastewater Treatment Plant**



**APPENDIX D**

**Chamber of Commerce Industrial Listing  
Clarksville, Arkansas**

SIC CODE	COMPANY	PRINCIPAL CONTACT	EMAIL ADDRESS	MAILING ADDRESS	CITY	ST	ZIP	PHONE	FAX	DATE EST.
	Acme Brick Company	Allen Thacker, Plant Mng	athacker@brick.com	PO Box 160	Clarksville	AR	72830	754-3040	754-3662	1808
3251	Produces a wide variety of bricks and brick products.									
	Automated Solutions Inc.	Mike Spurlock, President	mspurlock@asideas.com	PO Box 520	Knoxville	AR	72845	885-6600	885-2085	1994
3535	Conveyors -light & heavy duty; pipe and tube handling	Craig Frost								
3536	Overhead lifting equipment									
3549	Automated assembly equipment									
3569	Automated equipment & modular robots									
	B & S Manufacturing	Bill Stone, Owner	bstone@arkansas.net	PO Box 69	Knoxville	AR	72845	885-2041		1993
3499	Fabricated metal products									
3544	Special dies, tools, jigs, & fixtures									
3599	Machine shop; jobbing & repair									
	Baldor Electric	Ben Roe, Plant Mng	broe@baldor.com	#1 RS Boreham Drive	Clarksville	AR	72830	754-6340	754-6364	1989
3621	Production of electric motors.	Bobby Riley, HR Mng	briley@baldor.com							
	Bean Tool, Die & Engineering	Levon Bean, Owner	bean000@centurytel.net	1107 East Main St.	Clarksville	AR	72830	754-2217	754-8592	1996
3544	Machine tooling, hob grinding, die building & repair, heat treating, precision arbors, production machining.									
	Bright Harvest Sweet Potato	Mike Baker	mbaker@brightharvest.com	PO Box 528	Clarksville	AR	72830	754-6313	754-7794	1999
2037	Frozen sweet potato products.	Barbara Ratliff	bratliff@brightharvest.com							
	Camardese Plastic, Corp.	Robert Waddill, President	phone# has been disconnected	1771 Hwy 21	Clarksville	AR	72830	754-8718 (disc)	754-8368	1962
3089	Vacuum forming parts, skin packing, blistering, and custom plastic fabrication.									
	Carmody Manufacturing, Inc.	Ralph Roberts, Plant Mng	raiphroberts@carmodymfg.com	PO Box 521	Clarksville	AR	72830	754-7834	754-2156	1988
3535	Conveyor									
	CECO Concrete Construction, L.L.C.	Randall Dougan, Plant Mng	rdougan@cecoconcrete.com	PO Box 40	Knoxville	AR	72845	885-2211	885-6385	1979
3499	Construction products used in construction									
	CECO Manufacturing	Kevin Hampton, Plant Mng	khampton@cecoconcrete.com	PO Box 10	Knoxville	AR	72845	885-3310		
3499	Construction products used in construction									
	Chrisman Ready-Mix Inc.	John Chrisman, VP		PO Box 556	Clarksville	AR	72830	754-3047	754-2078	1960
3273	Ready mix concrete, sand and gravel.									
	Clarkville Footwear/Munro & Co.	Rex Deming, Plant Mng	rdeming@munroshoe.com	PO Box 349	Clarksville	AR	72830	754-3552	754-3260	1960
3143	Men's shoes	Ruth Kemp								
3144	Ladies sandals and shoes									
3149	Infants, youths, & children shoes									
	Clarkville Health & Rehab	Melissa Clayborn	mclayborn@clarkvillehealthrehab.com	400 Oak Court	Clarksville	AR	72830	754-8611	754-2369	
	Clarkville School District	Dr. David Hopkins, Superintendent	david.hopkins@csdar.org	1701 Clark Rd	Clarksville	AR	72830	705-3200	754-3748	
	Dail Specialties	Dayle Plummer, Owner	dailspecialties@hotmail.com	P O Box 129	Knoxville	AR	72845	885-6336	885-6116	1987
2531	Marine Upholstery									
2393	custom bags									
	Greenville Tube Corp.	Clint Blunier, Gen.Mng	clintblunier@rathgibson.com	PO Box 550	Clarksville	AR	72830	754-6500	754-8426	1949
3317	Stainless Steel Tubing	Rita Schuler, HR Mng	ritaschuler@rathgibson.com							
	Hanesbrands, Inc.	Cathy Stalcup, Plant Mng	cathy.stalcup@hanesbrands.com	PO Box 669	Clarksville	AR	72830	979-3400	754-2491	1988
2251	Women's hosiery.	Margot McLeod, HR Mng	margot.mcleod@hanesbrands.com							
	Hilton Machine & Tool, Inc.	Pat Hilton, President	p.hilton@suddenlinkmail.com	614 East Main	Clarksville	AR	72830	754-6380	754-5603	1979
3599	Build machinery, fabrication, CNC machining, industrial machining, jigs & fixtures, assembly and production.									
	Johnson Chevrolet	Max Slaughter	manager@johnsonchevy.net	P O Box 737	Clarksville	AR	72830	754-2000		
	car dealership									
	Johnson County Graphic, The	Christine Fisher	news@thegraphic.org	P O Box 10	Clarksville	AR	72830	754-2005	754-2098	1877
2711	Weekly newspaper									
	Johnson Regional Medical Center	Larry Morse	lmorse@arkansas.net	P O Box 738	Clarksville	AR	72830	754-5454		
	medical facility									
	KC Steel Structures	Kevin Colvin, President	phone# has been disconnected	P O Box 115	Knoxville	AR	72845	885-2600 (disc)	885-2600	1996
3448	Metal buildings									
	Kenner Boat Co.		phone# has been disconnected	PO Box 100	Knoxville	AR	72845	885-3171 (disc)	885-6185	1972
3732/3089	Fiberglass boats, industrial & commercial parts									
	King & Company	Bill Stone, Owner	bstone@arkansas.net	PO Box 10	Clarksville	AR	72830	754-6090	754-8445	1962
3089	Manufacturing of ceiling tile.									
	Mid South Roller Co.	Roylene Slaughter	roylene.slaughter@midsouthroller.com	PO Box 130	Clarksville	AR	72830	754-6993	754-3417	1980
3069	Industrial rubber rolls and printing rolls.		jacki.malone@midsouthroller.com							





DISTRIBUTION	NO. OF EMP.
National	40
	56
Regional	3
International	276
National	6
National	152
International	20
National	9
National	37
International	18
State	12
International	200
	75
	375
State	8
International	205
International	484
National	5
	17
State	10
	292
National	
National	5
National	38
National	86

International	50
National	125
International	1,350
	130
	921
	49

**APPENDIX F**

**Instructions For Non-Residential Wastewater Survey**

**Non-Residential Wastewater User Survey**

CLARKSVILLE LIGHT AND WATER  
Pollution Control Facility

INSTRUCTIONS FOR  
Industrial / Non- Residential Wastewater User Survey

General Instructions

These instructions are designed to assist you in filling out the Clarksville Light and Water Commission (CL&W) "Industrial Waste Questionnaire." Examples have been provided which should answer most questions concerning the information required. If, however, you have a question about a particular item, please call Pam Smith of our office at (479) 754-7929 and she will be happy to assist you.

Please make certain all blanks are completed which are applicable to your facility. You may request that certain information be kept confidential, and this confidential information may be included on a separate sheet, if desired. Clarksville Light and Water will, however, reserve the right to make a determination of what information can be kept confidential.

If additional space is required to provide complete information for a particular item, please attach additional sheets and write "continued on additional sheet" in the appropriate blank.

Appendix A lists those chemical compounds on the list of 65 toxic pollutants which have commonly used synonyms.

This questionnaire should be completed and returned to CL&W within 30 days after receipt. Thank you for your cooperation.

Part I. General Information

Standard Industrial Classification (SIC) and North American Industrial Classification System (NAICS) use code(s) which best describe the various products or services provided. If you are not sure of the SIC and NAICS code, you may obtain it from the web site at [www.sic codes.com](http://www.sic codes.com).

Company Name: Use the name which is used for official transactions or as appears on company stationery.

Mailing Address: Should be the address where all correspondence pertaining to the questionnaire or other pretreatment correspondence should be sent.

Address of Premises: Should be the address of the plant or facility for which the questionnaire is being submitted. Each plant operated by your company, if at a different address, may require a separate questionnaire.

Name and Title or Signing Official: Shall be a representative of the company with the authority to sign on behalf of the company for the particular production facility and certify the accuracy of information provided on official documents. A plant manager may be assigned such authority.

Contact Official: Often a person within the company, such as the plant engineer, is assigned the responsibility of dealing with matters concerning waste disposal. The name, title, business address, and business phone number of this alternate person should be provided.

The signing official should sign and date the completed questionnaire after reviewing its contents.

## Part II. Future Water Usage and Wastewater Flows

Based on the current rate of water usage indicated on this questionnaire, give your best estimate of your plant's future water consumption and how you anticipate the percentage of water returned to the sewer system will change.

## Part III. Establishment's Operational Characteristics

List the principal products produced at your facility or the principal services you perform.

Describe the primary operations which will convey a general idea of the type of manufacturing or service activities which take place at the premise address. For example, if you manufacture "dairy products," your primary operations might be:

- a. receiving milk; b. bottling milk; c. condensing milk;
- d. ice cream manufacturing; e. dry milk manufacturing;
- f. cheese making; g. butter making.

Is there any wastewater generated within your establishment other than normal domestic sewage?

List each source of wastewater describing the process which produces the wastewater and the general type of pollutants in each stream. For example, if you are engaged in metals finishing production, you might list the following:

Plating Small Component Parts: producing cyanide, copper, cadmium, zinc, nickel, chromium, silver, and waste with pH less than 5.

Painting Line: producing caustics, zinc, chrome, lead, oils and greases, and volatile hydrocarbons.

Type of Production Process: A manufacturing process may involve any number of identifiable activities or process steps. Anything conducted in one operation or lot would be a batch process, whereas a continuous process is normally considered an operation that proceeds step-by-step without interruption. To compute the average number of batch operations per 24-hour day, take the total number of batches made during a typical production month and divide by the average number of work days per month.

Seasonal Production: During summer months, a plant may make antifreeze for sale during fall and winter. During winter months, the same plant could conceivably manufacture charcoal lighter fluid. Such operations would be considered seasonal. For those plants with seasonal variations in manufacturing processes, itemize the products and months of peak production for those products.

Production Shifts: Consider each shift on the basis of normal starting time with three shifts possible per 24-hour day. Only the periods of production or process operation including cleanup procedures are to be considered as shift work. The average number of employees per shift should include those office workers, executives and watchmen whose hours generally coincide with the times of production shifts.

#### Part IV. Water Sources, Consumption and Discharges

Water Sources: List the sources (CL&W water system, private well, etc.) and the average daily consumption from these sources during a typical workday.

Water Consumption: Water usage in industry varies depending on the type of manufacturing activity, age of the plant, process equipment utilized and other variable characteristics. A listing of the categories and total water volumes used is an aid in evaluating wastewater disposal problems. In some instances the volume of water used for a particular category will be metered. In other cases, a calculated estimate of the water used will be necessary.

- a. Record the average volume of water used (gallons per day) for make-up in coolers, refrigeration and air conditioning equipment, cooling towers, and other similar systems.
- b. Record the average water volume used for boiler make-up (i.e., feed water) and other heating systems.
- c. Record the average daily water consumption for all production processes at your plant.

- d. Record the water used for domestic type activities at your plant. Such use would include water for showers, toilets, cafeteria and drinking fountains.
- e. Record the average water volume which is contained in the manufactured product.
- f. Record the volume of water used for activities other than the listed categories and identify the use. Examples would be wash down water and irrigation water.
- g. Total the average water volumes for items a. through f.

Water Discharged: Water consumed by an industrial plant must be removed from the plant via some means, i.e., the water in and water out must be in balance. Much of the raw water, after being used for processing, cleaning, cooling and other purposes, is discharged to a sewer. Some water is removed from the premise by other means such as evaporation, or shipped out in product. The quantities removed by such other means can often be determined from plant operational logs. Sometimes actual measurements using various types of metering devices are necessary. Average daily water consumption figures can be used to check overall discharge quantity.

In reporting the total average daily water volume discharged to each outlet, be sure to include in the average any slug discharges from batch or periodic cleanup and other such fluctuating discharges. Some sewer discharges may go directly to the municipal sewer system while other discharges may end up in a ditch or natural watercourse and require an NPDES permit from the U. S. Environmental Protection Agency. Cooling water overflow may be an example of the latter, since it could ultimately be discharged from a building into a natural watercourse.

Some industries dispose of wastewaters via other means such as waste haulers or subsurface injection. The volume of such discharges should be included. Storm water should not be included in any reported discharge volume.

- a. Record the measured or estimated average gallons per day of all wastewaters that flow from the premise and enter a public sewer whether treated or untreated, process or sanitary, boiler or cooling water. Flow measurements or calculated estimates should extend over a sufficient period of time to ensure that typical or representative flows are reported.
- b. Record the measured or estimated average gallons per day of all wastewaters whether treated or untreated that flow from the premise and enter a watercourse, storm drain or groundwater.

Flow measurements or estimates should extend over a sufficient period of time to ensure that typical or representative operation is reported. Any irrigation or lawn watering should be included on this line.

- c. Record the estimated average gallons per day of all wastewaters that are removed from this premise by waste haulers in your employ or contracted.
- d. Record the estimated average gallons per day of water lost by evaporation during processing, heating or cooling.
- e. Record the estimated average gallons per day of water contained in your products.
- f. Total the average discharge for items a. through e.

Type of Discharge: Industries in which the wastewater flows into the sewer system in a more or less continuous flow should be indicated as being "steady." For industries which discharge their wastewater either intermittently or periodically, the type of system should be described. If the wastewater is held in a holding tank or wet well and then discharged, the capacity of the tank or wet well should be given, along with the pumping rate or calculated flow rate.

#### Part V. Wastewater Quality and Pretreatment

The list of substances in this item has been prepared by the U. S. Environmental Protection Agency to comply with the requirements of the 1976 Consent Decree in the case of NRDC vs. Train, 8 ERC 2120 (D.D.C. 1976). Some of the organic compounds in this list are known by other names. Appendix A of these instructions lists in alphabetical order those compounds which have synonymous names.

To obtain the required information for this section, a review of substances or materials used in or generated by our manufacturing or service activity is necessary. Many of the substances are ingredients of materials in common use. A careful review of labels may be necessary to determine their presence or absence. When using proprietary products for cleaning or other purposes, it may be necessary to consult suppliers for assistance in determining whether or not a priority pollutant is present.

In this item, we are asking that you only indicate for each chemical compound if it is suspected present or known present. You do not have to perform a laboratory analysis to obtain this information. However, any recent data concerning wastewater analyses performed on discharges from your facility should be attached. If it is subsequently determined that your establishment



must be issued a permit under CL&W's industrial pretreatment program, you will then be required to perform laboratory analysis of your wastewater.

It should be indicated if any form of wastewater pretreatment is practiced at this facility. The information provided concerning wastewater pretreatment should include any equipment or process used to remove or reduce solids, grease, dissolved or other materials prior to discharge to the sewer system. Examples are: oil/grease interceptors, filters, settling tanks.

Facilities with substantial quantities of oil or hazardous substances stored on the premise should have a spill contingency plan and spill control facilities to prevent such substances from causing environmental damage if spilled. You should determine the potentially hazardous substances that could be spilled at your facility and evaluate the need for such planning and control systems. Other nonhazardous substances such as food processing wastes might be washed into the sewer system as part of cleanup operations. If this is the case, please indicate.

If your industry includes as a part of its operations, processes listed in Table 1 (attached), then so state whether or not you are subject to pretreatment standards.

TABLE 1

APPENDIX C OF 40 CFR 403 (51 FR 20426 Published June 4, 1986)

**INDUSTRIAL CATEGORIES SUBJECT TO NATIONAL CATEGORICAL  
PRETREATMENT STANDARDS**

Aluminum Forming	Meat Processing
Asbestos Manufacturing	Metal Finishing
Battery Manufacturing	Metal Molding and Casting
Builder's Paper	Nonferrous Metals Forming
Carbon Black	Nonferrous Metals Manufacturing
Cement Manufacturing	Paint Formulating
Coil Coating	Paving and Roofing (Tars & Asphalt)
Copper Forming	Pesticides
Dairy Products Processing	Petroleum Refining
Electrical & Electronic Components	Pharmaceuticals
Electroplating	Phosphate Manufacturing
Feedlots	Porcelain Enameling
Ferralloy Manufacturing	Pulp and Paper
Fertilizer Manufacturing	Rubber Processing
Fruits and Vegetables	Seafood Processing
Processing Manufacturing	Soaps and Detergents Manufacturing
Glass Manufacturing	Steam Electric
Grain Mills Manufacturing	Sugar Processing
Ink Formulating	Timber Products Manufacturing
Inorganic Chemicals	Plastics Molding and Forming
Iron and Steel Manufacturing	Textile Mills
Leather Tanning and Finishing	

**CLARKSVILLE LIGHT AND WATER COMMISSION**  
**CLARKSVILLE, ARKANSAS**

**NON-RESIDENTIAL WASTEWATER USER SURVEY**

**I. GENERAL INFORMATION**

North American Industrial Classification System (NAICS) or Standard Industrial Classification (SIC) \_\_\_\_\_

Company Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Address of Premises \_\_\_\_\_

Name and Title of Signing Official \_\_\_\_\_

Contact Official:

Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

This is to certify that the information contained in this questionnaire is familiar to me and to the best of my knowledge and believe, such information is true, complete and accurate.

\_\_\_\_\_

Date Signature of Official

**II. FUTURE WATER USAGE AND WASTEWATER FLOWS**

Our water records show your average water usage to be about \_\_\_\_\_ gallons per month from \_\_\_\_\_ through \_\_\_\_\_. What is your best

estimate of your establishment's water usage through the year 2030?

Unchanged

\_\_\_\_\_ Gal/Month in 2015

\_\_\_\_\_ Gal/Month in 2020

\_\_\_\_\_ Gal/Month in 2025

\_\_\_\_\_ Gal/Month in 2030

The wastewater discharged to Clarksville Light and Water's wastewater collection system will most likely:

Stay about the same.

Change as follows: \_\_\_\_\_

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

**III. ESTABLISHMENT'S OPERATIONAL CHARACTERISTICS**

Principal Product or Service (North American Industrial Classification Manual or

Standard Industrial Classification if appropriate): \_\_\_\_\_

\_\_\_\_\_

Brief description of manufacturing or service activity on premises: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are there any grease traps, grease separators or sand filters on the premises ? If so what size are they how often are they pumped or cleaned, who pumps or cleans them. \_\_\_\_\_  
\_\_\_\_\_

Is there any wastewater generated within your establishment other than normal domestic sewage from toilet facilities, drinking fountains and lavatories?

Yes

No

If you generate wastewater other than normal domestic sewage, list each source of wastewater describing the process which produces the wastewater and the general type of pollutants (detergent, grease, wood shavings, caustic cleaning agents, food particles, etc.) in each wastewater stream. (Use extra sheets of paper if necessary to provide complete information.)

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

Type of production Processes: \_\_\_\_\_ Batch \_\_\_\_\_ Continuous

If batch, average number of batches per 24 hours? \_\_\_\_\_

Do you have a scheduled shutdown (vacation, etc.)? \_\_\_\_\_

When? \_\_\_\_\_

Is production seasonal? \_\_\_\_\_

If yes, explain, indicating month(s) of peak production: \_\_\_\_\_

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

Average number of employees per shift: \_\_\_\_\_ 1<sup>st</sup>, \_\_\_\_\_ 2<sup>nd</sup>, \_\_\_\_\_ 3<sup>rd</sup>

Shift start times: \_\_\_\_\_ 1<sup>st</sup>, \_\_\_\_\_ 2<sup>nd</sup>, \_\_\_\_\_ 3<sup>rd</sup>

Shifts normally worked each day:

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 <sup>st</sup>	_____	_____	_____	_____	_____	_____	_____
2 <sup>nd</sup>	_____	_____	_____	_____	_____	_____	_____
3 <sup>rd</sup>	_____	_____	_____	_____	_____	_____	_____

#### IV. WATER SOURCES, CONSUMPTION AND DISCHARGES

Water Sources:

<u>Source</u>	<u>Quantity</u>
Clarksville City Light and Water System	_____ gallons per day
Private Wells	_____ gallons per day
Other	_____ gallons per day
Total .....	_____ gallons per day

Describe any raw water treatment processes in use: \_\_\_\_\_

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

List Water Consumption in Plant:

Cooling Water \_\_\_\_\_ gallons per day

Boiler Feed \_\_\_\_\_ gallons per day

Process Water	_____	gallons per day
Sanitary Sewer System	_____	gallons per day
Contained in Product	_____	gallons per day
Other (irrigation, etc.)	_____	gallons per day
Total . . . . .	_____	gallons per day

List Average Volume of water Discharged to:

Clarksville CL&W Wastewater System	_____	gallons per day
Natural Outlet (stream or storm sewer)	_____	gallons per day
Waste Hauler	_____	gallons per day
Evaporation	_____	gallons per day
Other (explain)	_____	gallons per day
Total . . . . .	_____	gallons per day

Is discharge to sewer: \_\_\_\_\_ Intermittent \_\_\_\_\_ Steady

If intermittent, describe (holding tanks, sump pumps, lift stations, flow rates, etc.):

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Does your establishment have a current National Pollutant Discharge Elimination System Permit?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If so, what is the identifying number? \_\_\_\_\_

**V. WASTEWATER QUALITY AND PRETREATMENT**

Are any of the toxic pollutants listed in the table on page 7 known or suspected of being used at this facility either in the manufacturing of the product or as a by-product of your processes which may enter the sewage collection system? If so, please indicate by a check mark on the table (page 6). Refer to Appendix A for a list of synonyms for some of these chemical compounds.





TABLE

65 Toxic Pollutants Listed in Appendix B of 40 CFR 403  
(51 FR 20426 Published June 4, 1986)

_____ Acenaphthene	_____ Fluoranthene
_____ Acrolein	_____ Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis-(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
_____ Acrylonitrile	_____ Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane)
_____ Aldrin/Dieldrin	_____ Hephthachlor and metabolites
_____ Antimony and compounds	_____ Hexachlorobutadiene
_____ Arsenic and compounds	_____ Hexachlorocyclohexane
_____ Asbestos	_____ Hexachlorocyclopentadiene
_____ Benzene	_____ Isophorone
_____ Benzidine	_____ Lead and compounds
_____ Beryllium and compounds	_____ Mercury and compounds
_____ Cadmium and compounds	_____ Napthalene
_____ Carbon Tetrachloride	_____ Nickel and compounds
_____ Chlordane (technical mixture and metabolites)	_____ Nitrophenols (including 2,4-dinitrophenol; dinitrocresol)
_____ Chlorinated benzenes (other than dichlorobenzenes)	_____ Nitrosamines
_____ Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)	_____ Pentachlorophenol
_____ Chloroalkyl ethers (chloroethyl and mixed ethers)	_____ Phenol
_____ Chlorinated naphthalene	_____ Phtalate esters
_____ Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)	_____ Polychlorinated biphenyls (PCBs)
_____ Chloroform	_____ Polynuclear aromatic hydrocarbons (including benzantracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
_____ 2-Chlorophenol	_____ Selenium and compounds
_____ Chromium and compounds	_____ Silver and compounds
_____ Copper and compounds	_____ 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
_____ Cyanides	_____ Tetrachloroethylene
_____ DDT and metabolites	_____ Thallium and compounds
_____ Dichlorobenzenes (1,2-, 1,3- and 1,4-dichlorobenzenes)	_____ Toluene
_____ Dichlorobenzidine	_____ Toxaphene
_____ Dichloroethylenes (1,1- and 1,2-dichloroethylene)	_____ Trichloroethylene
_____ 2,4-dichlorophenol	_____ Vinyl chloride
_____ Dichloropropane and dichloropropene	_____ Zinc and compounds
_____ 2,4-dimethylphenol	
_____ Dinitrotoluene	
_____ Diphenylhydrazine	
_____ Endosulfan and metabolites	
_____ Endrin and metabolites	
_____ Ethylbenzene	

Is this plant subject to an existing Federal Pretreatment Standard? (Refer to Table 1 for a list of Industries Subject to Federal Pretreatment Standards.)

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If so, are Pretreatment Standards being met on a consistent basis?

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Are additional pretreatment facilities and/or operation and maintenance required to meet applicable Pretreatment Standards?

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If additional pretreatment and/or operation and maintenance are required, list the schedule under which they will be provided:

Provide below a sketch of your sewer drain system showing: process sources, floor drains, grease traps, settling basins, screens, other applicable treatment components, connection to Clarksville Light and Water sewer, and access manhole. (Use extra sheets of paper if necessary to provide complete information.)

Is there a Spill Prevention Control Plan in effect for this plant?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

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

\_\_\_\_\_ Washed into sewer                      \_\_\_\_\_ Hauled off premises

\_\_\_\_\_ Other (describe): \_\_\_\_\_

\_\_\_\_\_

**VII. BEST MANAGEMENT PRACTICES**

Describe any Best Management Practices activities which are either planned or which have been implemented:

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**APPENDIX G**

- 1) Attorney's Opinion**
- 2) Resolution of Support by Clarksville Light and Water Commission**
- 3) Resolution of Support by City of Clarksville**

LAW OFFICES OF

EDGAR A. WOOLSEY, JR.  
(1936-1985)

WOOLSEY and WILSON  
110 SOUTH FULTON  
CLARKSVILLE, AR 72830  
PHONE (479) 754-3790  
FAX (479) 754-5246

BRUCE R. WILSON, P.A.

November 5, 2013

Mr. John Lester  
General Manager  
Clarksville Light & Water Commission  
Post Office Box 1807  
Clarksville, AR 72830

Re: Clarksville Industrial Pretreatment Program Modifications  
Attorney's Opinion  
NPDES Permit No. AR0022187  
Project No. CK 112

Dear Mr. Lester:

Pursuant to 40 CFR 403.9 (b) (1) regarding the legal authority of the City of Clarksville, acting through its Clarksville Light and Water Commission (CL&W) to carry out its Industrial Pretreatment Program, the following information is submitted:

In my opinion, the City of Clarksville has the authority to own, acquire, equip, construct, operate, manage and control a sewer works under the authority of ARK. CODE ANN. Section 14-235-101 - Section 14-235-305.

By the terms of ARK. CODE ANN. Section 14-235-203 the powers conferred to Cities in Arkansas under the foregoing sections, being necessary for the public health, safety and welfare, are to be liberally construed to effectuate the purposes thereof. The City has, under the authority of ARK. CODE ANN. Section 14-55-102, the power to make and publish ordinances as shall be necessary to provide for the safety and preserve the health of the inhabitants of the City. The statutes of Arkansas collectively enable the City to regulate the publicly-owned treatment works.

Once the Arkansas Department of Environmental Quality approves the Industrial Pretreatment Program modifications, the Clarksville City Council shall consider an ordinance dealing with the specific requirements of 40 CFR 403.8 (f) (1) (i-vii). A copy of the proposed Clarksville Sewer Use-Pretreatment Ordinance is included in the Clarksville Industrial Pretreatment Program document. Under proposed Section 10.04.02 (2) of the Clarksville Municipal Code, the administration, implementation and primary enforcement of the proposed provisions of Chapter 10.04 of the Clarksville Municipal Code will be with the Clarksville Light and Water Company. The Clarksville Light and Water Company, by ordinance, has been given the duty and authority to construct, operate and maintain the sanitary sewer facilities of the City of Clarksville.

The specific correlations of the proposed sections of the Clarksville Municipal Code with the requirements of 40 CFR 403.8 (f) (i-vii) will be as follows:

1. 40 CFR 403.8 (f) (1) (I) - deny or condition new or increased contributions of pollutants, or changes in the nature thereof, when such contributions will exceed Pretreatment Standards or would cause violation of the POTW's NPDES permit.

Section 10.04.01 of the proposed Clarksville Municipal Code sets forth the general purpose and policies of the Ordinance. Section 10.04.04 sets forth definitions of terms used, and Section 10.04.03 sets forth abbreviations used throughout the ordinance. Section 10.04.06 will prohibit the introduction of pollutants into the POTW which would cause pass-through or interference with the operation or performance of the POTW. Subsections a through r of Section 10.04.06 (1) would define in detail the nature, kind, quantity or quality of materials prohibited to be introduced into the POTW. Section 10.04.06 (7) would reserve the right of the City of Clarksville to establish, by ordinance or in Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objections present in Section 10.04.01 of the Clarksville Municipal Code or the general or specific prohibitions in Section 10.04.06 of the Code. Proposed Section 10.04.08 (8) would empower the General Manager (GM) of Clarksville Light and Water Company to deny any application for a Wastewater Discharge Permit where the requested discharge would violate any pretreatment standard, adversely affect the operation of the POTW or cause the POTW to violate its NPDES permit. Proposed Section 10.04.09 (2) provides that Wastewater Discharge permits shall include such conditions as are deemed necessary by the General Manager (GM) to prevent a violation of the POTW's NPDES permit. Section 10.04.10 (5) would provide that Industrial Users are required to notify the General Manager (GM) of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. Proposed Section 10.04.14 (5) would authorize Clarksville Light and Water Company to suspend an Industrial User's discharge of wastewater that threatens to interfere with the operation of the POTW or may present an endangerment to the environment. Proposed Section 10.04.08 (2) would prohibit all Significant Industrial User's from discharging wastewater in to the POTW without first obtaining a Wastewater Discharge Permit.

With the authority granted in the proposed ordinance and described above, the Commission may deny any permit application not meeting applicable pretreatment standards; has the authority to require the reporting of any intended discharge of new or increased pollutants into the POTW; may prohibit the introduction of any harmful substance or any substance not meeting pretreatment standards in to the POTW; or may prohibit the introduction of any substance which would cause a violation of the NPDES

permit. The Commission may, through its General Manager (GM), develop acceptable limitations for effluent to be introduced into the POTW.

2. 40 CFR 403.8 (f) (ii) - Requires Industrial Users to comply with applicable Pretreatment Standards and Requirements.

Proposed Section 10.04.06 of the Clarksville Municipal Code prohibits the Introduction of pollutants into the POTW which would cause pass-through or interference with the operation or performance of the POTW. Section 10.04.06 (2) would provide that no Industrial User shall introduce any substance at a concentration in excess of that prohibited in the National Categorical Pretreatment Standards. Section 10.04.06 (5) would provide that in the event that National or State pretreatment standards shall at any time become more stringent than the prohibitions stated (in the Clarksville Municipal Code), the most stringent shall apply. Section 10.04.06 (7) would reserve the right of the City of Clarksville to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements if deemed necessary to comply with the objectives set forth by Proposed Section 10.04.01.

Thus, the City, through its Light and Water Commission, may require Industrial Users to comply with applicable Pretreatment Standards.

3. 40 CFR 403.8 (f) (1) (iii) - Control the contribution to the POTW by each Industrial User by permit or other means to ensure compliance with applicable Pretreatment Standards and Requirements. Such permits must contain, at a minimum:
  - A. Statement of duration;
  - B. Statement of non-transferability;
  - C. Effluent limits, including best management practices, based on applicable pretreatment standards, categorical pretreatment standards, local limits, State and local law and on an as needed basis;
  - D. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on applicable general pretreatment standards, categorical pretreatment standards, local limits and State and local law;
  - E. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable Federal deadlines.



Proposed Section 10.04.08 (2) of the Clarksville Municipal Code Prohibits Significant Users from discharging wastewater into the Clarksville POTW without first obtaining a wastewater discharge permit from the General Manager (GM) of Clarksville Light and Water Commission. Section 10.04.09 (1) would provide that wastewater discharge permits shall be issued for a specified time, not to exceed five (5) years. Section 10.04.09 (5) would provide that wastewater discharge permits shall contain a statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the General Manager (GM) of Clarksville Light and Water. Section 10.04.09 (2) (a), (3) would provide that wastewater discharge permits shall contain effluent limits applicable to the Industrial User based on applicable standards in Federal, State and local law. Section 10.08.09 (2) (a), (4) would provide that wastewater discharge permits shall contain self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of the pollutants to be monitoring, sampling location, sampling frequency, and sample type based on Federal, State and local law. Section 10.04.09 (2) (a), (5) would provide that wastewater discharge permits shall contain statement of applicability of civil, criminal and administrative penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law. See Section 10.04.06 (4) (c) which provides that the General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 10.04.06.

Thus, Clarksville Light and Water may control by permit instrument the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.

4. 40 CFR 403.8 (f) (1) (iv) - Require Industrial Users to develop compliance schedules for installation of technology necessary to meet pretreatment standards and to submit notices and self-monitoring reports to the POTW to assess compliance measures.

Proposed Section 10.04.10 (1) (c) (7) of the Clarksville Municipal Code provides that Industrial Users shall, if additional pretreatment or O&M will be required to meet the pretreatment standards, submit a Compliance Schedule showing completion of pretreatment or O&M not later than the compliance date established for the applicable pretreatment standard. Section 10.04.10 (4) (a) would provide that any Significant Industrial User subject to a pretreatment standard shall, at a frequency determined by the General Manager (GM) but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in their discharge which are limited by such Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period.

Thus Clarksville Light and Water may require Industrial Users to develop compliance schedules and submit notices and self-monitoring reports to the POTW to assess compliance measures.

5. 40 CFR 403.8 (f) (1) (v) - Carry out all inspection, surveillance and monitoring procedures necessary to evaluate compliance with applicable Pretreatment Standards and Requirements by Industrial Users.

Proposed Section 10.04.11 of the Clarksville Municipal Code provides that the General Manager (GM) of Clarksville Light and Water shall have the right to enter the facilities of any Industrial User to ascertain whether the purpose of the Municipal Code and any permit or order issued thereunder is being met and whether the Industrial User is complying with all the requirements thereof. Section 10.04.11 would also provide that Industrial Users shall allow the General Manager (GM), or his representatives, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Section 10.04.11 (1) (c) would provide that the General Manager (GM) of Clarksville Light and Water may require the Industrial Users to install monitoring equipment as necessary. Section 10.04.11 (1) (b) would provide that the General Manager (GM), the State and EPA shall have the right to set up the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling or metering of the Industrial User's operations. Section 10.04.11 (1) (e) would provide that unreasonable delays in allowing Clarksville Light and Water personnel access to the Industrial User's premises shall be a violation of the Clarksville Municipal Code.

Thus, Clarksville Light and Water may carry out all inspections, surveillance and monitoring procedures necessary to evaluate compliance with applicable Pretreatment Standards and Requirements by Industrial Users.

6. 40 CFR 403.8 (f) (vi) (a) - Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement, including injunctive relief and to have the authority to seek or assess civil or criminal penalties in at least the amount of \$1,000.00 a day for each violation by Industrial Users of Pretreatment Standards and Requirements, and to immediately and effectively halt or prevent any discharge of pollutants to the POTW which appears to present an imminent endangerment to the health or welfare of persons or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

Proposed Section 10.04.15 (1) of the Clarksville Municipal Code provides that whenever a User has violated a Pretreatment Standard or Requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued thereunder, or any other pretreatment requirement, Clarksville Light and Water may petition a Court of Competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate,

which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by the Clarksville Municipal Code on activities of the User. The Arkansas Code Annotated Section 8-4-103 (g) authorizes any government entity operating publicly owned wastewater treatment works to collect civil or criminal penalties up to the amount of \$1,000.00 per day for violations by Industrial Users. Proposed Section 10.04.15 (2) of the Clarksville Municipal Code provides the authority for the Commission, after a majority vote, to petition a court of competent jurisdiction for Civil Penalties up to \$1,000.00 per violation per day. Proposed Section 10.04.15 (3) of the Clarksville Municipal Code provides the authority for the Commission, after a majority vote, resolving to pursue criminal prosecution with penalties up to \$1,000.00 per violation per day. Section 10.04.14 (7) would provide for immediate suspension of a User's discharge which reasonably appears to present an endangerment to the health or welfare of persons. Section 10.04.14 (7) would also provide for immediate suspension of a User's discharge, after a verbal notice, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

Thus, Clarksville Light and Water may obtain remedies for violations including injunctive relief and to seek, in a court of competent jurisdiction, civil or criminal penalties up to \$1,000.00 per violation per day and may immediately suspend a User's discharge if it presents an endangerment to persons, the environment or operation of the POTW.

7. 40 CFR 403.8 (f) (1) (vii) - Provide confidentiality where necessary to protect Industrial Users confidential business information.

Proposed Section 10.04.12 of the Clarksville Municipal Code provides that when the Industrial user specifically requests, and is able to demonstrate that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law, Clarksville Light and Water shall not make available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES or Industrial Pretreatment Program, and in enforcement proceedings involving the person furnishing the report.

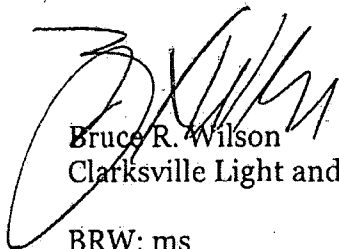
Thus, Clarksville Light and Water may provide confidentiality where necessary to protect Industrial User's confidential business information.

Clarksville Light and Water Commission has no inter-jurisdictional agreements for providing wastewater services to neighboring jurisdictions or Significant Industrial Users located beyond the Clarksville City Limits. Proposed Section 10.04.08 (5) provides that Significant Industrial Users located beyond the City Limits shall apply for wastewater discharge permits, as those located within the City Limits, and that Clarksville Light and Water may enter into an agreement with a neighboring jurisdiction in which the Significant

Industrial User is located to provide for the implementation and enforcement of the Clarksville Industrial Pretreatment Program requirements against said Industrial User. Industrial Wastewater Discharge Permits issued to Significant Industrial Users located beyond the City Limits shall include an agreement by and between the permitted industry and Clarksville Light and Water for the enforcement of applicable Pretreatment Standards and Requirements.

Please call if you have any questions.

Very Truly Yours,



Bruce R. Wilson  
Clarksville Light and Water Attorney

BRW: ms

cc: Pam Smith, Clarksville Light and Water Pretreatment Coordinator

Resolution No. \_\_\_\_\_

A RESOLUTION ENDORSING THE IMPLEMENTATION OF WASTEWATER  
PRETREATMENT PROGRAM FOR THE PUBLICLY-OWNED TREATMENT WORKS  
(POTW) OF CLARKSVILLE, ARKANSAS

WHEREAS, the Clarksville Light and Water Commission has the duty and desire to protect the public health, safety and welfare; and

WHEREAS, the Clarksville Light and Water Commission has the authority to implement uniform requirements for dischargers into the POTW in accordance with all applicable State and Federal laws relating thereto; and

WHEREAS, the Clarksville Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will interfere with the operation and maintenance of the POTW; and

WHEREAS, the Clarksville Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated into the receiving waters or the atmosphere or otherwise be incompatible with the POTW; and

WHEREAS, the Clarksville Light and Water Commission desires to improve the opportunity to treat the wastewaters from the POTW; and

WHEREAS, the Clarksville Light and Water Commission desires to provide for equitable distribution among users of the cost of the Publicly-Owned Pretreatment Works;

NOW THEREFORE, BE IT RESOLVED that the Clarksville Light and Water Commission endorses the implementation of a Wastewater Pretreatment Program in accordance with all applicable State and Federal laws required by the Federal Water Pollution Control Act (FWPCA, P.L. 92-500), as amended by the Clean Water Act of 1977, P.L. 95-217, and the General Pretreatment Regulations (40 CFR, Part 403).

PASSED AND APPROVED this 1/21 day of  
2018.  
14

CLARKSVILLE LIGHT AND WATER COMMISSION

By: \_\_\_\_\_

Steven Sosebee, Chairman

Attest:

C Edward Anderson  
Secretary

Resolution No. \_\_\_\_\_

A RESOLUTION ENDORSING THE IMPLEMENTATION OF WASTEWATER PRETREATMENT PROGRAM FOR THE PUBLICLY-OWNED TREATMENT WORKS (POTW) OF CLARKSVILLE, ARKANSAS

WHEREAS, the Clarksville Light and Water Commission has the duty and desire to protect the public health, safety and welfare; and

WHEREAS, the Clarksville Light and Water Commission has the authority to implement uniform requirements for dischargers into the POTW in accordance with all applicable State and Federal laws relating thereto; and

WHEREAS, the Clarksville Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will interfere with the operation and maintenance of the POTW; and

WHEREAS, the Clarksville Light and Water Commission determines the need to prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated into the receiving waters or the atmosphere or otherwise be incompatible with the POTW; and

WHEREAS, the Clarksville Light and Water Commission desires to improve the opportunity to treat the wastewaters from the POTW; and

WHEREAS, the Clarksville Light and Water Commission desires to provide for equitable distribution among users of the cost of the Publicly-Owned Pretreatment Works;

NOW THEREFORE, BE IT RESOLVED that the Clarksville Light and Water Commission endorses the implementation of a Wastewater Pretreatment Program in accordance with all applicable State and Federal laws required by the Federal Water Pollution Control Act (FWPCA, P.L. 92-500), as amended by the Clean Water Act of 1977, P.L. 95-217, and the General Pretreatment Regulations (40 CFR, Part 403).

PASSED AND APPROVED this 1/21/2014 day of

, 2013.

CITY OF CLARKSVILLE

By: Billy Helms  
Billy Helms, Mayor

Attest:

Shula Stepp  
, Secretary

## **APPENDIX H**

### **Permit Instruments**

- 1) Letter Notifying Industrial User of Requirement to Obtain a Permit**
- 2) Industrial Wastewater Discharge Permit Application**
- 3) Industrial Wastewater Discharge Permit**



(Inside Address)

Re: Classification as Significant Industrial User and  
Requirement for Industrial Wastewater Discharge Permit  
to Discharge Industrial Wastewater to the Clarksville Wastewater  
Collection System

Ladies and Gentlemen:

Review of information recently obtained regarding your industrial activities at the above premises indicates that you are a Significant Industrial User of the Clarksville Wastewater System, as defined in Section 10.04.03 (56) of the Clarksville Municipal Code.

The Clarksville Pretreatment Ordinance requires that you apply to the Clarksville Light and Water Commission for an Industrial Wastewater Discharge Permit within ninety days of today's date.

Enclosed for your use in completing the required application are the following forms and publications:

1. Industrial Wastewater Discharge Permit Application.
2. Copy of Chapter 10.04 of the Clarksville Municipal City Code.
3. Copy of Codified Federal Regulations applicable to regulation of your discharge of industrial wastewater to the Clarksville Wastewater System.

If you have any questions concerning this notification, the application, or the Industrial Wastewater Discharge Permit, please call CL&W/Industrial Pretreatment Coordinator at 479-754-7929.

Very truly yours,

John Lester  
General Manager

Enclosures

**APPLICATION FOR PERMIT  
FOR DISCHARGE OF INDUSTRIAL WASTES TO  
CLARKSVILLE SEWAGE WORKS**

1. FIRM NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 \_\_\_\_\_

2. North American Industrial Classification Code (NAICS) Number(s): or Standard Industrial Classification Code (SIC) \_\_\_\_\_

3. List other environmental control permits held at this time: \_\_\_\_\_  
 \_\_\_\_\_

4. Quantity of Wastewater:	Projected for Next Five (5) Years (in Gallons)	
<u>Discharged to Clarksville Sewer</u>	<u>Average Daily (30 Day)</u>	<u>Maximum Daily (1 Day)</u>
a. Process Wastewater from _____ Operation	_____	_____
b. Process Wastewater from _____ Operation	_____	_____
c. Domestic Wastewater from Sanitary Sewer	_____	_____
d. Noncontact Cooling Water	_____	_____
e. Total Wastewater Discharged to Public Sewage Works	_____	_____

[Denote whether discharge will be continuously or batch discharged. If batch discharged, please indicate the amount to be discharged and at what frequency; e g: 1/week, 1/month, 3/day, etc.]

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

List Periodic or Seasonal Variations: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Wastewater Pollutant Parameters and Concentrations:  
 a. Conventional Pollutants – In the spaces below, indicate the measured (or projected for new industry) average and maximum value of each of the listed wastewater pollutants.

Parameter	Concentration	
	Average Daily (30 Day)	Maximum Daily (1 Day)
Biochemical Oxygen Demand (5 Day), mg/l <sup>1</sup>	_____	_____
Total Suspended Solids, mg/l <sup>1</sup>	_____	_____
pH – pH Units <sup>2</sup>	_____	_____
Oil & Grease, mg/l <sup>3</sup>	_____	_____
Temperature, degrees F	_____	_____

<sup>1</sup> Maximum average may be 300 mg/l without paying surcharge.  
<sup>2</sup> 6.0 to 10.0  
<sup>3</sup> Maximum 100 mg/l for one 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 this 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, the person performing the analysis, 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 processes.

Priority Pollutant Number	Parameter	Concentration – mg/l	
		Average Daily (30 Day)	Maximum Daily (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.

Signed \_\_\_\_\_  
Name  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date

Attach a comprehensive sketch (es) of general plant process and waste line layouts, including location of floor drains. Include any existing or proposed pretreatment systems and locations and sizes of all existing and proposed connections to the Clarksville sewer system. Also include details of proposed monitoring facilities and chemical storage sites using actual chemical names, not trade names. The flow lines should include directional arrows (of flow) from wastewater generating sources through the Pretreatment system to the actual monitoring point (Include additional 8.5 X 11" pages if necessary).

7. a. Attach a comprehensive process description of the nature of the manufacturing process or commercial activities at the plant (Include additional 8.5 X 11" pages if necessary):
  - b. General description of products produced by type and amount:
  - c. General description of type and amount of raw materials processed used (carbon steel, aluminum, copper, zinc, toluene, sodium hydroxide, methylene chloride, etc.):

8. Hours of operation of plant and actual or proposed hours of operation of pretreatment system:

9. Is your manufacturing or commercial operation(s) subject to National Categorical Pretreatment Standards established under Title 40, Chapter I, Subchapter N

Yes \_\_\_\_\_ No \_\_\_\_\_

Applicable National Categorical Standard(s): \_\_\_\_\_  
\_\_\_\_\_

10. Are the applicable National Categorical Pretreatment Standards and the CL&W local discharge limitations being met on a consistent basis?

Yes \_\_\_\_\_ No \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_

11. 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: \_\_\_\_\_  
\_\_\_\_\_

12. If additional pretreatment and/or O & M are required to meet the 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 the 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 CL&W indicating:

- date the event was completed
- if the event is not completed as scheduled, the reason for the delay
- the expected date of completion, and
- steps taken by the Industrial User to return to the established schedule.

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

13. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in CFR 40 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and

practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Include these BMPs that your facility is currently using.

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14. Pollution should be prevented or reduced at the source whenever feasible. Are you accomplishing this through increased efficiency in the use of raw materials, energy, water, or other resources, protection of natural resources by conservation? If so please list

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15. Are there any P2/BMP activities currently underway such as employee training, inventory control, reduction in toxic release, in-process recycle, countercurrent rinsing, water/energy conservation, any manufacturing certification programs ect. that your facility are currently in.

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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 Clarksville Municipal Code regulating the use of public sewage works.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Name of Signee \_\_\_\_\_ Title of Signee \_\_\_\_\_  
(Please Print) (Please Print)

Name and phone number of person to contact regarding permit information: \_\_\_\_\_

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS )

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 and deed of said corporation.

Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for \_\_\_\_\_  
County, Arkansas

My commission expires: \_\_\_\_\_

**Attachment No. 1**

**PRIORITY POLLUTANTS**

**Volatile Compounds**

002	Acrolein	088	Vinyl Chloride
004	Benzene	003	Acrylonitrile
006	Carbon Tetrachloride	047	Bromoform
051	Chlorodibromomethane	007	Chlorobenzene
019	2-Chloroethylvinyl Ether	016	Chloroethane
048	Dichlorobromomethane	023	Chloroform
010	1,2-Dichloroethane	013	1,1-Dichloroethane
032	1,2-Dichloropropane	029	1,1-Dichloroethylene
038	Ethylbenzene	033	1,3-Dichloropropylene
045	Methyl Chloride	046	Methyl Bromide
015	1,1,2,2-Tetrachloroethane	044	Methylene Chloride
086	Toluene	085	Tetrachloroethylene
011	1,1,1-Trichloroethane	030	1,2-Trans-Dichloroethylene
087	Trichloroethylene	014	1,1,2-Trichloroethane

**Acid Compounds**

024	Chlorophenol	031	2,4-Dichlorophenol
034	2,4-Dimethylphenol	060	4,6-Dinitro-O-Cresol
059	2,4-Dinitrophenol	057	2-Nitrophenol
058	4-Nitrophenol	022	P-Chloto-M-Cresol
064	Pentachlorophenol	065	Phenol
021	2,4,6-Trichlorophenol		

**Base/Neutral Compounds**

001	Acenaphthene	077	Acenaphtylene
078	Anthracene	005	Benzidine
072	Benzo(a)Anthracene	073	Benzo(a)Pyrene
074	Benzo(b)Fluoranthene	079	Benzo(ghi)Perylene
075	Benzo(k)Fluoranthene	043	Bis(2-Chloroethoxy)Methane
018	Bis(2-Chloroethyl)Ether	042	Bis(2-Chloroisopropyl)Ether
017	Bis(chloromethyl)Ether	041	4-Bromophenyl Phenyl Ether
066	Bis(2-Ethylhexyl)Phthalate	020	2-Chloronaphthalene
067	Butyl Benzyl Phthalate	076	Chrysene
040	4-Chlorophenyl Phenyl Ether	025	1,2-Dichlorobenzene
082	Dibenzo(a,h)Anthracene	027	1,4-Dichlorobenzene
026	1,3-Dichlorobenzene	070	Diethyl Phthalate
028	3,3-Dichlorobenzidine	068	Di-N-Butyl Phthalate
071	Dimethyl Phthalate	036	2,6-Dinitrotoluene
035	2,4-Dinitrotoluene	037	1,2-Diphenylhydrazine (as Azobenzene)
069	Di-N-Octyl Phthalate	009	Hexachlorobenzene
039	Fluoranthene	053	Hexachlorocyclopentadien
080	Fluorene	083	Indeno(1,2,3-cd)Pyrene
052	Hexachlorobutadiene	055	Naphthalene
012	Hexachloroethane	061	N-Nitrosodimethylamine
054	Isophorone	062	N-Nitrosodiphenylamine
056	Nitrobenzene	084	Pyrene
063	N-Nitrosodi-N-Propylamine	008	1,2,4-Trichlorobenzene
081	Phenanthrene		



**PRIORITY POLLUTANTS (Continued)**

**Pesticides and PCBs**

089	Aldrin	104	Gamma-BHC
102	Alpha-BHC	105	Delta-BHC
103	Beta-BHC	091	Chlordane
092	4,4' DDT	093	4,4' DDE
094	4,4'-DDD	090	Dieldrin
095	Alpha-endosulfan	096	Beta-Endosulfan
097	Endosulfan Sulfate	098	Endrin
099	Endrin Aldehyde	100	Hepthachlor
101	Hepthachlor Epoxide	106	PCB-1242
107	PCB-1254	108	PCB-1221
109	PCB-1232	110	PCB-1248
111	PCB-1260	112	PCB-1016
113	Toxaphene		

**Metals and Cyanide**

114	Antimony	115	Arsenic
117	Beryllium	118	Cadmium
119	Chromium	120	Copper
122	Lead	123	Mercury
124	Nickel	125	Selenium
126	Silver	127	Thallium
128	Zinc	121	Cyanide

**Miscellaneous**

129	2,3,7,8-Tetrachlorodibenzo-P-Dioxin (TCDD)
116	Asbestos

All laboratory results shall be reported monthly to:

Clarksville Light & Water Company  
P.O. Box 1807  
Clarksville, AR 72830  
Attn: Gregg Rainey

The monthly sewer charge will be computed by the formula described in Municipal Code 10.04.18

## SECTION B. GENERAL CONDITIONS AND DEFINITIONS

### 1. Severability

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

### 2. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

### 4. Permit Action

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

- A. To incorporate any new or revised Federal, State, or Local pretreatment standards or requirements;
- B. Material or substantial alterations or additions to the discharger's operations which were not covered in the effective permit;
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized charge;
- D. Information indicating that the permitted discharge poses a threat to the City of Clarksville, Clarksville Light & Water's collection and treatment systems, POTW personnel or the receiving waters;
- E. Violation of any terms or conditions of this permit;
- F. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- G. Upon request of the permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### 5. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or Local laws or regulations.

#### 6. Limitation on Permit Transfer

Industrial user permits are issued to a specific user for a specific operations and are not transferable nor assignable to another person or industry nor transferable to any other location without prior written approval of the City of Clarksville, Clarksville Light & Water Company in the event of sale, the permittee must inform the purchaser of all responsibilities and obligations under this permit.

#### 7. Dilution

The permittee shall not increase the use of potable or process water or, in anyway, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

#### 8. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the public treatment resulting from noncompliance with any effluent limitation specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The permittee shall immediately notify the City of Clarksville, Clarksville Light & Water of sludge discharges, spills that may enter in the public sewer, or any other significant changes in operations, wastewater characteristics and constituents.

#### 9. Approval of Facilities

The Clarksville Light & Water Company manager prior to construction shall approve plans and specifications for monitoring access facilities and for pretreatment facilities.

#### 10. Definitions

- A. Best Management Practices- (BMP's) Shall mean schedules of activities prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 2.1 A and B [40 CFR 40 3.5 (a)(1) and (b)] . BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

- B. Bi-Weekly – Once every other week.
- C. Bi-Monthly – Once every other month.
- D. Bypass – Means the intentional diversion of wastes from any other portion of treatment facility.
- E. CFR – Code of Federal Regulations.
- F. Composite Sample – A combination of individual samples obtained at regular intervals over a specified time period. (Refer to permit.)
- G. Cooling Water –
  1. Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectable higher than that of the intake water.
  2. Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.
- H. Daily Maximum – The maximum allowable discharge 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 discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.
- I. Grab Sample – An individual sample collected in less than 15 minutes, without regard for flow or time.
- J. Instantaneous Maximum Concentration – Maximum concentration allowed in any single grab sample.
- K. Monthly Average – Other than fecal coliform bacteria, is the arithmetic mean of values for effluent samples collected over a period of 30 consecutive days the weekly average for fecal coliform bacteria is the geometric mean of the values for effluent samples collected over a period of seven consecutive days.
- L. Significant Industrial User – The term Significant Industrial User means:
  1. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
  2. Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- M. Upset – Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors as operations error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

- N. Weekly Average – Other than for fecal coliform bacteria, is the arithmetic mean of the values for effluent samples collected over a period of seven consecutive days. The weekly average for fecal coliform bacteria is the geometric mean of the values for effluent samples collected over a period of seven consecutive days.

## 11. General Prohibitive Standards

The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. The Industrial User shall maintain documentation of the disposal of sludge or other materials classified as 'Hazardous Waste' by a method and at a site approved by appropriate State and Federal Regulatory Agencies. The permittee shall comply with all the general prohibitive discharge standards in Municipal Code 10.04.06. Namely, the industrial user shall not discharge wastewater to the sewer system:

- A. Having a temperature higher than 150°F;
- B. Containing more than 100 ppm by weight of fats, oils and grease;
- C. Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases;
- D. Containing any garbage grinders;
- E. Containing any ashes, ciders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstruction or other interferences with proper operations of the sewer system;
- F. Having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personal of the sewer system;
- G. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters, which receive, treated effluent from the sewer system treatment plant. Toxic wastes shall include, but are not limited to wastes containing cyanide, chromium, cadmium, mercury, copper, and nickel ions;
- H. Containing noxious or malodorous gases or substances capable of creating a public nuisance;
- I. Containing solids of such character and quantity that special and unusual attention is required for their handling.
- J. Containing any substance which may affect the treatment plant's effluent and cause violation of the NPDES Permit requirements;
- K. Containing any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state;
- L. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions)

- M. Containing any radioactive wastes or isotopes; or
- N. Containing any pollutant, including BOD pollutants, released at a flow rate and/or pollutant concentration, which would cause interference with the treatment plant.

1. Proper operation and maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: Effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to halt or reduce activity

Upon reduction, loss or failure of the treatment facility, the permittee shall to the extent necessary to maintain compliance with its permit, control production or all discharges or both until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirements applies, for example when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of treatment

- A. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or sever property damage or no feasible alternative exists.
- B. Bypass not exceeding limitations  
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is essential maintenance to assure efficient operation.
- C. Notification of bypass  
Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the Clarksville Light & Water Company to address specified in Section A, of this permit.
- D. Unanticipated bypass  
The permittee shall immediately notify the Clarksville Light & Water Company and submit a written notice to the POTW within 24 hours of becoming aware of the bypass. A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event.
- E. Wastewater Discharge Permit Reissuance  
A user with an expiring individual wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit wastewater discharge permit application, acceptable to CL&W, in accordance with section

10.04.08(6) of the Clarksville Municipal Code a minimum of 60 days prior to the expiration of the User's existing wastewater discharge permit.

#### SECTION D. MONITORING AND RECORDS

1. Periodic Reports on Continued Compliance

Any Industrial User subject to a categorical pretreatment standard shall submit to the Control Authority during the months of June and December, unless required more frequently by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent, which are limited by such categorical pretreatment standards. If sampling performed by an Industrial User indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.

Resampling is not required if:

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

2. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Biochemical oxygen demand and total suspended solids shall be determined by 24-hour time composite samples. Oils and grease pH and temperature shall be determined by grab samples. All samples for monitoring shall be taken on production days, which include all regular production, and/or cleanup shifts. All samples shall be taken at monitoring points before the effluent joins or is diluted by any other waste stream, body of water or substance. Once approved, monitoring points shall not be changed without notification to and the approval of the City of Clarksville, Clarksville Light & Water Company.

3. Flow Measurements

The appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. This will be insured by annual calibration.

4. Analytical methods to Demonstrate Continued Compliance

Sampling and analysis of these samples shall be performed in accordance with the techniques in 40 CFR Part 136 and amendments thereto by a laboratory certified by the ADEQ.

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures or as specified in this permit, the results of this monitoring shall be included in the permittee's self-monitoring reports.

6. Inspection and Entry

The permittee shall allow the City of Clarksville Light & Water, or law to may require an authorized representative, upon the presentation of credentials and other documents as:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated;
- D. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any locations; and
- E. Inspect any production, manufacturing, fabricating or storage area where pollutants, regulated under the permit, could originate.

7. Retention of Records

- A. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the City of Clarksville, Clarksville Light & Water Company at any time.
- B. All records that pertain to matters that are subject of special orders or any other enforcement or litigation activities brought by the City of Clarksville, Clarksville Light & Water Company shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

8. Record Contents

Records of sampling information shall include:

- A. The date, exact place, time and methods of sampling or measurements, and sample preservation techniques or procedure;
- B. Who performed the sampling or measurement;
- C. The date (s) analyses were performed;
- D. Who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of such analyses;



9. Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or any other document filed or required to be maintained pursuant to Municipal Code 10.04 or this permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Municipal Code 10.04 shall, upon conviction, be punished by a fine of not more than One-Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months or both.

SECTION E. ADDITIONAL REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the City of Clarksville, Clarksville Light & Water 90 days prior to any facility expansion, production increase, or process modifications, which results in new or substantially increased discharges or a change in the nature of the discharge.

2. Anticipated Noncompliance

The permittee shall give advance notice to the City of Clarksville, Clarksville Light & Water Company of any planned changes in the permittee facility of activity, which may result in noncompliance with permit requirements.

3. Duty to Provide Information

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

4. Signatory Requirements

All applications, reports or information submitted to the City of Clarksville, Clarksville Light & Water Company shall be signed and certified.

A. The reports required by this section shall include the certification statement as set forth in § 403.6(a)(2)(ii), and shall be signed as follows:

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

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

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are

established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

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

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

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

B. Certification. Any person signing a document under this section shall make the following certification:

"I certify under the penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete, and accurate."

---

Name / Title

Date

#### SECTION F. PERMIT VIOLATIONS

1. Annual Publication

The City of Clarksville, Clarksville Light & Water Company shall annually publish a list of all industries, which were in significant violations of permit during the twelve (12) previous months, in the largest newspaper within its service area.

2. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under Municipal Code 10.04.

3. Penalties for Violation of Permit Conditions

The Municipal code 10.04.15 2(a) provides that any person who violates a permit condition is subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be considered as a separate offense.

5. Operating Upsets

Any permittee that experiences an upset in the operations that places the permittee in temporary state of noncompliance with the provisions of this permit shall inform the Clarksville Light & Water Company immediately upon the first awareness of the commencement of the upsets.

Where such information is given orally, within 24 hours a written follow-up report thereof shall be filed by the permittee with the Clarksville Light & Water Company within 5 days. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The report shall specify:

- A. Description of the upset or slug load, the cause(s) thereof and the upsets or slug loads impact on the permittee's compliance status;
- B. Duration of noncompliance, including exact dates times of noncompliance, continues, the time by which compliance is reasonably expected to occur; and
- C. All steps taken or to be taken to reduce, eliminate and prevent recurring of such an upset, slug load or other conditions of noncompliance.

A document and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violations attributable to the upset event. In lieu of the requirement for monitoring of TTO, the Industrial User may certify that not toxic organic compounds are stored used or generated by the industry or that toxic organic compounds are controlled by the continued implementation of a solvents management plan approved by the Control Authority. The certification statement shall be submitted each time compliance monitoring is performed.

TOTAL TOXIC ORGANICS CERTIFICATIONS STATEMENT

Based on my inquiry of the person or persons directly responsible for managing compliance with permit limitation (or pretreatment standard) for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since the last scheduled compliance monitoring for TTO by Clarksville Light & Water Company.

I further certify that this facility is implementing the toxic organic management plant submitted to Clarksville Light & Water Company.

\_\_\_\_\_

\_\_\_\_\_  
(Pres., Sec., Treas., V. Pres.)

\_\_\_\_\_  
Date of Signature

CORPORATE ACKNOWLEDGMENT

STATE ARKANSAS  
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 consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public in and  
For \_\_\_\_\_ County, Arkansas

My commission Expires \_\_\_\_\_

**APPENDIX I**

**Industrial Inspection Report**

CLARKSVILLE LIGHT AND WATER PCF  
INDUSTRIAL USER INSPECTION REPORT

NAME AND ADDRESS OF INDUSTRIAL FACILITY:

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

PHONE# \_\_\_\_\_

DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

NAICS# \_\_\_\_\_

SIC# \_\_\_\_\_

I.U. PERMIT # \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

RESPONSIBLE OFFICIAL                      TITLE                      PHONE NO.                      SIGNATURE

FACILITY REPRESENTATIVE                      TITLE                      PHONE NO.                      SIGNATURE

E Mail \_\_\_\_\_

Emergency Contact (s) \_\_\_\_\_

CL&W REPRESENTATIVE                      TITLE                      PHONE NO.                      SIGNATURE

INDUSTRY TYPE /CATEGORY \_\_\_\_\_

NATURE OF OPERATION \_\_\_\_\_

PURPOSE OF INSPECTION \_\_\_\_\_

LAST OCCURRENCE OF NON-COMPLIANCE \_\_\_\_\_

NUMBER OF EMPLOYEES \_\_\_\_\_ WORK HOURS PER DAY \_\_\_\_\_ WORK DAYS PER WEEK \_\_\_\_\_

WATER SOURCE CITY \_\_\_\_\_ GAL. WATER USAGE SANITARY \_\_\_\_\_ GAL.

PROCESS WATER \_\_\_\_\_ GAL.

COPY OF ALL OTHER PERMITS AIR, NPDES etc. ON FILE \_\_\_\_\_

RAW MATERIALS:

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

DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

IU Name: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

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

CHANGES OR ANTICIPATED CHANGES TO PROCESSES, PRODUCTS, CHEMICALS OR PRETREATMENT SINCE LAST INSPECTION:

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

PRODUCTS PRODUCED AND PROCESS DISCRPTION:

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

POLLUTION PREVENTION ACTIVITIES: DOES THE IU EMPLOY ANY OF THE FOLLOWING TO ENCOURAGE AND IMPLEMENT POLLUTION ACTIVITIES?

- (A) In-house environmental teams  YES  NO
- (B) Incentive programs for employee input on recycling, process improvement of other pollution prevention activities  YES  NO
- (C) What are you doing to conserve water?

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

- (D) What are you doing to conserve energy?

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

DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

IU Name: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

INDUSTRY WASTE STREAM FLOW MEASUREMENT :( MANUAL, MECHANICAL, DESCRIPTION).

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

LOCATION

\_\_\_\_\_

CONFIRM ACCURACY/ HOW OFTEN IS IT CALIBRATED?

\_\_\_\_\_

**BEST MANAGEMENT PRACTICES**

Describe any Best Management Practices activities which are either planned or which have been implemented.

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PRETREATMENT FACILITIES OPERATION AND MAINTENANCE:

- (A) Standby power or other equivalent provisions provided  YES  NO
- (B) Adequate alarm system for power or equivalent failures  YES  NO
- (C) Sludges and solids adequately disposed  Yes  No

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

- (D) All treatment units in service  Yes  No



DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

IU Name: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

- (E) Consulting Engineer retained or available for consultation on operation & maintenance problems  Yes  No
- (F) Qualified operating staff provided  Yes  No
- (G) Established procedures available for training new operators  Yes  No
- (H) Instruction files kept for operation and maintenance of each new item of major equipment  Yes  No
- (I) Operation and maintenance manual maintained  Yes  No

**RECORDS AND REPORTS:**

(A) Adequate Records Maintained Of:

(I) Sampling date, time, exact location	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(II) Analyses dates, times	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(III) Individual Performing analysis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(IV) Analytical methods/techniques used	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(V) Analytical results	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(B) Lab equipment calibration and maintenance records kept	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a
(C) Quality Assurance Records Kept	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> n/a

**LABORATORY PROCEDURES:**

- (A) Does the industry perform any lab analysis itself?  Yes  No  n/a
- (B) Sampling locations.  Yes  No  n/a
- (C) Sampling / preservation technique  Yes  No  n/a
- (D) Observation of I U self monitoring procedure  Yes  No  n/a
- (E) EPA approved analytical testing procedures used  Yes  No  n/a
- (F) If alternate analytical procedures are used, proper approval has been obtained  Yes  No  n/a
- (G) Quality control procedures used  Yes  No  n/a
- (H) Commercial Laboratory used  Yes  No  n/a

Lab Name

Lab Address

Contact

Parameters tested for by commercial lab.

DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

IU Name: \_\_\_\_\_

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(I) Describe the operating conditions of the Pretreatment system. Does it appear in good operating condition with little to no corrosion/rust, no leaky valves or fittings, clean pumps, chemical storage tanks (totes, barrels, etc) have secondary containment? Describe:

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TOXIC ORGANICS MANAGEMENT PLAN

(A) Description of discharge practice.

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(B) Description of stored chemicals.

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(C) Procedures for notification of POTW of slugs or spill discharges.

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DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

IU Name: \_\_\_\_\_

(D) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, worker training, containment structures.

(E) Floor drains accessible from storage and chemical usage areas.  Yes  No  n/a

(F) Manifests of shipments of hazardous wastes to proper disposal.  Yes  No  n/a

(G) Does SIU have a TTO limit in permit?  Yes  No  n/a

(H) Evaluation of need of TOMP.  Yes  No  n/a

Reason:

Has the IU complied with industrial user permit requirements?

Yes  No

Comments:

DATE OF INSPECTION: \_\_\_\_\_

TIME OF INSPECTION: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

IU Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IU inspection summary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Recommended action:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

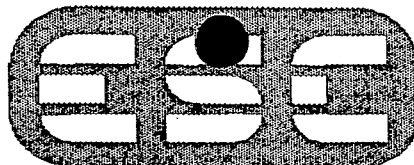
\_\_\_\_\_

**APPENDIX J**

**Chain of Custody's**



Environmental Services Company, Inc.  
 Corporate Office  
 13715 West Markham P.O. Box 55146  
 Little Rock, AR 72211 Little Rock, AR 72215  
 website: www.esclabs.com



Environmental Services Company, Inc.  
 Northwest Branch  
 1107 Century  
 Springdale, AR 72764

Phone: 501-221-2565 Fax: 501-221-1341

# CHAIN OF CUSTODY

Phone 479-750-1170 Fax: 479-750-1172

Client Information				Project Information						Requested Parameters									
Company Name:				Permit/Project #:															
Address:				Purchase Order #:															
Telephone:				Work Order #:															
Fax:				Sampler Name(s):															
Contact:				and Signature(s):															
ESC Client Number:																			
Sample Identification		Sample Collection				Sample Containers													
Identification	ESC Control #	Date	Time	Type	Matrix	Type	Volume	Preservative	#										
Relinquished By: (Signature and Printed Name)		Date	Time	Received By: (Signature and Printed Name)			Date	Time	Custody Seals:		Used? <input type="checkbox"/> Intact? <input type="checkbox"/>								
Relinquished By: (Signature and Printed Name)		Date	Time	Received By: (Signature and Printed Name)			Date	Time	Turnaround:		Regular <input type="checkbox"/> Special <input type="checkbox"/>								
Relinquished By: (Signature and Printed Name)		Date	Time	Received for Lab By: (Signature and Printed Name)			Date	Time	Were samples properly preserved:		Yes <input type="checkbox"/> No <input type="checkbox"/>								
						Flow Data	Field Test	Time	Analyst	Result	Result	Units							
Comments:						Analyst:													
						Time:													
						Reading:													
						Units:													
						Chlorinated? Y-N	Fecal Start:						This Document is Page ___ of ___						

### Directions

1. Complete the appropriate portions of the **Client Information** and **Project Information** blocks as completely as possible. Sampler names must be provided. Please note that Client Information refers to the ESC client who will receive the report and be responsible for payment. Contractors and consultants must enter their own company name here. Arrangements can be made for reports and/or billing to be mailed to other addresses. The Project Information block is to maintain a record for contractors and consultants of their own client data. **Sampler Names(s)** must be printed and signed.

2. Line-by-line, complete the **Sample Identification**, **Sample Collection**, and **Sample Containers** blocks.

**Identification** is selected by you. It will identify the sample on the laboratory reports and should also appear on the label of the sample container.

**Sample Collection Date and Time** are the date and time that each corresponding sample was collected.

**Sample Type** should be marked as either **G** (for Grab samples), **C** (for Composite samples), or **FC** (for Flow weighted composite samples).

**Sample Matrix** should be listed for each corresponding sample (e.g. "Soil", "Stormwater", "Wastewater", "Water", "Oil", "Paint", "Sludge", etc.).

3. Complete the **Sample Container Type/Volume/Preservative/#** section for each corresponding sample.

**Container Type** is typically **Plastic**, **Glass**, **VOA** or **Whirl-Pak**.

**Container Volume** is typically **L** for liter or **G** for gallon, or however much sample is actually provided.

**Container Preservative** is whatever chemicals have been added or steps that have been taken to preserve the sample for analysis (e.g. "Sulfuric", "Nitric", "4 C", etc.).

**#** indicates the quantity of bottles that are actually provided.

4. Complete the **Requested Parameters** block for each corresponding sample container.

5. To ensure legal defensibility, each handler of the sample must sign off in one of the lower boxes, as well as print his or her name legibly.

6. Request the desired **Turnaround Time** and indicate **Number of Pages** submitted with the samples. The specifics of **Special Turnaround times** (e.g. 24 hours, 48 hours, etc.) as well as any other pertinent information, should be detailed on the **Comments** line. Please note that **Special turnaround times** are available only with prior notice and approval by ESC personnel, and that **price increases** for expedited services are applicable.



APPENDIX K

ASSESSMENT OF NEED FOR  
TECHNICALLY BASED LOCAL LIMITS (TBLs)

This appendix is meant to compliment and supplement Section 10.04.06 (4) (a) (Local Limits) of the City's Sewer Use – Pretreatment Ordinance No. 12-651, for development of local limits if necessary or demonstrate they are not necessary per 40 CFR 403.8(f)(4). Maximum Allowable Headworks Loadings (MAHLs), and thus Maximum Allowable Industrial Loadings (MAILs), will continually change from day to day depending on flow and wastewater characteristics. This document is meant to establish average MAHLs/MAILs over an extended period of time with enough of a safety factor to take into account those daily fluctuations, therefore avoiding the necessity to revise and adopt the City's Pretreatment Ordinance on a frequent basis.

The General Pretreatment Regulations in 40 CFR Part 403, as pursuant to 40 CFR 403.5 (a) and (b) and required by NPDES permit, requires Publicly Owned Treatment Works (POTW) having an approved pretreatment program to assess the need in adopting Technically Based Local Limits (TBLLs) of pollutants for protection of the environment, wastewater treatment facilities and biosolids from pass-through or interference from common pollutants of concern. TBLLs are defined in the U.S. Environmental Protection Agency Introduction to the National Pretreatment Program publications as "specific discharge limits developed and enforced by POTWs upon industrial, commercial facilities or Industrial Users (IUs) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a) (1) and (b)", and are to be assessed occasionally, as stipulated by individual NPDES permits, typically every five (5) years.

The purpose of this appendix to the Clarksville Industrial Pretreatment Program is to determine and document whether or not the Clarksville Light and Water (CL&W) POTW needs to adopt Technically Based Local Limits (TBLLs) for Pollutants of Concern (POC) to protect its Wastewater Treatment Plant (WWTP) from pass through or interference, and to assure that biosolids produced by the WWTP can be disposed of by land application in accordance with 40 CFR 503. The examination of the need for TBLLs is pursuant to 40 CFR 403.5 (a) and (b), and as mandated by Part 1A Section B 3 of the Clarksville Light & Water and NPDES permit AR0022187.

Common POCs generally studied for TBLL development include Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver and Zinc as per EPA Region 6 guidance. Detailed sampling and analysis of Influent and Effluent for calculation of TBLLs for the common pollutants of concern is conducted at least four (4) times per year. Tables 1 and 2 summarize the Influent and Effluent results taken from 2011 to 2013. Sampling and analysis of biosolids is conducted quarterly, and results of biosolids analysis performed from 2011 to 2013 can be seen in Table 3, which shows the CL&W biosolids results, individual and average, are well below maximum limits required by EPA. Background (domestic) information is conducted from time to time, and Table 4 contains results of sampling and analysis collected on background, or domestic only sources, for 2011. Data from each sampling entity was averaged and can be seen in Table 5 along with removal percentages for the CL&W WWTP.

Table 1 – Influent TBLL data: 2011 to 2013 (all results are Total)

Date	As µg/L	Be µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
2/16/11	0.97	0	0	0	26	0	2	0.0479	0	5.1	0	0.84	74
5/4/11	0.65	0	0	0	5.2	0	0.84	0.0079	0	3.9	0	1.2	28
8/9/11	1.1	0	0	11	46	0	3.1	0.114	0	15	0	1.1	150
11/30/11	0.65	0	0	0	20	0	2.7	0.0402	0	4.6	0	0	71
3/14/12	0.57	0	0	0	7.1	0	1	0.026	0	4.3	0	0	49
5/22/12	0	0	0	0	20	0	4.2	2.74	0	7.7	0	1.2	130
8/14/12	1.8	0	0	0	56	0	2.7	0.225	0	6.3	0	0.63	140
10/30/12	1.2	0	0	0	34	0	1.6	0.0235	0	5.6	0	0	110
2/12/13	0.52	0	0	0	6.8	0	0.96	0.186	0	4.1	0	0	57
5/28/13	1.1	0	0	0	9.6	0	1.1	0.056	0	5	0	0	37
8/21/13	1.1	0	0	0	20	0	1.7	0.056	0	5.6	0	0.54	81

Influent non-detect values were entered at zero

Table 2– Effluent TBLL data: 2011 to 2013 (all results are Total)

Date	As µg/L	Be µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
2/17/11	0	0	0	0	5.6	0	0.81	0.00256	0	4.3	0	1.3	0
5/5/11	0.99	0	0	0	3.9	0	0	0.0032	0	2.2	0	0	24
8/10/11	0.72	0	0	0	11	0	0	0.0112	0	5.4	0	0	28
12/1/11	0	0	0	0	3.1	0	0	0.00264	0	2.6	0	0	27
3/15/12	0	0	0	0	9.1	0	0	0.00757	0	2.7	0	0	26
5/23/12	0	0	0	0	7.1	0	0	0.00551	0	5.8	0	0	46
8/15/12	0.92	0	0	0	35	0	0	0.01194	0	5.9	0	0	0
10/31/12	0.8	0	0	0	15	0	0	0.0261	0	4.9	0	0	42
11/28/12								0.00907					
2/14/13	0	0	0	0	5.8	0	0	0.00484	0	2.4	0	0	31
5/29/13	0.72	0	0	0	12	0	0.89	0.00972	0	4.6	0	0	54
8/22/13	0	0	0	0	8.4	0	0	0.0035	0.69	4.1	0	0	38

Effluent non-detect values were entered at zero

Table 3– CL&W Biosolids Data: 2011 to 2013 (all results are Total)

Date	As mg/kg	Cd mg/kg	Cu mg/kg	Pb mg/kg	Hg mg/kg	Mo mg/kg	Ni mg/kg	Se mg/kg	Zn mg/kg
4/12/11	0	0	30.7	27	0	6.1	0	10.4	784.3
7/6/11	0	2.56	219	28.6	0	5.42	5.84	8.28	672.6
10/20/11	0	8.438	405.9	69.38	0	24.38	6.563	44.06	1547
1/24/12	4.05	5.2	331	26.9	0	7.25	12	2.6	985
4/12/12	0	5	350	20	0	15	0	0	1090
7/25/12	40	0	2150	350	0	100	300	0	6350
12/26/12	6.55	14.9	362	27.50	0	0	20.55	16	978.5
2/5/13	8	0	347.5	38.5	0	14	18.5	9.5	980
6/18/13	5.5	0	272	24.5	0	10.5	22	6	1075
7/8/13	6	0	335.5	30	0	13	23.5	7.5	1005
AVG.	7.01	3.61	414.8	64.238	0	19.565	40.895	10.434	1546.74
EPA Maximum Limits, mg/kg	75	85	4300	840	57	75	420	100	7500

Non-detect values were entered at zero

Table 4– Background (Domestic Only) TBLL data: 2011 (all results are Total)  
 [Samples taken at domestic only manholes – 415 Mc Kennon, 131 Poplar Street & 710 Ash Street]

Date	As µg/L	Cd µg/L	Cr µg/L	Cu µg/L	CN µg/L	Pb µg/L	Hg µg/L	Mo µg/L	Ni µg/L	Se µg/L	Ag µg/L	Zn µg/L
01/26/11	<50	<3	1.00	30		<43	<0.2	<8	<42	<70	<7	106
01/28/11	<50	<3	2.0	30		<43	<0.2	<8	<42	<70		133
02/09/11	0.97	<0.5	<10.0	3.50		0.82		18.11	5.15	<5.0		76.92

Non-detects were entered at half of MQL for domestic

Table 5 – Average Influent, Effluent and Background TBLL Data: 2011 to 2013

	Domestic Only µg/L	Influent µg/L	Effluent µg/L	Avg. WWTP Removal
Arsenic, T	0.32	0.8782	0.44	50%
Beryllium, T	----	<0.5	<0.5	*50%
Cadmium, T	<0.5	<0.5	<0.5	*67%
Chromium, T	1	1	<10	82%
Cyanide, T	---	<10	<10	*69%
Copper, T	1.0	22.791	10.55	54%
Lead, T	0.27	1.68	0.15	91%
Mercury, T	<0.21	0.339	0.0082	98%
Molybdenum, T	6.04	<8.0	0.06	39%
Nickel, T	1.72	6.11	4.08	33%
Selenium, T	<5.0	<5.0	<5.0	*50%
Silver, T	<5.0	0.50	0.118	76%
Zinc, T	105.31	84.27	28.73	66%

\* EPA Default Numbers from TBLL guidance manual.

Water Quality Standards, Sludge (Biosolids) Loadings and Plant Inhibition loadings are established to ascertain those values in calculating the Maximum Allowable Headworks Loadings (MAHLs) and the Maximum Allowable Industrial Loadings (MAILs), which are established to protect the WWTP from pass through causing pollution of the receiving stream. Current values established using the past three years data can be found in Table 6. Water Quality Standards are determined by the Arkansas Department of Environmental Quality (ADEQ), while Sludge and Inhibition loadings use biosolids, industrial, influent, effluent and domestic only data collected by the WWTP. These values were determined in May 2013 by following EPA TBLL guidance and ADEQ's Continuing Planning Process as well as ADPC&E's Regulation No. 2 Water Quality Criteria. MAHLs, and therefore MAILs, in determining the need for TBLLs, as well as calculations for and adoption of TBLLs, if necessary, are chosen based on the most stringent of the three loading values.

Table 6 – Pollutant Limits for Water Quality and Sludge for Determination of MAHLs and MAILs

Pollutant	Water Quality lbs/day	Sludge lbs/day	Inhibition lbs/day	MAHL lbs/day	MAIL lbs/day
Cadmium, T	0.1870	0.062	11.68	0.062	.0236

Copper	1.5710	3.205	11.68	1.571	1.0204
Lead, T	0.6501	0.646	11.68	0.646	0.2339
Mercury, T	0.0031	0.030	1.17	0.003	0.0007
Nickel, T	9.3791	0.574	11.68	0.574	0.2796
Selenium, T	0.1303	0.098	2.34	0.098	0.0000
Silver, T	0.4215	0.000	2.92	0.422	0.2265
Zinc, T	11.7811	6.589	5.84	5.838	3.5010
Chromium, T	77.3241	1.800	11.68	1.800	1.1660
Cyanide, T	0.2186	0.000	0.10	0.219	0.1475
Arsenic	11.4293	0.064	0.10	0.064	0.0259
Molybdenum	0.0000	0.095	2.34	0.095	0.0000
Beryllium	0.1381	0.000	0.10	0.138	0.1168

\*Boxes highlighted in yellow denote the driving MAHL/MAIL criteria for TBLL determination

The zero lbs/day MAILs for Selenium and Arsenic can be explained by the use of more sensitive analytical methods for the domestic background samples resulting in zero MAIL's for any industries. The City will continue studying this condition although it is suspected there are no significant industries discharging either pollutant. No influent or effluent samples detected Cadmium, Beryllium, Cyanide and Selenium.

MAHLs for Cadmium, Lead, Selenium, Nickel, Arsenic and Molybdenum are Sludge driven, while Zinc and MAHLs values are based on Plant Inhibition levels, which are denoted by the yellow highlighted boxes in Table 6. All other POC MAHLs are derived by Water Quality values established by ADEQ. Given the plant loadings and calculated MAHLs, there is no indicated need for TBLL development for any pollutant listed in Table 6. A comparison of calculated MAILs and actual industrial loadings, for the years 2011 through 2013, can be seen in Table 7 indicating industrial loadings for each pollutant are at least 80% below MAILs. The maximum percentage in Table 7 was calculated using the loading value determined from each pollutant and dividing by the appropriate MAIL.

Table 7 – Average Industrial Loadings and MAILs comparison

Industry	Cd lbs/day	Cr lbs/day	Cu lbs/day	Pb lbs/day	Ni lbs/day	Se lbs/day	Ag lbs/day	Zn lbs/day	CN lbs/day
Greenville Tube Co.	0	0.0604	0.00676	0	0.0626		0	0.0042	0
MAIL	0.0236	1.166	1.0204	0.2339	0.2796	0.0000	0.2265	3.5010	0.1475
MAX %		5.18%	0.66%		22.39%			0.12%	

The City concurs with ADEQ's Excel spreadsheet calculations for its MAHLs and MAILs tying this section into the City's Pretreatment Ordinance No. 12-651 from which TBLLs may be allocated, as needed implemented and enforced in the City's significant user permits as deemed necessary.

Based on site specific information, Local Limits are not necessary at this time.

TBLLs for CL&W should be reevaluated whenever changes in conditions require.

**Ordinance # 12-651**

**With Effective Date February 22, 2012**

PRETREATMENT ORDINANCE  
CLARKSVILLE, ARKANSAS

ORDINANCE NO. 12-651

AN ORDINANCE AMENDING ORDINANCE NO. 02-442 and CHAPTER 10.04 OF THE CLARKSVILLE MUNICIPAL CODE CONCERNING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONSTRUCTION, MAINTENANCE, AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND FOR OTHER PURPOSES, ALL PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF CLARKSVILLE, ARKANSAS.

WHEREAS, the Clarksville City Council is desirous of amending Ordinance 02-442 and Chapter 10.04 of the Clarksville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, ARKANSAS.

SECTION 1. That Chapter 10.04 - Use of Sewer of the Clarksville Municipal Code is hereby amended to read as follows:

10.04.00 - SHORT TITLE

The Ordinance shall be known as the "Sewer Use - Pretreatment Ordinance".

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10.04.01 - PURPOSE AND POLICY

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Clarksville, Arkansas and enables Clarksville Light & Water Co. (CL&W) to

comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 *et. seq.*) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statues and regulations;
4. To protect POTW personnel in the course of their employment and the general public at large from being adversely affected by wastewater and sludge;
5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
6. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
7. To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use, and disposal requirements and any other Federal or State laws to which POTW is subject; and
8. To encourage Pollution Prevention activities through waste minimization, source reduction, water and energy conservation.

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of individual wastewater discharge permits, authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### 10.04.02 - ADMINISTRATION

1. The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The Clarksville Light and Water Commission (CL&W) shall, in compliance with Arkansas Code of 1987 Annotated, including 1995 supplement Volume 5A, 8-4-103(g) *et seq.*, authorize any judicial enforcement remedy taken by the CL&W against any industrial user in violation of the Clarksville Municipal Code.
2. Except as otherwise provided herein, the General Manager of the CL&W 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 other CL&W personnel.

#### 10.04.03 - ABBREVIATIONS

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

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice



BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
CL&W	Clarksville Light and Water Commission
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

#### 10.04.04 - DEFINITIONS

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

1. "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the ' Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
2. "Accessible Public Sewer" shall mean an existing public sewer located so that it may be reached either by a building sewer constructed at the minimum grade recommended by the Arkansas Department of Health or by a combination of the extension of the existing public sewer and the construction of a building sewer, both of which are constructed at the minimum grade recommended by the Arkansas Department of Health.
3. "Approval Authority" currently refers to the Arkansas Department of Environmental Quality (ADEQ).
4. "Authorized Industrial User" or "Authorized Representative of the Industrial User" shall mean:
  - (a) If the industrial user is a corporation, "authorized representative" shall mean:
    - (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and

regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the industrial user is a partnership or sole proprietorship, an "authorized representative" shall mean a general partner or proprietor, respectively.
  - (c) If the industrial user is a Federal, State, or local governmental facility, an "authorized representative" shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.
  - (d) The individuals described in paragraphs (a) through (c) above may designate another authorized representative if (i) the authorization is in writing, (ii) the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or the individual or position having overall responsibility for environmental matters of the company, and (iii) the written authorization is submitted to the General Manager of the City of Clarksville.
5. "Biochemical Oxygen Demand (BOW) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l) [expressed in terms of mass and concentration (milligrams per liter (mg/l))].
6. "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
7. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
8. "Building Sewer" shall mean the extension from the building drain to the public sewer or other places of disposal.
9. "Categorical Industrial User" shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
10. "Categorical Pretreatment Standard" or "Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) which applies to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
11. Chemical Oxygen Demand (COD)" shall mean the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a

specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand. [A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

12. "Mt shall mean the City of Clarksville, County of Johnson, State of Arkansas or the City Council of the City of Clarksville.
13. "Collector Building Sewer" shall mean a sewer on private property, privately maintained, which serves more than one building sewer. Collector building sewers shall be constructed with manholes at grade changes, changes in alignment and at termini, and with pipe having a diameter of at least six (6) inches, and such sewers shall be located outside building walls and footings.
14. "Color" shall mean the optical density at the visual wavelength of maximum absorption relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
15. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
16. "Commission" shall mean Clarksville Light and Water Commission (CL&W).
17. "Composite Sample" shall mean the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
18. "Control Authority" under the provisions of 40 CFR 403.12(a) shall mean the General Manager of CL&W and the person charged with certain duties and responsibilities by this ordinance or his/her duly appointed or authorized representative.
19. "Control Manhole" or "Control Point" shall mean a point of access to a building sewer at a point before wastewater conveyed by the building sewer mixes with other wastewater conveyed by the public sewer.
20. "Council" or "City Council" shall mean the duly elected or appointed governing body of the City of Clarksville.
21. "Daily Maximum" shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
22. "Daily Maximum Limit" shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
23. "Environmental Protection Agency" or "EPA" shall mean 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.
24. "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the act. Any source of discharge that is not a "New Source" as defined herein.

25. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
26. "General Manager" shall mean the person designated by the CL&W of the City of Clarksville to manage and supervise the water and wastewater utilities of the City of Clarksville, Arkansas, and who is charged with certain duties and responsibilities by this ordinance or the duly appointed or authorized representative of such person.
27. "Grab Sample" shall mean a sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
28. "Indirect Discharge" or "Discharge" shall mean the introduction of pollutants into the POTW from any nondomestic source.
29. "Industrial User" or "User" shall mean a source of indirect discharge.
30. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
31. "Instantaneous Maximum Allowable Discharge Limit" shall mean the maximum concentration (or loading) or a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
32. "Instantaneous Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.
33. "Interference" shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources:
- (a) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
  - (b) therefore is a cause of a violation of Clarksville's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title IL commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act
34. "Local Limit" shall mean specific discharge limits developed and enforced by Clarksville Light & Water (CL&W) upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
35. "Mayor" shall mean the Mayor of the City of Clarksville, Arkansas.

- 36 "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 37 " Milligrams Per Liter (mg/l)" shall mean parts per million and is a weight-to-volume ratio; the milligrams per liter value multiplied by a factor of 8.34 shall be equivalent to pounds per million gallons of water
- 38 "Monthly Average" shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- 39 "Monthly Average Limit" shall mean 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.
- 40 "National Pollution Discharge Elimination System Permit" or "NPDES Permit" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 41 "Natural Outlet" shall mean any outlet in a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 42 "New Source" shall mean:
- (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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - (1) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (2) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
    - (3) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
  - (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 10.04.04, (41) (A)(2), or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    - (1) begun, or caused to begin, as part of a continuous onsite construction program

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

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

(2) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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.

- 43 "Noncontact Cooling Water" shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 44 "Normal Domestic Wastewater" shall mean wastewater, excluding that from non-residential uses, discharged to a person into the POTW in which the average concentration of BOD5 is not more than 300 mg/l and TSS is not more than 300 mg/l.
- 45 "North American Industry Classification System (NAICS)" shall mean a classification pursuant to the North American industry Classification System Manual published by the Office of Management and Budget.
- 46 "Owner" shall mean the Person or Persons who possess any interest in the structure or property to which such ownership relates.
- 47 "Pass-Through" shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Clarksville's NPDES permit, including an increase in the magnitude or duration of a violation.
- 48 "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 49 "Q111" shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.
- 50 "Pollutant" shall mean any 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 the wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- 51 "Pretreatment" shall mean 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.

- 52 "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on [an industrial user] [a User], other than a Pretreatment Standard.
- 53 "Pretreatment Standards" or "Standards" shall mean prohibited discharge standards, categorical Pretreatment Standards, and technically based Local Limits.
- 54           Pharmaceutical drug, also referred to as medicine, medication or medicament,  
                  can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.
- 55 "Prohibited Discharge Standards" or "Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.04.06 of this ordinance.
- 56 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- 57 "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes and any conveyances that convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- 58 "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the CL&W.
- 59 "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- 60 "Septic Tank Waste" shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 61 "Sewage," shall mean human excrement and gray water (household showers, dishwashing operations, etc.).
- 62 "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- 63 "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 64 "Sewer Surcharge" or "Surcharge" shall mean a sewer service charge above the normal monthly sewer rate which may be assessed to those non-residential sewer users who discharge into the POTW wastewater having BOD5 in excess of 300 mg/l or suspended solids content in excess of 300 mg/l.
- 65 "Significant Industrial User (SIU)"

shall mean, except as provided in paragraphs ( a ), ( b ) and ( c ) of this Section, an Industrial User that:

- (a) is subject to categorical Pretreatment Standards; or
- (b)
  - (1) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (2) contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (3) is designated as such by General Manager on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

66 "Slug Load" or "Slug Discharge" shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.04.06

of this ordinance or any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

67 "Standard Industrial Classification Code (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

68 "Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Association.

69 "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

70 "Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

71 Superintendent: The person designated by General Manager to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the General Manager.

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



- 73 "To Discharge" shall mean to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or allow, permit, or suffer any of these acts or omissions.
- 74 "Total Suspended Solids" or "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering
- 75 "Toxic Pollutant" shall mean any of 126 pollutants, or combination of these pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.
- 76 "Trap" shall mean a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other harmful substances.
- 77 "Treatment Plant Effluent" shall mean any discharge of pollutants from the POTW into waters of the State.
- 78 "Unusual BOD" shall mean BOD5 in excess of 300 mg/l.
- 79 "Unusual Suspended Solids" shall mean total suspended solids in excess of 300 mg/l.
- 80 "User" or "Industrial User" shall mean a source of indirect discharge.
- 81 "Wastewater" shall mean 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.
- 82 "Wastewater Treatment Plant" or "Treatment Plant" shall mean that portion of the POTW designed to provide treatment of municipal sewage and industrial waste.
- 83 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

For purposes of this ordinance, the term "shall" is mandatory; the term "may" is permissive or discretionary; use of the singular shall be construed to include the plural; and use of the plural shall include the singular as indicated by the context of its use.

## 10.04.05 - GENERAL SEWER USE REQUIREMENTS

### 1. Use of Public Sewers

(a) It shall be unlawful to discharge to a any natural outlet within the City of Clarksville, Arkansas, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.

(b) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool, or other facility intended to be used for the disposal of sewage.

(c) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and located within three hundred (300) feet of an accessible public sewer shall at his/her expense, install suitable toilet facilities therein, and connect said facilities to such accessible public sewer. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollutant Discharge Elimination System permit.

(d) Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to an existing public sewer shall be located within public easements or rights of way and shall be constructed by such owner to the standards for public sewers required by the City. No sewer shall be constructed within any public easement or right of way or connected to an existing public sewer without approval by the General Manager of CL&W.

(e) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, or subsurface drainage to the POTW.

(f) Storm water and all other surface runoff shall be discharged to such sewers specifically designated as storm sewers or to a natural outlet.

### 2. Private Sewage Disposal

(a) Where a public sanitary sewer is not available under the provisions of Section 10.04.04(2) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private wastewater disposal system within the City of Clarksville, Arkansas, or in any area under the jurisdiction of said City, all persons shall first obtain a septic system approval permit for such construction from the Arkansas Department of Health County Sanitarian. The current Arkansas Department of Health septic system permit fee charged by the County Sanitarian

(c) The type, capacities, locations, and layout of private sewage

disposal systems shall comply with all applicable requirements of the Arkansas Department of Health and/or the ADEQ.

(d) Within twelve (12) months from the date on which a public sewer

becomes available as defined in Section 10.04.04(2) above, in those areas where services not now available, all persons owning property on which structures are located having a point of water usage within three hundred (300) feet of an accessible public sewer shall connect the building sewer to the public sewer pursuant to the provisions of Section 10.04.04(2) above. The requirements of this section shall not apply to persons discharging such sewage under the provisions of a valid NPDES permit.

### 3. Building Sewers and Connections

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit for such connection from the City of Clarksville. No permit shall be issued for a sewer connection until the then current tie-on fee prescribed by Section 10.04.05(2)(b) or Section 10.04.19 of the Clarksville Municipal Code has been paid.

(b) There shall be two (2) classes of building sewer permits:

- (1) for service to residential and commercial establishments; and
- (2) for service to establishments producing industrial wastes.

In either case, the person shall make application on special forms furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent by the General Manager.

(a) Prior to the initiation of sewer service to potential new customers

who will discharge industrial process wastes to the POTW, the potential customer shall complete an Industrial User Survey (on forms furnished by the General Manager no less than one hundred twenty (120) days prior to the date on which the potential customer plans to discharge wastewater to the POTW. If the potential customer will be a Significant Industrial User, the potential customer shall, pursuant to Section 10.04.08 of the Clarksville Municipal Code, complete an application for an Industrial Waste Discharge Permit (on forms furnished by the General Manager no less than ninety (90) days prior to the date on which the potential customer plans to discharge wastewater.

(d) The General Manager will evaluate applications for Industrial Waste Discharge Permits and determine, pursuant to Section 10.04.09 of the Clarksville Municipal Code, whether or not to issue the applicant an Industrial Waste Discharge Permit.

(e) A separate and independent building sewer shall be provided for each individual building except.

- (1) where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which

cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a common building sewer provided that only one person is responsible for maintenance of the building sewer; or

(2) temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings re located on a lot or tract and maintained in common ownership.

(f) Pipe for building sewers for service to the City of Clarksville public sewer may be of any approved material listed in the City of Clarksville Plumbing Code.

The General Manager shall approve:

(1) the type of material and size of pipe to be used in the construction of building sewers; and

(2) the methods of installation of building sewer pipe prior to and/or during construction of building sewers.

(g) Persons possessing building sewer permits shall notify the General Manager when the building sewer is ready for inspection and connection to the POTW. The connection shall be accomplished only by a licensed plumber and inspected by CL&W sewer department personnel.

(h) Persons possessing building sewer permits shall indemnify the City of Clarksville from any loss or damage that may directly *be* occasioned by the installation and/or operation of the building sewer.

(i) Persons possessing building sewer permits shall hold the City of Clarksville harmless from any loss or damage that may directly be occasioned by the installation and/or operation of the building sewer.

#### 10.04.06. - REGULATION OF DISCHARGES

1. Prohibited Discharge Standards. 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. Furthermore, no non domestic user may contribute the following substances to the POTW:
  - (a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
  - (b) Any Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment or endangering City personnel.
  - (c) Solid or viscous substance, in amounts which will cause obstruction of the flow in

the POTW resulting in Interference, but in no case solids greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

- (d) Any Wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (e) Any Wastewater having a temperature greater than 150 degrees (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (g) Any Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with this ordinance.
- (i) Pharmaceutical drugs from any commercial for profit entity.
- (j) Any Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (k) Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Clarksville's NPDES permit.
- (l) Any Wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager in an Industrial Waste Discharge Permit in compliance with applicable State or Federal regulations.
- (m) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent in an Industrial Waste Discharge Permit.
- (n) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (o) Any Medical Wastes, or hazardous waste including, but not limited to mercury and silver except as specifically authorized by the Superintendent in an Industrial Waste Discharge Permit.
- (p) Any Wastewater causing, alone or in conjunction with other sources, the

treatment plant's effluent to fail toxicity test.

- (q) Any wastes containing detergents, surface-active agents, surfactants, or other substances that might cause excessive foaming or scum in the POTW.
- (r) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to one hundred (100) mg/l

[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. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

## 2. National Federal Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent
- (b) may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (b) When the limits in a categorical Pretreatment Standard are expressed

only in terms of mass of pollutant per unit of production; the Superintendent shall convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

- (c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e) using the combined waste stream formula in 40 CFR 403.6(e).

- (d) 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 Standards.

## 3. State Pretreatment Standards

Reserved

## 4. Local Limits

- (a) The General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

(b) Local limits are developed, implemented and enforced to protect against pass through and interference. No user shall discharge or cause to be discharged into the POTW any wastewater pollutant concentration exceeding the Technically Based Local Limits (Appendix K) developed from time to time by the General Manager of CL&W as required in the City's NPDES Permit, 40CFR403.5(C) and approved by ADEQ. TBLL (if necessary) based on calculated site specific Maximum Allowable Industrial Loadings are located in the City's Pretreatment program. At the discretion of the General Manager, TBLL shall be allocated, imposed and shall apply "monitoring point" described in individual, Industrial Wastewater Discharge Permits. All concentration limits or metals shall be in terms "total metals" unless otherwise indicated. The General Manager may also develop BMP's in individual Wastewater Discharge Permits, to implement specific pollutant limitations. Such BMP's shall be considered local limits and pretreatment standards. When new Local Limits are implemented or revised, the General Manager will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40CFR404.5(c)(3). This requirement of notice also applies when Local Limits are set on a case by case basis.

(c) The General Manager may develop Best Management Practices

(BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 10.04.06

5. State Requirements

The ADEQ may from time to time promulgate new pretreatment requirements and in the event that a particular pretreatment requirement may be more stringent than that imposed by Federal Law or by the Clarksville Municipal Code, such State requirements shall immediately supersede the others and shall then become the applicable pretreatment requirement or pretreatment standard

7. Right of Revision

The City of Clarksville 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.

8. Special Agreement

The City of Clarksville reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement.

9. Dilution

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

10.04.07 - PRETREATMENT OF WASTEWATER

## Pretreatment Facilities

Users shall provide wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 10.04.06 of this ordinance within the time limitations specified by the EPA, the State, or the CL&W, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the CL&W necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable to the CL&W 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 CL&W POTW under the provisions of this ordinance.

### 1. Additional Pretreatment Measures

(a) Whenever deemed necessary for proper operation of the POTW, the General Manager may require Users to restrict their discharge of wastewater during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the Users compliance with the requirements of this ordinance.

(b) Whenever deemed necessary for proper operation of the POTW, the General Manager 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 over a twenty-four (24) hour period. The General Manager may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the General Manager. An individual wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, flammable wastes, sand, or other objectionable wastes, except that such interceptors shall not be required for private living quarters or dwelling units

All interceptor units shall be of a type and capacity approved by the General Manager, shall provide a minimum detention time of 12 minutes, shall have a minimum capacity of 500 gallons, and shall be so located as to be easily accessible for cleaning and inspection

All interceptor units shall be continuously maintained in satisfactory and effective operation by the owner at his expense. Storage, handling, transportation, and disposal of all wastes generated from [interceptor units] shall be performed in accordance with all applicable Federal, State, and local regulations that pertain to that type and/or class of waste.

(d) [Users] with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection



meter.

3. Accidental Discharge/Slug Control Plans

The General Manager shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The General Manager may require any Industrial User to develop, submit for approval, and implement an accidental discharge/slug control plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following;

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

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of any accidental or Slug Discharge, as required by Section 10.04.06 of this ordinance. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Sections 10.04.06 of the Ordinance. and

(d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

4. Tenant Responsibility

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

5. Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10.04.14 through 10.04.16 of the Clarksville Municipal Code.

10.04.08 - WASTEWATER DISCHARGE PERMIT ELIGIBILITY

1. Wastewater Analysis

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within ( 20 working ) days of the request by completing a wastewater survey prior to commencing or continuing their discharge. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of the Clarksville Municipal Code.

2. 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 General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Section 10.04.08 (3) of this ordinance may continue to discharge for the time period specified therein.

(b) The General Manager may require other Users to obtain individual wastewater discharge 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 10.04.14 through 10.04.16 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.

3. Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Section 10.04.05 of this ordinance, and shall not cause or allow discharges to the POTW to continue except in accordance with an individual wastewater discharge permit issued by the General Manager.

4. Wastewater Discharge Permitting: New Connections

Any Significant Industrial User proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit in accordance with Section 10.04.05 of this ordinance must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

5. Wastewater Discharge Permitting: Extra-jurisdictional Industrial Users (Industrial Users Outside Corporate Limits of the City of Clarksville)

(a) Any existing Significant Industrial User located beyond the City of Clarksville corporate limits shall, within ninety (90) days of notification of the requirements, submit to the General Manager a wastewater discharge permit application in accordance with Section 10.04.08(6). Such extra-jurisdictional Industrial Users shall be subject to all the provisions of Section 10.04.08(3). New (potential) Significant Industrial Users located beyond the City of Clarksville corporate limits shall submit such applications to the General Manager ninety (90) days prior to any proposed discharge into the POTW.

(b) CL&W may only accept wastewater from any entity located outside the Clarksville Corporate Limits if specifically authorized by resolution by

the Clarksville City Council.

(c) Alternatively, the City of Clarksville may enter into an agreement with a neighboring jurisdiction in which the Significant Industrial User is located to provide for the implementation and enforcement of the Clarksville Industrial Pretreatment Program requirements against said Industrial User.

(d) Nothing in the foregoing sections 10.04.08(5)(a)-(c) or any provisions of the Clarksville Municipal Code shall be construed as requiring the City of Clarksville to accept wastewater into the POTW from any User located outside the City of Clarksville corporate limits.

6. Wastewater Discharge Permit Application Contents

In order to be considered for a wastewater discharge permit, all Users required to have a wastewater discharge permit must submit the information required by Section 10.04.10(1)(B) of the Clarksville Municipal Code on an Industrial Wastewater Discharge Permit Application form provided by the General Manager. In addition, the following information may be requested:

- (1) identifying Information: The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits: A list of any environmental control permits held by or for the facility.
- (3) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (4) Number and type of employees, hours of production and operation of pretreatment facilities, and proposed or actual hours of discharge to the POTW.
- (5) Each product produced by type, amount, process or processes, and rate of production.
- (6) The results of sampling and analysis identifying the nature and concentration, and/or mass where required by the General Manager of regulated pollutants in the discharge from each regulated process.
- (7) Type and amount of raw materials processed (average and maximum per day).
- (8) The site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (9) Time and duration of the discharges.
- (10) Location for monitoring al waste covered by the permit.

(11) Any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application.

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

7. Application Signatories and Certification

All wastewater discharge permit applications and Industrial User reports must contain the following certification statement and be signed by an Authorized Representative of the Industrial User, as defined by Ordinance Section 10.04.04(4).

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

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 General Manager prior to or together with any reports to be signed by an Authorized Representative.

8. Wastewater Discharge Permit Decisions

The General Manager will evaluate the data furnished by the Industrial User and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The General Manager may deny any application for a wastewater discharge permit where it reasonably appears that the applicant's proposed wastewater, if discharged into the POTW, would interfere with the operation of the POTW, would otherwise be incompatible with the POTW, would interfere with reuse of sludge from the POTW, or would pass through the POTW, inadequately treated, into the receiving waters of the State.

10.04.09 - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

1. Wastewater Discharge Permit Duration

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

2. Wastewater Discharge Permit Contents

Wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(a) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval of CL&W 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. As necessary at the General Manager's discretion.

(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) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(6) Requirements to control Slug Discharge, if determined by the Superintendent 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) Limits on the instantaneous, daily, and monthly average and/or maximum concentration mass or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(4) Requirements for the development and implementation of spill control plans or other special conditions including best management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(8) 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

(9) Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance and State and Federal laws, rules, and regulations.

### 3. Wastewater Discharge Permit Appeals

Any person, including the Industrial User, may within thirty (30) days of permit issuance petition the CLAW to reconsider the terms of a wastewater discharge permit.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the CL&W fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review,
- (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction within 30 days.

### 4. Wastewater Discharge Permit Modification

The General Manager 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 Industrial User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

5. Wastewater Discharge Permit Transfer

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

- (a) states that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- (b) identifies the specific date on which the transfer is to occur; and
- (c) acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

6. Wastewater Discharge Permit Revocation

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

- (a) Failure to notify the General Manager of significant changes to

the wastewater prior to the changed discharge;

- (b) Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 10.04.10(5) of the Clarksville Municipal Code;
- (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 General Manager 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.
- (m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

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

7. Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit wastewater discharge permit application, acceptable to CL&W, in accordance with Section 10.04.08(6) of the Clarksville Municipal Code a minimum of sixty (60) days prior to the expiration of the User's existing wastewater discharge permit.

10.04.10 - REPORTING REQUIREMENTS

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 Industrial



Users]subject to such categorical pretreatment standards and] currently discharging to or scheduled to discharge to the POTW shall be required to submit to the CL&W a report which contains the information listed in paragraph below.

(b) At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Industrial Users Industrial users] subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the CL&W a report which contains the information listed in Section 10.04.10(1)(b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(c) The Users described above shall submit the information required by this section including:

(1) All information required in Section 10.04 .10(b)(2) Section 10.04.10(b)(3), Section 10.04.10(b)(4), and Section 10.04.10(b)(5). [Note: See 40 CFR 403.12(b)(1)-(7)]

(2) Identifying Information. The name and address of the facility, including the name of the operator and owner(s)

(3) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(4) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such Industrial User. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(5) Flow Measurement. Information showing the measured average daily and maximum daily flow, in galls per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(6) Measurement of Pollutants.

A. The User shall provide the information required in Section 10.04.10 (11) (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 waste stream 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 10.04.10 (10).

E. The Superintendent 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.

(7) Certification

A statement reviewed by the Industrial User's Authorized Representative as defined in Section 10.04.04 (4) 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.

(8) Compliance Schedule.

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M 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 10.04.10(2) of the Clarksville Municipal Code.

(9) Signature and Report Certification

All baseline monitoring reports must be signed and certified in accordance with Section 10.04.08(7) of the Clarksville Municipal Code.

2. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 10.04.10(1)(b)(7) above. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, 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). No increment referred to above shall exceed nine (9) months; User shall submit a progress report to the General Manager no later than fourteen (14) days

following each date in the schedule and the final date of compliance including, at 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. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

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 Industrial User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 10.04.10(1)(b)(4-6) above: Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial User's

long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.04.08(7) above.

4. Periodic Compliance Reports

(a). All Significant Industrial Users] must, at a frequency determined by the General Manager 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 General Manager or the Pretreatment Standard necessary to determine the compliance status of the User

(b). All periodic compliance reports must be signed and certified in accordance with Section 10.04.08(7) of this ordinance.

(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 General Manager, using the procedures prescribed in Section 10.04.10 of this ordinance, the results of this monitoring shall be included in the report.

5. Reports of Changed Conditions

Each User is required to notify the General Manager at least sixty (60) days before any planned significant changes take place with respect to the Industrial User's operations or system which change(s) might alter the nature, quality, or volume of its wastewater.

- (a) The General Manager may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.04.08(6) above.
- (b) The General Manager may issue a wastewater discharge permit under Section 10.04.08(8) of this ordinance or modify an existing wastewater discharge permit under Section 10.04.09(4) of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) No Industrial User shall implement the planned changed condition(s) until and unless the General Manager has responded to the Industrial User's notice.
- (d) For purposes of this requirement, flows in excess of the [limitations set forth in the Significant Industrial User's industrial wastes discharge permit and/or the discharge of any previously unreported pollutants shall be deemed significant.

6. Reports of Potential Problems

(a) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge or Slug Load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Sections 10.04.06(1) and (4) of the Clarksville Municipal Code), it is the responsibility of the Industrial User to immediately telephone and notify the General Manager 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 Industrial User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which 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 Industrial User of any fines, penalties or other liability which may be imposed pursuant to this ordinance

(c) Failure to notify the CL&W of potential problem discharges shall be deemed a separate violation of this ordinance.

(d) A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 10.04.10(6)(A) above. Employers shall ensure that all employees who could cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(e) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge

7. Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

8. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify the Control Authority (the General Manager of the CL&W) within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the CL&W performs compliance monitoring of the Industrial User's wastewater discharge at least once a month, or if the CL&W performs compliance monitoring which indicates compliance between the Industrial User's initial sampling and when the Industrial User receives the results of initial sampling indicating a permit violation.

9. Notification of the Discharge of Hazardous Waste

(a) Any Industrial User who commences the discharge of hazardous waste

shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 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:

- (1) an identification of the hazardous constituents contained in the wastes,
- (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
- (3) an estimation of the mass of constituents in the waste stream 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 notifications under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 10.04.10 (5) above. 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 10.04.10(1), (3), and (4) above.

(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 non-acute hazardous wastes in a calendar month, or of any

quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### 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 Superintendent or other parties approved by EPA

#### 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 Sections (b) and (c) below, the Industrial

User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab

sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by CL&W, 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 General Manager or Superintendent, 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.

(a) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 10.04.10 ((1) & (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 Superintendent 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.

12. Determination of Noncompliance

The Superintendent may use a grab sample(s) as a compliance screening tool. Where Grab Sample(s) suggest noncompliance, the General Manager and/or the Industrial User should re-sample the Industrial User's effluent using a composite techniques until consistent compliance is again demonstrated.

13. Date of Receipt of Reports

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

14. Record keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records and information [obtained pursuant to any monitoring activities required by this ordinance. Any additional records and information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under Section 10.04.06(2)(e). 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 Industrial User or CL&W, or where the Industrial User has been specifically notified of a longer retention period by the Superintendent Users most current Slug Control Plans (if necessary), wastewater flow schematics, process narratives and permit applications shall be kept until they are revised, updated or new permit applications are submitted and approved.

15. Certification Statements

(a) Certification of Permit Applications and User Reports and *The following* certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 10-04-08 (7) Users submitting baseline monitoring reports under Section 10-04-10 (b) (5) [Note: See 40 CFR 403.12 (I)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 10-04-10 (3) [Note: See 40 CFR

403.12(d)]; Users submitting periodic compliance reports required by Section 10-04-10 (4) (a-d) Note: See 40 CFR 403.12(e) and (h), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 10-04-10 (b) (4) Note: See 40 CFR 403.12(e)(2)(iii). The following certification statement must be signed by an Authorized Representative as defined in Section 10.04.11

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.

#### 10.04.11 - COMPLIANCE MONITORING

##### 1. [Right of Entry Inspection and Sampling]

The General Manager shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Industrial Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the CL&W, State, and EPA will be permitted to enter the premises without delay for the purposes of performing their specific responsibilities.

(b) Clarksville Light & Water, State, and EPA shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.

(c) The General Manager 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 once per month other than flow meter, annually to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the Industrial User's facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

(e) Unreasonable delays in allowing authorized CL&W personnel



access to the Industrial User's premises shall be a violation of this ordinance.

## 2. Search Warrants

If the CL&W personnel have 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 CL&W 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 General Manager may, through the CL&W Attorney, seek issuance of a search warrant from the Municipal Court of the City of Clarksville. The Municipal Court of the City of Clarksville may issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the General Manager in the company of a uniformed police officer of the City of Clarksville. In the event of an emergency affecting public health and safety, inspections may be made without the issuance of a warrant.

### 10.04.12 - CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from CL&W inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the General Manager 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 Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

### 10.04.13 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The CLW Co 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 mean 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 10.04.05
- (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 10.04.05 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 10.04.05 (Daily Maximum, Long-term average, Instantaneous Limit, or narrative standard) that the General Manager 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 [CL&W'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 General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

#### 10.04.14 - ADMINISTRATIVE ENFORCEMENT REMEDIES

##### 1. Notification of Violation

When the General Manager finds that any User has violated, is violating, or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager or his agent may serve upon said User a written Notice of Violation. Within twenty (20) calendar 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 General Manager. 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 CL&W to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

##### 2. Consent Orders

The General Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.04.14(4) (5) of this ordinance and shall be judicially enforceable.

##### 3. Show Cause Hearing

The General Manager 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 General Manager 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) ten (10 ) working days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 10.04.04(4) and required by Section 10.04.08 (7). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

4. Compliance Orders

When the General Manager 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 General Manager 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 best 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.

5. Cease and Desist Orders

When the General Manager 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 General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements; 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.

6. Administrative Fines

(a) When the General Manager 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 General Manager may fine such User in an amount not to exceed \$1,000. 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) Unpaid charges shall, after 120 calendar days, accrue interest at the rate of 0.25% percent per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within 90 days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

7. Emergency Suspensions

The General Manager 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 that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager 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 General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.04.14(7) 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 to the General Manager, prior to the date of any show cause or termination hearing under Sections 10.04.14(3) and 10.04.14(7) of this ordinance, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

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

8. Termination of Discharge

In addition to the provisions in Section 10.04.09(6) of this ordinance, any User who violates the following conditions of this ordinance, wastewater discharge permits, or order issued hereunder is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;

- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the Users premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the Pretreatment Standards in Section 10.04.06(1) of this ordinance.

Such User will be notified by the General Manager of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.04.14(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

#### 10.04.15 - JUDICIAL ENFORCEMENT REMEDIES

##### 1. Injunctive Relief

When the General Manager 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 General Manager may petition the Johnson County Court through CL&W's 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 General Manager 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.

##### 2. Civil Penalties

(a) Any User who has violated or continues to violate any provision of this ordinance, any wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the CL&W for a maximum civil penalty of One Thousand and No/100 Dollars (\$1,000.00) per violation, per day as provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq. In the case of violation of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) Civil penalties, including 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 POTW, shall be recoverable in a Court of competent jurisdiction, but as provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq., such civil proceeding may be initiated only after a majority vote of the CL&W resolving to pursue such civil penalties.

(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.

3. Criminal Prosecution

(a) Any 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 punished in accordance with the provisions of A.C.A. § 8-4-103

(b) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be punished in accordance with the provisions of A.C.A. § 8-4-103

(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, 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 in accordance with the provisions of A.C.A. § 8-4-103.

(d) As provided by Arkansas Code of 1987 Annotated, including 1995 supplement Volume 6A, 8-4-103(g) et seq., no criminal prosecution under the foregoing sub-paragraphs (a), (b), and (c) above may be initiated except upon a majority vote of the CL&W Commission resolving to pursue such criminal prosecution.

(e) The criminal penalties provided in the foregoing subparagraphs (a), (b), and (c) above shall be in addition to any other cause of action for personal injury or property damage available under State law, and shall be in addition to civil penalties which may be assessed under Section 10.04.152(2) of this ordinance.

4. Remedies Nonexclusive

The remedies and provisions provided for in the Clarksville Municipal Code are not exclusive. The CL&W 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 Clarksville Pretreatment Program enforcement response plan. However, the CL&W reserves the right to take other action against any User when the circumstances warrant. Further, the CL&W is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently.

10.04.16 - SUPPLEMENTAL ENFORCEMENT ACTION

1. Penalties for Late Reports

A penalty of \$1,000.00 shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late beginning five days after the date the report is due. Higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the General Manager to collect late reporting penalties shall not limit Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

2. Performance Bonds

The General Manager may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the CL&W, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

3. Liability Insurance

The General Manager may decline to issue or reissue a wastewater discharge to any User who has failed to comply with any provision of this ordinance, any order, a previous individual wastewater discharge permit 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.

4. Payment of Outstanding Fees and Penalties

The General Manager 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.

5. Public Nuisances

Any violation of any provision of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or Requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or his designee. Any person(s) creating a public nuisance shall be required to reimburse the CL&W for any costs incurred in removing, abating, or remedying said nuisance.

6. Contractor Listing

Users that have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to CL&W. Existing contracts for the sale of goods or services to CL&W held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the General Manager.

10.04.17 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

4. Bypass Notifications

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the General Manager 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 General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

00.00.00 - WASTEWATER TREATMENT RATES - fRESERVED1

[INSERT]

10.04.18 - SURCHARGE COSTS

The CLAW may charge non-residential POTW users a surcharge in addition to the normal metered charge for sewer service who discharge wastewater into the Clarksville POTW having BOD5 in excess of 300 mg/l or suspended solids in excess of 300 mg/l. The sewer surcharge shall be based on the following formula:

$$S = V_{ww} \times 8.34 \text{ CBOD} (\text{BOD5} - 300) + C_{ss} (\text{SS} - 300)$$

Where:

S = Surcharge in dollars

V<sub>ww</sub> = Wastewater in millions of gallons

8.34 = Weight of water in pounds per gallon

CBOD = Unit charge for BOD5 in dollars per pound  
(currently, \$1.00 per pound)

BOD5 = Monthly average five-day BOD of IUs wastewater  
in mg/l (300 mg/l or more)

300 = Concentrations in mg/l above which both BOD5 and SS  
are considered unusually high and above which  
a surcharge may be assessed

C<sub>ss</sub> = Unit charge for SS in dollars per pound  
(currently, \$0.40 per pound)

SS = Monthly average suspended solids content of IUs



wastewater, in mg/l (300 mg/l or more)

The above unit charges per pound of BOD5 and suspended solids used in determining Industrial User (including commercial users), sewer surcharges shall be subject to periodic review by CL&W. The General Manager's review will provide a basis for adjustment of the surcharge rates necessitated by observed and/or predictable changes in the costs of transporting and treating wastewater.

#### 10.04.19 - MISCELLANEOUS PROVISIONS

##### 1. Pretreatment Charges and Fees

The CL&W may adopt reasonable administrative charges and fees for reimbursement of costs of setting up and operating the CL&W Pretreatment Program, which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an Industrial User's discharge, and reviewing monitoring reports and certification statements submitted by Industrial 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 (not included in Section 10.04.19 associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and
- (f) Other fees as the CL&W 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 CL&W.

##### 2. Severability

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

##### 3. Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

#### 10.04.20 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. That the Clarksville City Council hereby determines that the Clarksville sewer regulations shall be revised to enable effective operation of CL&W's wastewater sewage treatment plant and implementation of the Clarksville industrial pretreatment program that such passage of this ordinance is necessary to enable such operation. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND APPROVED this 13<sup>th</sup> day of February, 2012.

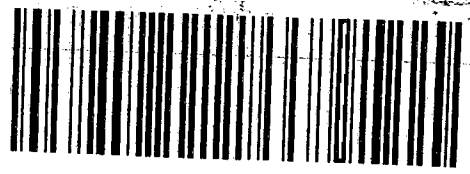
Billy Helms  
Billy Helms, Mayor

ATTEST:

Barbara Blackard  
Barbara Blackard, City Clerk/Treasurer

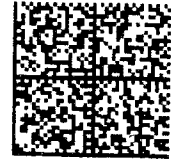
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